

## REQUEST TO PARTICIPATE FORM

### Security services for the Delegation of the European Union to Haiti No EEAS/DELHTIP/2020/CPN/0020

Please submit **one signed "Request to participate form"** and two copies. All data included must concern only the candidate legal entity or entities which will be involved in the performance of the contract referred to above.

**The tender specifications** clearly indicate the relevant documents and by which economic operator(s) they must be submitted. Any additional documentation (brochures, letters, etc.) sent with your request to participate will not be taken into consideration.

All the documents shall be submitted **in one of the official languages of the European Union**. Any other document submitted in a language other than an EU official language shall not be considered for the evaluation unless it is accompanied by a translation in an EU official language.

#### 1 The candidate

	Official name of legal entity	Main registration number	State of the legal entity's headquarters (legal persons) or of the domicile (natural persons) of the legal entity	Role and tasks which will be performed by this economic operator
Leader <sup>1</sup>				
Member				
Member				
[insert as many rows as necessary]				

<sup>1</sup> If this request to participate is submitted by an individual legal entity, the name of that legal entity shall be entered as 'Leader' (and all other rows shall be deleted). If this request to participate is submitted by a group of economic operators (see point 4.1 of the Tender Specifications), add as many additional lines as number of member of the group.

## **2 CONTACT PERSON (for this request to participate)**

<b>Name</b>	
<b>Position</b>	
<b>Address</b>	
<b>e-mail</b>	

**The indicated e-mail address will be used to contact the candidate. It is the responsibility of the candidate to regularly consult the e-mails received.**

## **3 SUBCONTRACTORS**

Ref. point 4.2 of the tender specifications.

<b>Name of legal entity of the subcontractor</b>	<b>Indicative tasks which will be subcontracted</b>

## **4 OTHER ENTITY ON WHOSE CAPACITY THE CANDIDATE RELIES IN ORDER TO ACHIEVE THE REQUIRED LEVEL OF THE CAPACITY**

Ref. point 5.3 of the tender specifications.

<b>Name of legal entity</b>	<b>Selection criteria to which the entity's capacity is relevant</b>

## 5 LEGAL AND REGULATORY CAPACITY

Authorisation to provide the services at the place of performance of the contract (ref. point 5.3.1 of the tender specifications)

Title of the certificate	Legal entity holding the certificate	Main registration number of the legal entity	Country/place of issue	Valid until

## 6 ECONOMIC AND FINANCIAL CAPACITY

The information in the table below must correspond to the same economic operator(s) for which the Profit and loss accounts (Income statement) are provided. It means that if the Profit and loss accounts (Income statement) of more than one economic operator are submitted, the table below shall be filled in with information for each economic operator individually.

The exchange rate used to convert the turnover into EUR will be the rate of December of the year of the financial statement as published at [http://ec.europa.eu/budget/contracts\\_grants/info\\_contracts/infoeuro/infoeuro\\_en.cfm](http://ec.europa.eu/budget/contracts_grants/info_contracts/infoeuro/infoeuro_en.cfm).

Financial data declaration	Financial year from DD/MM/YY to DD/MM/YY	Financial year from DD/MM/YY to DD/MM/YY	Financial year from DD/MM/YY to DD/MM/YY <sup>2</sup>	Average
Annual overall turnover in EUR				
Annual overall turnover in the currency of the Profit and loss accounts				

<sup>2</sup>

Data for the last three financial years for which accounts have been closed must be provided. DD/MM/YY shall be replaced with the period of the financial year, in compliance with the Profit and loss account (Income statement) submitted. Failing the closure of 2010 financial year by the due date for the submission of the request to participate, data provided shall refer to 2019, 2017 and 2016.

