

Administrative provisions (CCA)
Call for tenders No OIL06/PO/2016/072
Express courier delivery
Open procedure

IMPORTANT: these administrative provisions do not need to be submitted with the tender in their entirety. Tenderers need only submit the completed tables and annexes to the Commission, together with the required supporting documents.

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SECTION I - GENERAL INFORMATION ON THE PROCEDURE

I.1. PREAMBLE

The European Commission has delegated to the Office for Infrastructures and Logistics — Luxembourg (OIL), the Office for Infrastructures and Logistics — Brussels (OIB), responsible for ensuring all measures relating to:

- the accommodation of staff;
- logistics;
- management of social infrastructure;
- compliance with the rules for health and safety at work in the buildings.

OIL and OIB also provide their services to other European institutions and bodies:

The following institutions are participating in this invitation to tender, which OIL is managing:

- The European Parliament (EP)
Website: <http://www.europarl.europa.eu>
- Council of the European Union (COUNCIL),
Website: <http://www.consilium.europa.eu/en/european-council>
- The European Commission
Website: <http://europa.eu/>
- Court of Justice of the European Union (CJEU)
Website: <http://www.curia.europa.eu>
- The European Court of Auditors (ECA)
Website: <http://www.eca.europa.eu>
- Translation Centre for the Bodies of the European Union (CDT)
Website: <http://cdt.europa.eu/EN/Pages/Homepage.aspx>
- The Publications Office of the European Union (OP)
Website: <http://publications.europa.eu/en/home>
- Joint Research Centre - Italy (ISPRA)
Website: <http://www.jrc.ec.europa.eu>
- European Defence Agency (EDA),
Website: <https://www.eda.europa.eu/>
- The European School II (EEII)
Website: <http://www.eursc-mamer.lu>

hereinafter referred to collectively as “the Institutions”

I.2. SUBJECT OF THE CONTRACT AND BACKGROUND

The subject of the contract is “Express courier delivery”.

Lot 1. Express courier delivery from the buildings of the Institutions (except the European Parliament) in Brussels (and surrounding area) to destinations worldwide and vice versa.

Lot 2. Express courier delivery from the buildings of the Institutions (except the European Parliament) in Luxembourg to destinations worldwide and vice versa.

Lot 3. Express courier delivery from the buildings of the Institutions in Ispra (I) to destinations worldwide and vice versa.

Lot 4. Express courier delivery from the buildings of the European Parliament in Luxembourg, Brussels and Strasbourg to destinations worldwide and vice versa.

The economic operators interested may submit a tender for one, several or all lots. These lots may be awarded to different tenderers.

Each lot will be awarded separately. The tenderer must submit a bid for a complete lot, failing which the bid will be rejected.

The tender procedure will lead to the conclusion of one or several framework service contracts for a maximum duration of four years.

The contracting authority reserves the right not to award all or some of the lots.

The Commission may, during the three years following the conclusion of the initial contract, use a negotiated procedure, without prior publication of a contract notice, for new services consisting in the repetition of similar services entrusted to the operator awarded the contract. The contracting authority will use this procedure where the scale of those new services is such that it is not possible to apply Article 114a of the Financial Regulation, which lists the cases in which the contract may be modified without a procurement procedure. The new services will be awarded in accordance with the award criteria laid down in the specifications for the initial contract.

The tender submitted is binding on the successful tenderer. It is incorporated into the contract as Annex II.

Options or variants are not permitted and will not be taken into account.

I.3. APPLICABLE LAW – JURISDICTION

This call for tenders is subject to the legislation on the award of public contracts, in particular the following:

- Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union (published in Official Journal L 298 of 26 October 2012), as amended, and all subsequent modifications thereto, hereinafter referred to as 'the Financial Regulation';
- Commission Delegated Regulation (EU) No 1268/2012 of 29 October 2012 on the rules of application of the Financial Regulation (published in Official Journal L 362 of 31 December 2012), as amended, and all subsequent modifications thereto, hereinafter referred to as 'the Rules of Application'.

These texts are available on the EUR-Lex website at <http://eur-lex.europa.eu>.

The Financial Regulation and its Rules of Application are also available at: http://ec.europa.eu/budget/biblio/documents/regulations/regulations_en.cfm.

