

**VOLUME 1**  
**SECTION 2**  
**TENDER FORM**  
**APPENDIX TO THE TENDER**

**TENDER FORM FOR A WORKS CONTRACT**

**Publication reference: NEAR/ANK/2020/EA-LOP/0053**

**Name of contract: Construction for the “Establishment of Common Use Ateliers in TRB2 Region” Project**

**<Place and date>**

**A: Ministry of Industry and Technology - DG for EU and Foreign Affairs – Directorate of EU Financial Programmes, (MoIT/ DoEUF)**

Mustafa Kemal Mahallesi, Dumlupınar Bulvarı, (Eskişehir Yolu 7. Km), 2151.Cadde, No:154/A, Kat:7, 06530, Çankaya/Ankara, Turkey

---

**One signed** form must be supplied (for each lot, if the tender procedure is divided into lots), together with the number of copies specified in the instructions to tenderers. The form must include a signed declaration using the annexed format from each legal entity making the application. **All data included in this form must concern only the legal entity or entities making the application.** The attachments to this form (i.e. declarations, statements, proofs) may be in original or copy. If copies are submitted, the originals must be sent to the contracting authority upon request. For economical and ecological reasons, we strongly recommend that you submit your files on paper (no plastic folder or divider). We also suggest you use double-sided printing as much as possible.

Any additional documentation (brochures, letters, etc.) sent with the form will not be taken into consideration. Applications submitted by a **consortium** (i.e. either a permanent, legally-established grouping or a grouping which has been constituted informally for a specific tender procedure) must follow the instructions applicable to the consortium leader and its members.

## 1 SUBMITTED BY

	Name(s) of tenderer(s)	Nationality <sup>1</sup>
Leader <sup>2</sup>		
Member 2*		
Etc.		

## 2 CONTACT PERSON (for this tender)

Name	
Address	
Telephone	
Fax	
E-mail	

## 3 TENDERER'S DECLARATION(S)

As part of their tender, each legal entity identified under point 1 of this form, including every consortium member (all sections), as well as each capacity-providing entity (only sections 1 and 2, as well as sections 7 to 14) and each subcontractor providing more than 10% of the works (only sections 1, 2 and 7, as well as sections 9 to 15), must submit a signed declaration using this format, together with the Declaration of honour on exclusion and selection criteria (Annex 1).

In response to your letter of invitation to tender for the above contract,

we, the undersigned, hereby declare that:

1. We have examined and accept in full the content of the dossier for invitation to tender No NEAR/ANK/2020/EA-LOP/0053 of [<publication date>]. We hereby accept its provisions in their entirety, without reservation or restriction.
2. We offer to execute, in accordance with the terms of the tender dossier and the conditions and time limits laid down, without reserve or restriction, the following works:

---

<sup>1</sup> Country in which the legal entity is established.

<sup>2</sup> Add/delete additional lines for members as appropriate. Note that a subcontractor is not considered to be a member for the purposes of this tender procedure. If this tender is being submitted by an individual tenderer, the name of the tenderer should be entered as 'leader' (and all other lines should be deleted).

Construction for the “Establishment of Common Use Ateliers in TRB2 Region” Project

3. The price of our tender [*excluding the discounts described under point 4*] is:  
  
[.....Euro]
4. We will grant a discount of [%], or [.....Euro]
5. This tender is valid for a period of 90 days from the final date for submission of tenders.
6. If our tender is accepted, we undertake to provide a performance guarantee, as required by Article 15 of the special conditions.
7. Our firm/company [*and our subcontractors*] has/have the following nationality:  
  
<.....>
8. We are making this tender [on an individual basis/as member of the consortium led by < name of the leader / ourselves >]. We confirm that we are not tendering for the same contract in any other form. [We confirm, as a member of the consortium, that all members are jointly and severally bound in respect of the obligations under the contract, including any recoverable amount, that the lead member is authorised to bind, and receive instructions for and on behalf of, each member, that the execution of the contract, including payments, is the responsibility of the lead member, and that all members in the joint venture/consortium are bound to remain in the joint venture/consortium for the entire period of the contract’s execution]. [We confirm, as capacity-providing entity to be jointly and severally bound in respect of the obligations under the contract, including for any recoverable amount.]
9. In the event that our tender is successful, we undertake, if required, to provide the proof usual under the law of the country in which we are effectively established that we do not fall into any of the exclusion situations. The date on the evidence or documents provided will be no earlier than one year before the date of submission of tender and, in addition, we will provide a statement that our situation has not altered in the period which has elapsed since the evidence in question was drawn up. We also understand that if we fail to provide this proof within 15 calendar days after receiving the notification of award, or if the information provided is proved false, the award may be considered null and void.
10. We agree to abide by the ethics clauses in Clause 28 of the instructions to tenderers and, in particular, have no professional conflicting of interests and/or any equivalent relation with other candidates or other parties in the tender procedure or behaviour which may distort competition at the time of the submission of this application according to Section 2.5.4. of the practical guide. We have no interest of any nature whatsoever in any other tender in this procedure.  
  
