# Annex 1: Administrative identification form

Broadband coverage in Europe **–** SMART 2016/0043

|  |
| --- |
| tenderer's ID |
| Name |  |
| Legal form  |  |
| Date of registration |  |
| Country of registration |  |
| Registration number |  |
| VAT number |  |
| Address of registered office  |  |
| Contact address (if different) |  |
| URL |  |
| AUTHORISED REPRESENTATIVE(S)[[1]](#footnote-1)  |
|  |
| CONTACT PERSON |
| Name |  |
| Forename |  |
| Position  |  |
| Telephone  |  |
| Fax  |  |
| Email  |  |
| DECLARATION BY THE AUTHORISED REPRESENTATIVE(S): I, the undersigned, certify that the information given in this tender is correct and that the tender is valid. |

Place and date:

Name (in capital letters) and signature:

# Annex 2: Legal entities form

**As required in PART 2 under section 2.3 of the tender specifications.**

A standard template in each EU language is available at: <http://ec.europa.eu/budget/contracts_grants/info_contracts/legal_entities/legal_entities_en.cfm>

# Annex 3: Bank identification form

**As required in PART 2 under section 2.3 of the tender specifications**

A standard template in each EU language is available at: <http://ec.europa.eu/budget/contracts_grants/info_contracts/financial_id/financial_id_en.cfm>

Annex 4: Declaration of honour on Exclusion Criteria and selection criteria

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**Comments [*in grey italics in square brackets*] are to be deleted and/or replaced by appropriate data.**

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’) |

I – Situation of exclusion concerning the person

|  |
| --- |
| (1) declares that the above-mentioned person is in one of the following situations or not: |
| **Situation of exclusion concerning the person** | YES | NO |
| 1. 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 national legislation or regulations;
 | [ ]  | [ ]  |
| 1. 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 law of the country in which it is established, with those of the country in which the contracting authority is located or those of the country of the performance of the contract;
 | [ ]  | [ ]  |
| 1. 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 credibity 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 selection criteria or in the performance of a contract; | [ ]  | [ ]  |
| (ii) entering into agreement with other persons with the aim of distorting competition; | [ ]  | [ ]  |
| (iii) violating intellectual property rights; | [ ]  | [ ]  |
| (iv) attempting to influence the decision-making process of the contracting authority during the award procedure; | [ ]  | [ ]  |
| (v) attempting to obtain confidential information that may confer upon it undue advantages in the award procedure***;***  | [ ]  | [ ]  |
| 1. 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 1 of the Convention on the protection of the European Communities' financial interests, drawn up by the Council Act of 26 July 1995; | [ ]  | [ ]  |
| (ii) corruption, as defined in Article 3 of the Convention on the fight against corruption involving officials of the European Communities or officials of EU Member States, drawn up by the Council Act of 26 May 1997, and in Article 2(1) of Council Framework Decision 2003/568/JHA, as well as corruption as defined in the legal provisions of the country where the contracting authority is located, the country in which the person is established or the country of the performance of the contract; | [ ]  | [ ]  |
| (iii) participation in a criminal organisation, as defined in Article 2 of Council Framework Decision 2008/841/JHA; | [ ]  | [ ]  |
| iv) money laundering or terrorist financing, as defined in Article 1 of Directive 2005/60/EC of the European Parliament and of the Council; | [ ]  | [ ]  |
| (v) terrorist-related 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; | [ ]  | [ ]  |
| (vi) child labour or other forms of trafficking in human beings as defined in Article 2 of Directive 2011/36/EU of the European Parliament and of the Council; | [ ]  | [ ]  |
| 1. the person has shown significant deficiencies in complying with the main obligations in the performance of a contract 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 an Authorising Officer, OLAF or the Court of Auditors;
 | [ ]  | [ ]  |
| 1. 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;
 | [ ]  | [ ]  |
| 1. for the situations of grave professional misconduct, fraud, corruption, other criminal offences, significant deficiencies in the performance of the contract or irregularity, the applicant is subject to:
2. facts established in the context of audits or investigations carried out by the Court of Auditors, OLAF or internal audit, 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;
3. 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;
4. decisions of the ECB, the EIB, the European Investment Fund or international organisations;
5. decisions of the Commission relating to the infringement of the Union's competition rules or of a national competent authority relating to the infringement of Union or national competition law; or
6. decisions of exclusion by an authorising officer of an EU institution, of a European office or of an EU agency or body.
 | [ ]  | [ ]  |