Any dispute concerning this tender procedure which cannot be settled amicably is to be brought before the General Court of the Court of Justice of the European Union in Luxembourg.

I.4. ACCESS TO THE CONTRACT AND FORM OF TENDERERS

Participation in this procedure is open on equal terms to all natural and legal persons coming within the scope of the Treaties, and to all natural and legal persons in a third country that has a special agreement with the European Union in the field of public procurement, on the conditions laid down in that agreement. It is also open to international organisations.

I.4.a. Tenderer

A 'tenderer' may be:

- a sole economic operator
- a group of economic operators (hereinafter 'group')

I.4.b. Group

A group is composed of an economic operator (referred to as the 'lead contractor') which submits a tender with one or more other economic operators (referred to as 'co-contractors') which has/have authorised it to act on their behalf. The lead contractor and co-contractors are referred to as 'group members'.

The lead contractor is the contracting authority's sole contact point during the procedure. It shall also be responsible for administration of the contract (invoicing, receipt of payments, etc.) on behalf of all the other members of the group.

The co-contractors must instruct the lead contractor to sign the contract if it is awarded to the group, without prejudice to the possibility for the contracting authority to require each member of the group to sign the contract.

If the tender is awarded to them, all members of the group shall be jointly and severally liable to the contracting authority for performance of the contract.

A tenderer presenting a tender alone or as a member of a group is not permitted to present another tender, whether alone or as a member of a group. In this case, such tenders will be rejected.

I.4.c. Subcontractor

Tenderers may have recourse to one or more subcontractors. Subcontracting must be declared if the estimated cost of the subcontracted services represents a total of more than 10% of the value of the contract, or where the resources of the subcontractor are relevant to the selection criteria. For the other subcontractors, declaration is optional.

Subcontractors are not considered to be members of the group.

I.4.d. Use of a third party

Tenderers may, where appropriate, rely on the economic, financial, technical and/or professional resources of third parties, regardless of the legal nature of the links with them. An economic operator may rely on the technical and professional capacities of third parties only where the latter will perform the services for which these capacities are required.

In that case, the economic operator must provide proof that the third party/-ies in question undertake(s) to make the said resources available, by providing the declaration(s) in point I.6.b/2.4., completed for each of the third parties concerned. The declaration must be signed by a person or persons authorised to represent the entity in dealings with third parties, in accordance with its articles of association.

If the contract is awarded, the contracting authority reserves the right to require that the third party which is making its economic and financial resources available to the tenderer either provide a guarantee or sign the contract with the tenderer.

I.4.e. Division of tasks

In the case of a group and/or declared subcontractor(s), the contractor shall clearly specify the division of tasks among the parties (lead contractor/co-contractors/subcontractors) and also the nature of the services co-contracted and/or subcontracted and the percentage of the contract co-contracted and/or the percentage of the contract subcontracted.

Any change in the composition of the group or any change in subcontracting:

- during the procurement procedure may result in the tender being rejected;

- after the contract has been signed may result in the contract being terminated.

I.5. SITE VISIT

No site visit is planned in connection with this procedure.

I.6. CONTENT OF TENDERS

I.6.a. Characteristics of the content

Tenders submitted by tenderers must include the information and documents indicated below, together with all the required supporting documents, numbered in the same order and presented together, e.g. in a binder (no loose sheets). Where applicable, the tender will include information and documents required for co-contractors and declared subcontractors.

In order to be valid, the supporting documents provided must be originals or copies of recent official documents (less than one year old) or official documents which are currently valid (articles of association, certification, etc.), or copies of information available on official websites.

These documents must be duly completed in perfectly legible writing so that there can be no doubt as to words or figures.

Tenderers may add to their tender any other information they consider relevant.

The contracting authority reserves the right, if it deems it necessary, to seek additional information and/or clarifications by any appropriate means (websites, official bodies, etc.).

Incomplete tenders may be automatically disqualified. Nonetheless, if a tender requires clarification, the contracting authority may contact the tenderer in order to request further information. Such information may not lead to the conditions of the tender being substantially altered in any way. Any alteration will disqualify the tender.

I.6.b. List of tender documents

The documents required for tenders are indicated below.