## 7 TECHNICAL AND PROFESSIONAL CAPACITY

List of previous contracts (ref. point 5.3.3. a) of the tender specifications)

Name of the client	Main registration number of the economic operator who signed the contract with the client	Subject of the contract	Duration		Value in the currency of the contract (during the past [three] calendar years)	Value in EUR (during the past [three] calendar years) <sup>3</sup>
			Start date	End date or ongoing		
[insert as many rows as necessary]						
Cumulative value during the past three calendar years in EUR						

Manpower (ref. point 5.3.3. b) of the tender specifications)

Declaration on the manpower employed at the deadline for submission the requests to participate.

In case of joint tenders, or if a candidate is relaying on the capacities of other entities in order to achieve the required level of capacity, the table below shall be filled in with information for each economic operator individually.

<i><b>Complete name of the legal entity</b></i>	<b>Total manpower</b>	<b>Manpower related to security services</b>
<b>Employed by the economic operator at the deadline for submission of requests to participate</b>		

<sup>3</sup> The exchange rate used to convert the value of the contract into EUR will be the rate of the month previous to the deadline for submission of candidatures as published at [http://ec.europa.eu/budget/contracts\\_grants/info\\_contracts/inforeuro/inforeuro\\_en.cfm](http://ec.europa.eu/budget/contracts_grants/info_contracts/inforeuro/inforeuro_en.cfm).

## 8 DOCUMENTS

Annexed to this "Request to participate form", candidates shall submit all the documents listed hereafter.

The candidate shall complete it with the reference of the attached document or a page number.

Documents	Yes/Not applicable <sup>4</sup>	Reference or page number
<b>Access to public procurement:</b> evidence normally acceptable under their own law (for example, an extract from a trade register or companies' register) confirming that the candidate (the leader and all the other members separately in case of joint tender) has its legal entity's headquarters (legal person) or domicile (natural person) in one of the States mentioned at point 5.1 of the Tender Specifications. The evidence must contain the main registration number of the economic operator.	Yes	
Signed and dated <b>statement by the entity on whose capacity the candidate intends to rely</b> declaring firmly which resources will be made at the disposal of the tenderer for the performance of this contract	[Yes/Not applicable]	
<b>Declaration on honour on exclusion and selection criteria: the form attached to this "Request to participate form"</b> duly filled in, dated and signed by the legally authorised representative(s): This declaration on honour has to be annexed by the candidate (one by the leader and one by each member in case of joint tender), by entities on whose capacity it is intended to rely and by all identified subcontractors.	Yes	
<b>Legal and regulatory capacity:</b>  1. The authorisation for security services, issued by the “Ministère de la Défense nationale” of Haiti, proving that the candidate is authorised to provide security services in respect of the national legislation (provisions of articles 4 and 5 of the decree of 9 May 1989).  2. The valid “autorisation d’achat d’arme à feu et d’importation de munitions” issued by the general directorate of the “Police nationale” of Haiti, proving that the candidate is authorised to buy and /or import firearms and ammunition in respect of the national.	Yes	
<b>Economic and financial capacity:</b>  Profit and loss accounts (Income statement) for the last three financial years for which accounts have been closed.	Yes	
<b>Technical and professional capacity:</b>  For each contract in the table (list) under point 7 of this Form, the candidate must present a client's reference letter relevant to security services contracts during the past three calendar years specifying whether the services have been carried out in a professional manner in compliance with the contractual terms.	Yes	

<sup>4</sup> Choose "Yes" or "Not applicable". If you choose "Yes", complete the reference or page number of the annexed document(s)

## **9 STATEMENT**

I / We, the undersigned, the authorised signatory(ies) of the above Candidate, hereby declare that we have examined the procurement documents for the contract above and we request to participate in this call for tenders.

Name(s) and signature(s) of the legal representative(s) of the candidate\*:

\*in case of joint tender, the form shall be signed by the legal representative of each member of the group indicated in point 1 or by the leader authorised to bind the group and each of its members (a power of attorney in favour of the leader is to be attached to the form).