II – Situations of exclusion concerning natural persons with power of representation, decision-making or control over the legal person

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

|  |  |  |  |
| --- | --- | --- | --- |
| (2) declares that a natural 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 the company directors, members of the management or supervisory bodies, and cases where one natural person holds a majority of shares) is in one of the following situations or not: | YES | NO | N/A |
| Situation (c) above (grave professional misconduct) | [ ]  | [ ]  |  |
| Situation (d) above (fraud, corruption or other criminal offence) | [ ]  | [ ]  |  |
| Situation (e) above (significant deficiencies in performance of a contract ) | [ ]  | [ ]  |  |
| Situation (f) above (irregularity) | [ ]  | [ ]  |  |

III – Situations of exclusion concerning natural or legal persons assuming unlimited liability for the debts of the legal person

|  |  |  |  |
| --- | --- | --- | --- |
| 1. 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) | [ ]  | [ ]  | [ ]  |
| Situation (b) above (breach in payment of taxes or social security contributions) | [ ]  | [ ]  | [ ]  |

IV – Grounds for rejection from this procedure

|  |  |  |  |
| --- | --- | --- | --- |
| 1. declares whether the above-mentioned person is in one of the following situations or not:
 | YES | NO | N/A |
| 1. has distorted competition by being previously involved in the preparation of procurement documents for this procurement procedure;
 | [ ]  | [ ]  |  |

**V. Remedial measures**

If the person declares one of the situations of exclusion listed above, it must indicate the 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. The relevant documentary evidence which appropriately illustrates the remedial measures taken must be provided in annex to this declaration. This does not apply for the 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 the persons that are members of the administrative, management or supervisory body, it must also provide the following evidence concerning the person itself and concerning the natural or legal persons which assume unlimited liability for the debt of the person:

For situations described in (a), (c), (d) or (f), 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 (a) or (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 procurement procedure. 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** |
| *Insert as many lines as necessary.* |  |

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 |
| 1. It has the legal and regulatory capacity to pursue the professional activity needed for performing the contract as required in section 5.2 of the tender specifications;
 | [ ]  | [ ]  | [ ]  |
| 1. It fulfills the applicable economic and financial criteria indicated in section 5.2 of the tender specifications;
 | [ ]  | [ ]  | [ ]  |
| 1. It fulfills the applicable technical and professional criteria indicated in section 5.2 of the tender specifications.
 | [ ]  | [ ]  | [ ]  |

|  |  |  |  |
| --- | --- | --- | --- |
| 1. 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 asseessment will be made as provided in the tender specifications.
 | [ ]  | [ ]  | [ ]  |

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. 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** |
| *Insert as many lines as necessary.* |  |

***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 5: Power of attorney[[2]](#footnote-2)

MANDATING ONE OF THE PARTNERS IN A JOINT TENDER AS LEAD PARTNER AND LEAD CONTRACTOR

Broadband coverage in Europe **–** SMART 2016/0043

|  |
| --- |
| The undersigned:– Signatory (Name, Function, Company, Registered address, VAT Number)  having the legal capacity required to act on behalf of his/her company,HEREBY AGREES TO THE FOLLOWING:1. To submit a tender as a partner in the group of partners constituted by Company 1, Company 2, Company N, and led by Company 1, in accordance with the conditions specified in the tender specifications and the terms specified in the tender to which this power of attorney is attached.
2. If the European Commission awards the Contract to the group of partners constituted by Company 1, Company 2, Company N, and led by Company 1 on the basis of the joint tender to which this power of attorney is attached, all the partners shall be co-signatories of the Contract in accordance with the following conditions:
3. All partners shall be jointly and severally liable towards the European Commission for the performance of the Contract.
4. All partners shall comply with the terms and conditions of the Contract and ensure the proper delivery of their respective share of the services and/or supplies subject to the Contract.
5. Payments by the European Commission related to the services and/or supplies subject to the Contract shall be made through the lead partner’s bank account: [Provide details on bank, address, account number].
6. The partners grant to the lead partner all the necessary powers to act on their behalf in the submission of the tender and conclusion of the Contract, including:
7. The lead partner shall submit the tender on behalf of the group of partners.
8. The lead partner shall sign any contractual documents — including the Contract, and Amendments thereto — and issue any invoices related to the Services on behalf of the group of partners.
9. The lead partner shall act as a single contact point with the European Commission in the delivery of the services and/or supplies subject to the Contract. It shall co-ordinate the delivery of the services and/or supplies by the group of partners to the European Commission, and shall see to a proper administration of the Contract.