1. Identification of the tenderer and, where applicable, of the co-contractors, subcontractors and third parties:

- 1.1. The form 'Lot(s) for tender' (form 1),
- 1.2. The 'Tenderer identification' form (form 2),
- 1.3. The 'Information to be included in the contract if awarded' form (form 3),
- 1.4. Where applicable, the form(s) 'Information regarding the other entities mentioned in the tender (excluding the lead contractor)' (form 4), one for each co-contractor and one for each declared subcontractor,
- 1.5. In the case of a group and/or (a) declared subcontractor(s) and/or third parties making their resources available, the tenderer encloses with the tender a document which:
 - clearly specifies the division of tasks of each party (lead contractor/co-contractors/subcontractors);
 - describes the nature of the services and the percentage of the contract co-contracted;
 - describes the nature of the services and the percentage of the contract subcontracted,
 - describes the nature and volume of the resources made available by third parties.

2. Signature of the tender:

- 2.1. The tender signature form, for signature where applicable by the sole tenderer or by the lead contractor of the group (form 5),
- 2.2. Where applicable, the co-contractor mandate form(s) (form 6), one for each co-contractor,
- 2.3. Where applicable, the subcontractor commitment form(s), one for each declared subcontractor (form 7),
- 2.4. Where applicable, the form(s) 'Declaration of a third party making economic and financial and/or technical and professional resources available to the tenderer' (form 8). One form must be completed by each third party concerned.
- 2.5. Any document proving the power of signature of the persons signing tender signature forms, mandate forms, commitment forms and resource provision forms,

3. Exclusion and selection criteria:

- 3.1. The form(s) 'Declaration relating to the exclusion criteria and the selection criteria' (form 9). This declaration must be provided by each member of the group and by each declared subcontractor.
- 3.2. Any document proving the power of signature of the persons signing the declarations relating to the exclusion and selection criteria.

4. Technical compliance of the tender:

- 4.1. No specific document requested. The bid must be in line with all the tender documents, including the technical specifications.

5. Award criteria:

- 5.1. The financial tender form (s) on paper in Annex 1 to the administrative provisions corresponding to the lot for which the tenderer submits a duly completed offer. The pages of the financial tender form must be dated, stamped and signed by the tenderer, by the same persons who sign the tender signature form as the sole tenderer or lead contractor,
- 5.2. The price form(s) on paper in Annex 1.A to the draft framework contract corresponding to the lot for which the tenderer submits a duly completed offer. The pages of the price schedule must be dated, stamped and signed by the tenderer, by the same persons who sign the tender signature form as the sole tenderer or contractor,
- 5.3. The XLS or XLSX electronic version of the financial tender and price forms.
If there are discrepancies between the paper and electronic versions, the paper version shall take precedence.
- 5.4. The prices indicated in the financial tender forms and price forms must be identical, on pain of exclusion, except in the case of an obvious transcription error (missing comma, typo, etc.).

6. The overall contract

6.1. The tenderer shall also attach the financial conditions as well as the delivery deadlines for other services such as:

- very urgent consignments with the shortest possible delivery time;
- large consignments and/or those weighing over 10kg not requiring urgent delivery;
- any other service that the tenderer may offer under the contract.

I.7. OPENING OF TENDERS

Tenders will be opened at 15:00 on Wednesday, 6 December, in the ARIANE building, 400 route d'Esch, L-1471 Luxembourg (room 01/A072).

A maximum of two representatives per tender may attend the opening of tenders as provided in point IV.2.7 of the contract notice. For organisational and security reasons, the tenderer must provide the full name and ID or passport number of the representatives at least three working days in advance to: OIL-APPELS-OFFRES@ec.europa.eu. Failing that, the contracting authority reserves the right to refuse access to its premises.

The amount of each compliant tender will be announced at the opening.

I.8. EVALUATION OF OFFERS

The details set out below will be examined, in no predetermined order.

I.8.a. Evaluation of the exclusion and selection criteria relating to tenderers

The contracting authority checks, on the basis of the documents requested and submitted, whether tenderers:

- are subject to any of the grounds for exclusion or rejection set out in the declaration (form 9);
- possess the legal and regulatory capacity, the financial and economic capacity and the technical and professional capacity as described under point II.2.