Date and place

## Declaration on honour on exclusion criteria and selection criteria

The undersigned [*insert name of the signatory of this form*], representing:

<i>(only if the candidate is a natural person)</i> himself or herself	<i>(only if the candidate is a legal person)</i> the following legal person:
ID or passport number:  ('the person')	Full official name: Official legal form: Statutory registration number: Full official address: VAT registration number:  ('the person')

The person is not required to submit the declaration on exclusion criteria if the same declaration has already been submitted for the purposes of another award procedure of the same contracting authority<sup>5</sup>, provided the situation has not changed, and that the time that has elapsed since the issuing date of the declaration does not exceed one year.

In this case, the signatory declares that the person has already provided the same declaration on exclusion criteria for a previous procedure and confirms that there has been no change in its situation:

Date of the declaration	Full reference to previous procedure

### I – SITUATION OF EXCLUSION CONCERNING THE PERSON

(1) declares that the above-mentioned person is in one of the following situations:	YES	NO
(a) it is bankrupt, subject to insolvency or winding-up procedures, its assets are being administered by a liquidator or by a court, it is in an arrangement with creditors, its business activities are suspended or it is in any analogous situation arising from a similar procedure provided for under Union or national law;	<input type="checkbox"/>	<input type="checkbox"/>
(b) it has been established by a final judgement or a final administrative decision that the person is in breach of its obligations relating to the payment of taxes or social security contributions in accordance with the applicable law;	<input type="checkbox"/>	<input type="checkbox"/>
(c) it has been established by a final judgement or a final administrative decision that the person is guilty of grave professional misconduct by having violated applicable laws or regulations or ethical standards of the profession to which the person belongs, or by having engaged in any wrongful conduct which has an impact on its professional credibility where such conduct denotes wrongful intent or gross negligence, including, in particular, any of the following:		

<sup>5</sup> The same EU institution, agency, body or office.

(i) fraudulently or negligently misrepresenting information required for the verification of the absence of grounds for exclusion or the fulfilment of eligibility or selection criteria or in the performance of a contract or an agreement;	<input type="checkbox"/>	<input type="checkbox"/>
(ii) entering into agreement with other persons with the aim of distorting competition;	<input type="checkbox"/>	<input type="checkbox"/>
(iii) violating intellectual property rights;	<input type="checkbox"/>	<input type="checkbox"/>
(iv) attempting to influence the decision-making process of the contracting authority during the award procedure;	<input type="checkbox"/>	<input type="checkbox"/>
(v) attempting to obtain confidential information that may confer upon it undue advantages in the award procedure;	<input type="checkbox"/>	<input type="checkbox"/>
(d) it has been established by a final judgement that the person is guilty of any of the following:		
(i) fraud, within the meaning of Article 3 of Directive (EU) 2017/1371 and Article 1 of the Convention on the protection of the European Communities' financial interests, drawn up by the Council Act of 26 July 1995;	<input type="checkbox"/>	<input type="checkbox"/>
(ii) corruption, as defined in Article 4(2) of Directive (EU) 2017/1371 or active corruption within the meaning of Article 3 of the Convention on the fight against corruption involving officials of the European Communities or officials of Member States of the European Union, drawn up by the Council Act of 26 May 1997, or conduct referred to in Article 2(1) of Council Framework Decision 2003/568/JHA, as well as corruption as defined in other applicable laws;	<input type="checkbox"/>	<input type="checkbox"/>
(iii) conduct related to a criminal organisation, as referred to in Article 2 of Council Framework Decision 2008/841/JHA;	<input type="checkbox"/>	<input type="checkbox"/>
(iv) money laundering or terrorist financing, within the meaning of Article 1(3), (4) and (5) of Directive (EU) 2015/849 of the European Parliament and of the Council;	<input type="checkbox"/>	<input type="checkbox"/>
(v) terrorist offences or offences linked to terrorist activities, as defined in Articles 1 and 3 of Council Framework Decision 2002/475/JHA, respectively, or inciting, aiding, abetting or attempting to commit such offences, as referred to in Article 4 of that Decision;	<input type="checkbox"/>	<input type="checkbox"/>
(vi) child labour or other offences concerning trafficking in human beings as referred to in Article 2 of Directive 2011/36/EU of the European Parliament and of the Council;	<input type="checkbox"/>	<input type="checkbox"/>
(e) it has shown significant deficiencies in complying with the main obligations in the performance of a contract or an agreement financed by the Union's budget, which has led to its early termination or to the application of liquidated damages or other contractual penalties, or which has been discovered following checks, audits or investigations by a contracting authority, the European Anti-Fraud Office (OLAF) or the Court of Auditors;	<input type="checkbox"/>	<input type="checkbox"/>
(f) it has been established by a final judgment or final administrative decision that the person has committed an irregularity within the meaning of Article 1(2) of Council Regulation (EC, Euratom) No 2988/95;	<input type="checkbox"/>	<input type="checkbox"/>