Any modification to the present power of attorney shall be subject to the European Commission’s express approval. This power of attorney shall expire when all the contractual obligations of the group of partners towards the European Commission for the delivery of the services and/or supplies subject to the Contract have ceased to exist. The parties cannot terminate it before that date without the Commission’s consent.Signed in ………………………… on [dd/mm/yyyy]Place and date:Name (in capital letters), function, company and signature: |

# Annex 6A: Letter of intent for sub-contractors

Broadband coverage in Europe **–** SMART 2016/0043

The undersigned**:** ………………………………………………………………………….

Name of the company/organisation**:** ………………………………………………………

Address: ……………………………………………………………………………………

Declares hereby that, in case the contract is awarded to [name of the tenderer], the company/organisation that he/she represents, intends to collaborate in the execution of the tasks subject to this call for tender, in accordance with the tender specifications and the tender to which the present form is annexed, and is available to carry out its part of the tasks during the period foreseen for the execution of the contract. In addition, the undersigned declares not to be in one of the situations of exclusion referred to in Article 106(1) of the Financial Regulation[[3]](#footnote-3).

Declares hereby taking note of II.10 regarding subcontracting and Articles II.8, II.13 and II.24 of the general conditions of the contract.

Place and date:

Name (in capital letters) and signature:

# Annex 6B: Letter of intent for external experts

Broadband coverage in Europe **–** SMART 2016/0043

The undersigned**:** ………………………………………………………………………….

Address: ……………………………………………………………………………………

Declares hereby that, in case the contract is awarded to [name of the tenderer], he/she intends to collaborate in an individual capacity as **an external expert** in the execution of the tasks subject to this call for tender, in accordance with the tender specifications and the tender to which the present form is annexed, and is available to carry out its part of the tasks during the period foreseen for the execution of the contract. In addition, the undersigned declares not to be in one of the situations of exclusion referred to in Article 106(1) of the Financial Regulation[[4]](#footnote-4).

Declares hereby taking note of II.10 regarding subcontracting and Articles II.8, II.13 and II.24 of the general conditions of the contract.

Place and date:

Name (in capital letters) and signature:

# Annex 7: Check list of documents to be submitted

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The purpose of the table below is to facilitate the preparation of the tender by providing an overview of the documents that must be included (marked by ■) depending on the role of each economic operator in the tender (be it lead partner, partner in joint offer, single tenderer or subcontractor/external expert). The evidence for selection may be required at any stage of the present procurement procedure (marked by ●). Some of the documents are only relevant in cases of joint offers or when subcontractors are involved. Additional documents might be necessary depending on the specific characteristics of each tender.