The contracting authority may, at any time in the procedure, ask tenderers to submit an updated declaration or all or part of the supporting documents.

I.8.b. Verification of the technical compliance of tenders

Tenders are subject to verification of their compliance with the contract documents, in accordance with the criteria set out in point II.3.

I.8.c. Evaluation of the award criteria

The contracting authority evaluates the tenders submitted and determines which will win the contract on the basis of the award criteria set out in point II.4.

The final total value of the contract will be based on the amount of the successful tender, to which may be added a percentage to cover indexing and contingencies.

I.9. EVIDENCE TO BE PROVIDED IF THE CONTRACT IS AWARDED

Within 10 working days of notification of the award decision, the tenderer awarded the contract is required to submit documents substantiating the criteria covered by the declaration relating to the exclusion criteria and the selection criteria which had not already been provided during the procedure.

SECTION II - CRITERIA FOR THE EVALUATION OF TENDERERS AND TENDERS

II.1. EXCLUSION CRITERIA

Description

The exclusion criteria are described in the declaration on honour relating to the exclusion criteria and the selection criteria (see form 9).

These criteria must be met by:

- the sole economic operator tendering
- in the case of a group, the lead contractor and each co-contractor,
- each declared subcontractor.

A tenderer may, where applicable, indicate the measures taken to rectify a situation warranting exclusion, thereby demonstrating its reliability.

Documents which may be required to prove compliance with these criteria

The supporting documents are indicated in points VI and VII of the above-mentioned declaration on honour.

II.2. SELECTION CRITERIA

The sole tenderer or lead contractor and, unless otherwise specified, its co-contractors and declared subcontractors must have the legal and regulatory capacity, the financial and economic capacity and the technical and professional capacity to carry out the contract. These capacities are evaluated using the selection criteria described below.

II.2.a. Legal and regulatory capacity

II.2.a.1. Constitution of the economic operator

Description

The economic operator must be constituted and/or registered in accordance with the law of the country in which it is established (e.g. trade register).

The business activity of the economic operator must be related to the subject of the contract (depending on its contribution in the performance of the contract).

This criterion applies to each co-contractor and declared subcontractor.

Documents which may be required to prove compliance with this criterion

- The most recent version(s) of the memorandum and/or articles of association, or relevant extract(s) from these documents;
- any other document issued by a relevant public body/public authority in accordance with the law of the country in which the tenderer is established (e.g. trade register), clearly stating:
 - its exact name;
 - its business activity.

II.2.b. Financial and economic capacity

II.2.b.1. Turnover

Description

For each lot, annual turnover must be equal to or more than the amount below.

For Lot 1: EUR 600 000

For Lot 2: EUR 90 000

For Lot 3: EUR 160.000

For Lot 4: EUR 60 000

If a tenderer submits a bid for several lots, the annual turnover must be equal to or more than the cumulative amount of the turnovers required for each of the lots for it tendered.

The turnover to be taken into account is the sum of the turnover of the tenderer (or of the members of the group in the case of a joint tender) and, where applicable, of any declared subcontractors and third parties making their financial resources available to the tenderer.

Documents which may be required to prove compliance with this criterion

- Annual accounts for the last two financial year for which accounts have been closed, or, if the annual accounts do not include turnover, relevant extracts of accounting documents showing turnover. These documents must be supplied by each entity whose turnover is used to determine whether this criterion is met.

II.2.b.2. Capital and reserves

Description

Capital and reserves at the end of the last financial year for which accounts have been closed must be equal to or more than the subscribed capital.

This criterion applies to the tenderer and also to each co-contractor, declared subcontractor and third party making financial resources available to the tenderer.

Documents which may be required to prove compliance with this criterion

- Annual accounts for the last two financial years for which accounts have been closed, or, if the annual accounts do not include equity capital and subscribed capital, relevant extracts of accounting documents showing equity capital and subscribed capital. These documents must be supplied by each entity whose equity capital is used to determine whether this criterion is met.

II.2.b.3. Insurance policy

Description

For this criterion:

- the tenderer and (each co-contractor in the case of a group) must have an insurance policy covering the risks and damages relating to performance of the contract as required by the legislation applicable.

Documents which may be required to prove compliance with this criterion

- Insurance certificate (s) indicating, for each policy, the maximum amounts covered and the period of validity of the insurance contract.