(g) it has been established by a final judgment or final administrative decision that the person has created an entity under a different jurisdiction with the intent to circumvent fiscal, social or any other legal obligations in the jurisdiction of its registered office, central administration or principal place of business.	<input type="checkbox"/>	<input type="checkbox"/>
(h) ( <i>only for legal persons</i> ) it has been established by a final judgment or final administrative decision that the person has been created with the intent provided for in point (g).	<input type="checkbox"/>	<input type="checkbox"/>
(i) for the situations referred to in points (c) to (h) above the person is subject to: <ul style="list-style-type: none"> <li>i. facts established in the context of audits or investigations carried out by the European Public Prosecutor's Office after its establishment, the Court of Auditors, the European Anti-Fraud Office (OLAF) or the internal auditor, or any other check, audit or control performed under the responsibility of an authorising officer of an EU institution, of a European office or of an EU agency or body;</li> <li>ii. non-final judgments or non-final administrative decisions which may include disciplinary measures taken by the competent supervisory body responsible for the verification of the application of standards of professional ethics;</li> <li>iii. facts referred to in decisions of entities or persons being entrusted with EU budget implementation tasks;</li> <li>iv. information transmitted by Member States implementing Union funds;</li> <li>v. decisions of the Commission relating to the infringement of Union competition law or of a national competent authority relating to the infringement of Union or national competition law; or</li> <li>vi. decisions of exclusion by an authorising officer of an EU institution, of a European office or of an EU agency or body.</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>

## II – SITUATIONS OF EXCLUSION CONCERNING NATURAL OR LEGAL PERSONS WITH POWER OF REPRESENTATION, DECISION-MAKING OR CONTROL OVER THE LEGAL PERSON AND BENEFICIAL OWNERS

**Not applicable to natural persons, Member States and local authorities**

(2) declares that a natural or legal person who is a member of the administrative, management or supervisory body of the above-mentioned legal person, or who has powers of representation, decision or control with regard to the above-mentioned legal person (this covers e.g. company directors, members of management or supervisory bodies, and cases where one natural or legal person holds a majority of shares), or a beneficial owner of the person (as referred to in point 6 of article 3 of Directive (EU) No 2015/849) is in one of the following situations:	YES	NO	N/A
Situation (c) above (grave professional misconduct)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Situation (d) above (fraud, corruption or other criminal offence)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Situation (e) above (significant deficiencies in performance of a contract )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Situation (f) above (irregularity)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Situation (g) above (creation of an entity with the intent to circumvent legal obligations)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Situation (h) above (person created with the intent to circumvent legal obligations)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Situation (i) above	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

### **III – SITUATIONS OF EXCLUSION CONCERNING NATURAL OR LEGAL PERSONS ASSUMING UNLIMITED LIABILITY FOR THE DEBTS OF THE LEGAL PERSON**

(3) declares that a natural or legal person that assumes unlimited liability for the debts of the above-mentioned legal person is in one of the following situations:	YES	NO	N/A
Situation (a) above (bankruptcy)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Situation (b) above (breach in payment of taxes or social security contributions)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

### **IV – GROUNDS FOR REJECTION FROM THIS PROCEDURE**

(4) declares that the above-mentioned person:	YES	NO
Was previously involved in the preparation of the procurement documents used in this award procedure, where this entailed a breach of the principle of equality of treatment including distortion of competition that cannot be remedied otherwise.	<input type="checkbox"/>	<input type="checkbox"/>

### **V – REMEDIAL MEASURES**

If the person declares one of the situations of exclusion listed above, it must indicate measures it has taken to remedy the exclusion situation, thus demonstrating its reliability. This may include e.g. technical, organisational and personnel measures to prevent further occurrence, compensation of damage or payment of fines or of any taxes or social security contributions. The relevant documentary evidence which illustrates the remedial measures taken must be provided in annex to this declaration. This does not apply for situations referred in point (d) of this declaration.