We confirm that we, including all consortium members, if any, and subcontractors are not in the lists of EU restrictive measures ([www.sanctionsmap.eu](http://www.sanctionsmap.eu)) and we understand that our tender may be rejected, if proved the contrary.
11. We will inform the contracting authority immediately if there is any change in the above circumstances at any stage during the implementation of the contract. We also fully recognise and accept that any inaccurate or incomplete information deliberately provided in this application may result in our exclusion from this and other contracts funded by the EU/EDF.
12. We note that the contracting authority is not bound to proceed with this invitation to tender and that it reserves the right to award only part of the contract. It will incur no liability towards us should it do so.

13. We fully recognise and accept that if the above-mentioned persons participate in spite of being in any of the situations listed in Section 2.6.10.1.1. of the practical guide or if the declarations or information provided prove to be false, they may be subject to rejection from this procedure and to administrative sanctions in the form of exclusion and financial penalties up to 10 % of the total estimated value of the contract being awarded and that this information may be published on the Commission website in accordance with the Financial Regulation in force.
14. We are aware that, for the purposes of safeguarding the EU's financial interests, our personal data may be transferred to internal audit services, to the early detection and exclusion system, to the European Court of Auditors, to the Financial Irregularities Panel or to the European Anti-Fraud Office.
15. We certify that the goods purchased under the contract, comply with the rules of origin laid down for this tender procedure.

[\* Delete as applicable]

Name and first name: [.....]

Duly authorised to sign this tender on behalf of:

[.....]

Place and date: [.....]

Stamp of the firm/company:

This tender includes the following annexes:

*[Numbered list of annexes with titles]*

## ANNEX 1 – DECLARATION ON HONOUR ON EXCLUSION AND SELECTION CRITERIA

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

(only for natural persons) himself or herself	(only for legal persons) 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, 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 – Situations 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 legislation or regulations;	<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:		
(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:		
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;	<input type="checkbox"/>	<input type="checkbox"/>
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;	<input type="checkbox"/>	<input type="checkbox"/>
iii. facts referred to in decisions of entities or persons being entrusted with EU budget implementation tasks;	<input type="checkbox"/>	<input type="checkbox"/>
iv.information transmitted by Member States implementing Union funds;	<input type="checkbox"/>	<input type="checkbox"/>
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	<input type="checkbox"/>	<input type="checkbox"/>
vi. decisions of exclusion by an authorising officer of an EU institution, of a European office or of an EU agency or body.	<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 [ <i><b><u>If yes, please indicate in annex to this declaration which situation and the name(s) of the concerned person(s) with a brief explanation</u></b></i> ]:	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. 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 documents:	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 [insert] of the contract notice/Instructions to tenderers;	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(b) It fulfills the applicable economic and financial criteria indicated in section [insert] of the contract notice/Instructions to tenderers;	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(c) It fulfills the applicable technical and professional criteria indicated in section [insert] of the contract notice/Instructions to tenderers.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

*Please adapt the table above to the criteria indicated in the tender documents (i.e. insert extra rows for each criterion or delete irrelevant rows).*

(2) if the above-mentioned person is the <b>sole tenderer</b> or the <b>leader in case of consortium</b> , declares that:	YES	NO	N/A
(d) the tenderer, including all members of the group in case of consortium and including subcontractors if applicable, complies with all the	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

selection criteria for which a consolidated assessment will be made as provided in the tender documents.			
--	--	--	--

## 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 documents 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. 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

## ANNEX 2 - APPENDIX TO TENDER FOR A WORKS CONTRACT

**Publication reference: NEAR/ANK/2020/EA-LOP/0053**

**Title of contract: Construction for the “Establishment of Common Use Ateliers in TRB2 Region” Project**

The clauses below refer to FIDIC Conditions of Contract for Construction for Building and Engineering Works Designed by the Employer (Red Book, First Edition 1999) as amended by the particular conditions.