II.2.c. Technical and professional capacity

II.2.c.1. References

Description

The tenderer must have carried out services which are directly relevant to this contract during the last three years.

For this selection criterion, at least two references of express mail delivery services provided in the past three years must be produced, from the closing date for the receipt of tenders, for two professional clients, public or private (one reference per client).

The turnover generated in a maximum period of 12 consecutive months must be at least, and for each reference:

For Lot 1: EUR 150 000

For Lot 2: EUR 22 000

For Lot 3: EUR 40 000

For Lot 4: EUR 15 000

Where applicable, the references may be provided by the co-contractors or subcontractors, provided that the express mail transport services which are the subject of the contract are provided by the co-contractors or subcontractors which have provided the reference.

Tenderers who do not provide references containing the information set out above will be deemed not to have the minimum technical capacity necessary to provide the services required.

Documents which may be required to prove compliance with this criterion

- A declaration with details of these references, indicating the period, customer, subject, amount and the entity which performed the services.
- A certificate of satisfactory performance signed by the clients concerned.

Tenderers who do not provide references containing the information set out above will be deemed not to have the minimum technical capacity necessary to provide the services required.

The Commission reserves the right to contact customers to confirm the references provided.

II.2.c.2. Quality assurance

Description

The tenderer and each co-contractor or declared subcontractor must have implemented, within the company, a Quality Management System for services, based on ISO 9001 or equivalent, in respect of the activities relating to the contract.

Documents which may be required to prove compliance with this criterion

- either an ISO 9001 certificate or equivalent;
- or a declaration that it has implemented a Quality Management System for the services within its company, based on ISO 9001.

II.3. CRITERIA REGARDING TECHNICAL COMPLIANCE OF THE TENDER

Tenderers must comply with all the provisions set out in the contract documents.

Tenders which do not comply with the technical specifications may be rejected.

Documents which may be required to prove compliance with this criterion

- A document proving its capacity to cover, for each lot for which it has submitted a tender, the destinations in Zone 1, Zone 2, Zone 3, and at least 80% of Zone 4, listed in Annex I.B.5 to the draft framework contract — 'List of destinations';
- A document demonstrating capacity to comply with the maximum delivery times imposed for the areas indicated in point 8 of the Technical Specifications 'Delivery time':
- A description of the electronic tracking system used by the tenderer to ensure, from its website, the reliable and detailed monitoring of each dispatch from the time of submission up to the final destination: This description must specify, in particular:
 - its system reliability and the security measures provided for;
 - the alternatives proposed in the event of a technical breakdown in the system; and
 - the training to be given and the helpdesk made available to users at the Institutions.
- Any other document which could prove the tenderer's technical capacity to meet the other requirements of the technical specifications

II.4. AWARD CRITERIA

The contract will be awarded to the selected tenderer whose tender complies with the specifications and offers the lowest price.

Documents concerning the calculation of the amount of the tender for award of the contract:

To enable the institutions to compare the amount of the tenders, the tenderer must complete, for each lot for which it submits a tender, the financial tender form annexed to the FWC (Annex 1/a for lot 1, 1/b for lot 2, 1/c for lot 3 of and 1/d for lot 4).

The dispatch number indicated in each financial tender is based on a 'hypothetical annual basket', based on the dispatch statistics of the institutions participating in this contract.

The volumes indicated are given in good faith and purely as a guide, and are in no way binding on the institutions/bodies (the contracting authority) with regard to the quantities which will be ordered in the course of the framework contract.

Financial evaluation

For each lot, the tender will be evaluated according to the following calculation methodology:

- Step 1: Amount of weight bracket = price x estimated number of consignments
- Step 2: Amount of optional insurance = estimated value of insured mail x percentage increase of the amount declared.
- Step 3: Amount for each zone = Sum of the amounts of each weight bracket + amount of operational insurance.
- Step 4: Annual amount of the bid = sum of the amounts for each zone
- Step 5: Total amount of tender = annual amount of the offer x 4 years

Procedures to be followed by the tenderer:

According to the lot offered, complete the columns 'unit prices' of the electronic version of Annex 1/a for lot 1 and/or Annex 1/b for lot 2 and/or Annex 1/c for lot 3 and/or Annex 1/d for lot 4 to the administrative provisions, indicating the amount for consignments by weight bracket for each zone. The amount per weight bracket and per zone will be completed automatically for each lot as well as the amount calculated for the optional insurance.