### **VI – EVIDENCE UPON REQUEST**

Upon request and within the time limit set by the contracting authority the person must provide information on natural or legal persons that are members of the administrative, management or supervisory body or that have powers of representation, decision or control, including legal and natural persons within the ownership and control structure and beneficial owners.

It must also provide the following evidence concerning the person itself and the natural or legal persons on whose capacity the person intends to rely, or a subcontractor and concerning the natural or legal persons which assume unlimited liability for the debts of the person:

For situations described in (a), (c), (d), (f), (g) and (h), production of a recent extract from the judicial record is required or, failing that, an equivalent document recently issued by a judicial or administrative authority in the country of establishment of the person showing that those requirements are satisfied.

For the situation described in point (b), production of recent certificates issued by the competent authorities of the State concerned are required. These documents must provide evidence covering all taxes and social security contributions for which the person is liable, including for example, VAT, income tax (natural persons only), company tax (legal persons only) and social security contributions. Where any document described above is not issued in the country concerned, it may be replaced by a sworn statement made before a judicial authority or notary or, failing that, a solemn statement made before an administrative authority or a qualified professional body in its country of establishment.

The person is not required to submit the evidence if it has already been submitted for another award procedure of the same contracting authority<sup>6</sup>. The documents must have been issued no more than one year before the date of their request by the contracting authority and must still be valid at that date.

The signatory declares that the person has already provided the documentary evidence for a previous procedure and confirms that there has been no change in its situation:

Document	Full reference to previous procedure
<i>Insert as many lines as necessary.</i>	

## VII – SELECTION CRITERIA

(1) declares that the above-mentioned person complies with the selection criteria applicable to it individually as provided in the tender specifications:	YES	NO	N/A
(a) It has the legal and regulatory capacity to pursue the professional activity needed for performing the contract as required in section 5.3.1 of the tender specifications;	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(b) It fulfills the applicable economic and financial criteria indicated in section 5.3.2 of the tender specifications;	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(c) It fulfills the applicable technical and professional criteria indicated in section 5.3.3 of the tender specifications.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

(2) if the above-mentioned person is the <b>sole tenderer</b> or the <b>leader in case of joint tender</b> , declares that:	YES	NO	N/A
(d) the tenderer, including all members of the group in case of joint tender and including subcontractors if applicable, complies with all the selection criteria for which a consolidated assessment will be made as provided in the tender specifications.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

<sup>6</sup> The same institution or agency.

## VIII – EVIDENCE FOR SELECTION

The signatory declares that the above-mentioned person is able to provide the necessary supporting documents listed in the relevant sections of the tender specifications and which are not available electronically upon request and without delay.

The person is not required to submit the evidence if it has already been submitted for another procurement procedure of the same contracting authority<sup>7</sup>. The documents must have been issued no more than one year before the date of their request by the contracting authority and must still be valid at that date.

The signatory declares that the person has already provided the documentary evidence for a previous procedure and confirms that there has been no change in its situation:

Document	Full reference to previous procedure
<i>Insert as many lines as necessary.</i>	

***The above-mentioned person must immediately inform the contracting authority of any changes in the situations as declared.***

***The above-mentioned person may be subject to rejection from this procedure and to administrative sanctions (exclusion or financial penalty) if any of the declarations or information provided as a condition for participating in this procedure prove to be false.***

Full name

Date

Signature

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<sup>7</sup> The same institution of agency.