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Description** | **Lead partner in a joint offer** | **All the other partners in a joint offer** | **Single tenderer (with or without subcontractors)** | **Subcontractor** | **Subcontractor – External expert** |
| ***Administrative section of the tender*** |
| Annex 1: Original Administrative identification form (see section 2.3, part 2) | ■ | ■ | ■ |  |  |
| Annex 2: Original Legal Entity Form (see section 2.3, part 2)  | ■ | ■ | ■ |  |  |
| Annex 3: Original Financial Identification form (see section 2.3, part 2) | ■ |  | ■ |  |  |
| Annex 4: Original Declaration of honour with respect to the exclusion criteria and selection criteria (see section 2.3, part 2) | ■ | ■ | ■ | ■[[5]](#footnote-5) |  |
| Annex 5: Original Power of attorney (see section 2.3, part 2) |  | ■ |  |  |  |
| Annex 6 a: Original Letter of intent from each subcontractor (see section 2.3, part 2) |  |  |  | ■ |  |
| Annex 6 b: Original Letter of intent from each subcontractor (see section 2.3, part 2) |  |  |  |  | ■ |
| Annex 8: Cover letter for the tender | ■ |  | ■ |  |  |
| Legible photocopy of the statutes of the entity (see section 2.3, part 2) | ■ | ■ | ■ |  |  |
| Legible photocopy of the notice of appointment of the persons authorised to represent the tenderer (see section 2.3, part 2) | ■ | ■ | ■ |  |  |
| Declaration or certificate of enrolment in one of the professional or trade registers in the country of establishment (see section 5.2.1, part 2) | ● | ● | ● |  |  |
| Evidence of financial and economic capacity (see section 5.2.2, part 2) | ● | ● | ● |  |  |
| Evidence of Technical and Professional capacity (see section 5.2.3, part 2) | ● | ● | ● | ● | ● |
| ***Technical Section of the tender*** *(see section 4.2, part 2)* | ■ |  | ■ |  |  |
| ***Financial Section of the tender*** *(see section 4.3, part 2)* | ■ |  | ■ |  |  |

# Annex 8: Cover Letter for the tender

*Please select the appropriate option*

*OPTION 1*

**Single legal person or private/ public entity**

 □ The offer is submitted by a **one tenderer**.

*OPTION 2*

 **Joint offers**

□ The offer is submitted by **partners**.

* Company acting as **lead partner** for the group of tenderers:

…………………………

* **Other partners** taking part in the joint tender:

…………………………

…………………………

*OPTION 3*

**Joint offers**

□ The offer is submitted by one tenderer **with subcontractors**.

* Company acting as **tenderer**:

…………………………

* **Subcontractors**:

…………………………

…………………………

*OPTION 4*

**Joint offers**

□ The offer is submitted by partners **with subcontractors**.

* Company acting as **lead partner** for the group of tenderers:

…………………………

* **Other partners** taking part in the joint tender:

…………………………

…………………………

* **Subcontractors**:

…………………………

…………………………

# Annex 9: Template Study Final Report or Executive Summary

**Title**

**Subtitle (optional)**

***Insert cover picture here (optional)***

**FINAL REPORT** or **EXECUTIVE SUMMARY**

A study prepared for the European Commission

DG Communications Networks, Content & Technology by:

***Logo
Contractor 1***

**This study was carried out for the European Commission by**

Logo(s) + Company identifier(s) + Authors' name(s) (optional)

***Logo
Contractor 1***

**Internal identification**

Contract number:

SMART number

**DISCLAIMER**

By the European Commission, Directorate-General of Communications Networks, Content & Technology.

The information and views set out in this publication are those of the author(s) and do not necessarily reflect the official opinion of the Commission. The Commission does not guarantee the accuracy of the data included in this study. Neither the Commission nor any person acting on the Commission’s behalf may be held responsible for the use which may be made of the information contained therein.

ISBN number

doi: number

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**For the Final study report add:**

**- Abstract EN** **+ FR (max. 200 words, mandatory for studies contracted after 01/01/2013)**

**- Executive Summary EN + FR (mandatory for studies contracted after 01/01/2013)**

**- Final Report**

**- All Annexes**

European Commission

**Title**

Luxembourg, Publications Office of the European Union

**2014** – number of pages

ISBN number

doi: number



doi: number ISBN number

1. Please include the names of the legal representative(s) whose contract signature is required in accordance with the statutes of the organisation and the official document to be provided as required in Part 2 under section 2.3 [↑](#footnote-ref-1)
2. **To be filled in and signed by each of the partners in a joint tender, except the lead partner;** [↑](#footnote-ref-2)
3. <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32015R1929&from=EN> [↑](#footnote-ref-3)
4. <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32015R1929&from=EN> [↑](#footnote-ref-4)
5. Only identified subcontractors whose share of the contract is above 10% of the price of the tender and whose capacity is necessary to fulfil the selection criteria. [↑](#footnote-ref-5)