None of the other figures in the Excel file may be changed.

For each lot, in the 'Summary of the total amount of the tender' (page 1 of the financial tender form), the boxes corresponding to the annual amount of the tender per zone, the total annual amount of the tender and the total amount of the tender for four years, shall also be automatically completed.

When the documents have been completed, they must be printed out, dated, signed and attached to the tender.

All entries in each lot must be completed, failing which the tender will be considered null and void. No fields may be left blank.

The tenderer shall also attach a price schedule specifying the financial conditions as well as the dispatch deadlines for other services such as:

- very urgent consignments with the shortest possible delivery time;
- large consignments and/or those weighing over 10 kg not requiring urgent delivery;
- any other service that the tenderer may offer under the contract.

Its attention is drawn to the following points valid for both the financial tender forms and the price forms:

- prices must be expressed in euros and will not be affected by any changes in the rate of the euro against other currencies;
- prices are to be net of VAT, and must be maintained by the tenderer until the contract has been signed, and for at least six months after the deadline for submission;
- all entries in the schedules must be completed, failing which the tender will be considered null and void. No fields may be left blank. If the price of a service is EUR 0, tenderers must indicate it in that way (no symbols: -, /, etc.);
- as the European Union is exempt from all taxes and duties, including value-added tax (VAT), pursuant to Articles 3 and 4 of the Protocol on the Privileges and Immunities of the European Communities, these may not be included in the price.
- during performance of the contract, price revision will be implemented in accordance with the provisions of the draft contract.

It is essential that this document be completed in the format required by the contracting authority. Using ranges or several numbers where a single figure is requested, expressing reservations as to certain prices, percentages or any other element in the tender procedure, adding or changing entries, etc. will inevitably mean that the tender cannot be evaluated or compared with those of the other tenderers. In such cases, the contracting authority will be obliged to declare the tender unusable and therefore reject it.

The information indicated in the financial tender forms proposed for calculation of the tender amount (see Annexes 1/a, 1/b, 1/c, et 1/d to the administrative provisions) must match the prices and delivery periods indicated by the tenderer in the price forms (see annexes I.A.1, I.A.2, I.A.3 and I.A.4 to the framework contract), on pain of exclusion, except in the case of an obvious transcription error (missing comma, typo, etc.).

II.5. RESPECT FOR THE ENVIRONMENT

The Commission is particularly attentive to environmental considerations and applies EMAS Regulation No 1221/2009. It requires its contractors to comply with the institution's environmental policy and the environmental legislation in force in the Grand Duchy of Luxembourg.

The contractor must implement environmentally sound procedures and practices and help to improve the Commission's environmental performance. It provides any documentation that is necessary without delay in order that the Commission can meet its EMAS obligations.

Information on EMAS is available on the following site:

<http://ec.europa.eu/environment/emas/toolkit/index.htm>

SECTION III - FORMS

The must be downloaded from the following website: <http://ec.europa.eu/oil/formulaires-en.html>

The list of the forms shall be as follows:

Formulaire 1 : Lot(s) for tender

Formulaire 2 : Tenderer identification form

Formulaire 3 : Information to be included in the contract if awarded

Formulaire 4 : Information regarding the other entities mentioned in the tender (excluding the lead contractor),

Formulaire 5 : the tender signature form, for signature where applicable by the sole tenderer or by the lead contractor of the group,

Formulaire 6 : Signature form for co-contractor*

Formulaire 7 : Signature for subcontractor*

Formulaire 8 : Declaration by a third party making economic and financial and/or technical and professional resources available to the tenderer

Formulaire 9 : Declaration relating to the exclusion and selection criteria

The forms are to be completed electronically and printed using the 'Print' button to be found on each form.

The following annexes are an integral part of these Administrative provisions

- | | |
|---------|------------------------------------|
| Annex 1 | a) Financial tender form for Lot 1 |
| | b) Financial tender form for Lot 2 |
| | c) Financial tender form for Lot 3 |
| | d) Financial tender form for Lot 4 |