*(Note: Tenderers are required to fill in the blank spaces in this Appendix)*

	<b>FIDIC Sub-clauses of General Conditions or Particular Conditions</b>	
Employer's name and address	<b>1.1.2.2 &amp; 1.3</b>	<b>Ministry of Industry and Technology - DG for EU and Foreign Affairs - Directorate of EU Financial Programmes, (MoIT/ DoEUF)</b>  Mustafa Kemal Mahallesi, Dumlupınar Bulvarı, (Eskişehir Yolu 7.Km), 2151.Cadde, No:154/A, Kat:7 06530 Çankaya/Ankara, Turkey  E-mail: <a href="mailto:rsp@sanayi.gov.tr">rsp@sanayi.gov.tr</a>
Contractor's name and address	<b>1.1.2.3 &amp; 1.3</b>	<b>To be completed by the tenderer</b>
Engineer's name and address	<b>1.1.2.4 &amp; 1.3</b>	<i>(To be notified by the Employer)</i>
End Recipient's name and address	<b>1.1.2.11 &amp; 1.3</b>	<b>Eastern Anatolia Development Agency</b> Address: Şerefiye Mah.M. Fevzi Çakmak Cad. No:27, VAN Tel: 0 (432) 215 65 55 Fax:0 (432) 215 65 54 E-mail: <a href="mailto:ibrahim.guray@daka.org.tr">ibrahim.guray@daka.org.tr</a>
Time for completion of the Works	<b>1.1.3.3</b>	450 days from the date notified in the notice of Commencement Date and ending on the date of Taking Over notified in the Taking Over Certificate
Defects Notification Period	<b>1.1.3.7</b>	365 days, starting from the date of Taking Over stated in the Taking Over Certificate

	<b>FIDIC Sub-clauses of General Conditions or Particular Conditions</b>	
Electronic transmission systems	<b>1.3</b>	Facsimile transmission or e-mail which will be verified by facsimile
Governing Law	<b>1.4</b>	Turkish Law
Ruling Language	<b>1.4</b>	English
Language for Communications	<b>1.4</b>	English
Time for access to Site	<b>2.1</b>	7 days after Commencement date
Amount of Performance Security	<b>4.2</b>	10% of the Accepted Contract Amount in the currencies and proportions in which the Contract Price is payable.
Upper limit of subcontracting	<b>4.4</b>	30%
Normal working hours	<b>6.5</b>	Monday-Friday from 8.00-18.00; 45 hours per week as per provisions of labour law no. 4857, or as approved by the Engineer.
Delay damages for the Works	<b>8.7 &amp; 14.15 (b)</b>	0.05% of the Final Contract Price per day, in the currencies and proportions in which the Contract Price is payable'
Maximum amount of delay damages	<b>8.7</b>	10% of the Final Contract Price
Percentage for adjustment of Provisional Sums	<b>13.5 (b)</b>	8%
Total Advance payment	<b>14.2</b>	10% of the Accepted Contract Amount
Number and timing of installments	<b>14.2</b>	One and within 45 days after receiving the Advance Payment Guarantee
Currencies and proportions	<b>14.2</b>	100% in Euro
Start of repayment of Advance Payment	<b>14.2 (a)</b>	When payments are 25% of the Accepted Contract Amount less provisional sums.

	<b>FIDIC Sub-clauses of General Conditions or Particular Conditions</b>	
Repayment amortisation of advance payment	<b>14.2 (b)</b>	20 %
Percentage of retention	<b>14.3</b>	5 %
Limit of retention money	<b>14.3</b>	5 % of the Accepted Contract Amount
Minimum amount of interim payment certificates	<b>14.6</b>	3 % of the Accepted Contract Amount
Currency/currencies of payment	<b>14.15</b>	Euro (as named in the Contract Form).
Insuring party	<b>18.1</b>	The Contractor
Periods for submission of insurance a) evidence of insurance b) relevant policies	<b>18.1</b>	0 days 14 days
Minimum amount of third-party insurance	<b>18.3</b>	Euro 1 million per occurrence with unlimited number of occurrences.
Minimum amount of insurance for personnel a) in case of death b) in case of injuries	<b>18.4</b>	a) EUR 200,000 b) EUR 100,000
Date by which the DAB shall be appointed	<b>20.2</b>	Ad hoc
Number of members of DAB	<b>20.2</b>	One sole member/adjudicator
Member of DAB (if not agreed) to be nominated by	<b>20.3</b>	The President of Association of Turkish Consulting Engineers and Architects (ATCEA) or a person appointed by the President  Ahmet Rasim Sokak 35/2 Çankaya 06550 Ankara / Turkey, Tel: +90 312 440 8970, Fax: +90 312 440 8972, atcea@atcea.org.tr
Place of arbitration	<b>20.6</b>	Ankara / Turkey

Signature \_\_\_\_\_

Capacity \_\_\_\_\_

duly authorised to sign for and on behalf of \_\_\_\_\_