Corporate Procurement Service

**01/07/2019**

Version **1.0**

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| --- | --- | --- |
| Version History | Change from previous version | Date |
| Version 1.0  Version 1.1  Version 1.2 | n/a  revised Forms 2, 3 and 5  revised Form 5 | 30/01/2019  01/07/2019  29/07/2019 |

This document contains the standard administrative forms required for participation in EIB tendering procedures. Please ensure all forms are completed accurately in order to avoid possible exclusion from the tendering procedure. These forms may be copied and presented on the tenderers own headed paper, provided the information contained therein is not altered.

**These forms must be included in your tender.**

**Forms**

Form 1: Tenderer Contact Form

Form 2: Deed of Undertaking

Form 3: Consortium member declaration

Form 4: Subcontractor declaration

Form 5: Declaration on honour on exclusion criteria and selection criteria and on absence of conflict of interest

Form 6: Financial Capacity

**Please note** that although the administrative forms are contained in this document additional forms may be attached to the `Terms of Reference` and must be fully completed by the tenderer.

# These forms together with the Terms of Reference with its annexes, the Model Contract with its appendices, the Contract Notice and the General Administrative and Submission Clauses shall form an inseparable part of the Procurement Documents relevant for this call for tenders. The terms of the `Terms of Reference` shall take precedence over the terms of the present forms.

Form 1: Tenderer Contact form

**Tender Reference**\***: <….>**

**Title**\***: <….>**

|  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Company Name**\* (Full legal name) | |  | | | | | | | |
| Address\* | |  | | | | | | | |
| Postal code & City\* | |  | | | | | | | |
| Country \* | |  | | | | | | | |
| Legal form (if any) of the tenderer \* | |  | | | | | | | |
| Date of registration (entry into the trade register)\* | |  | | | | | | | |
| Country of registration\* | |  | | | | | | | |
| Registration number \* (copy of registration certificate to be attached) | |  | | | | | | | |
| VAT registration number\* | |  | | | | | | | |
| SME | | 🞏 | yes | | 🞏 | no | | *Please tick the box as applicable* | |
| *SMEs are defined in Commission Recommendation 2003/361/EC as companies with fewer than 250 staff and a turnover not exceeding 50 million euros* | | | | | | | | | |
| **Contact Person 1**\* |  | | | **Contact Person 2**\* | | | | |  |
| Work Title\* |  | | | Work Title\* | | | | |  |
|  | | | | | | | | | |
| E-mail address 1\* |  | | | E-mail address 1\* | | | | |  |
| E-mail address 2 |  | | | E-mail address 2 | | | | |  |
|  | | | | | | | | | |
| Telephone number 1\* |  | | | Telephone number 1\* | | | | |  |
| Telephone number 2 |  | | | Telephone number 2 | | | | |  |
|  | | | | | | | | | |
| I hereby certify the above information to be true. | | | NAME | | | |  | | |
|  | | | TITLE | | | |  | | |
|  | | | DATE | | | |  | | |
| Signature\* | | | | | | | | | |
| *NB: All mandatory fields (marked by an asterisk\*) must be filled in, except for tenderers who are natural persons.*  *Legal Disclaimer: the bidder is responsible for the above information. The EIB does not accept any responsibility or liability for the accuracy, content, completeness, legality, or reliability of the information received via this form* | | | | | | | | | |

# Form 2: Deed of Undertaking

**Tender Reference: <….>**

**Title: <….>**

**ARTICLE 1 – ORGANISATION OF THE TENDERER**

1.1 Please tick the box below, as applicable:

|  |  |  |  |
| --- | --- | --- | --- |
| 🞏 | 🞏 | 🞏 | 🞏 |
| Sole Tenderer  with no declared subcontractor | Sole Tenderer  with declared subcontractor(s) | Consortium  (joint offer by a group of economic operators)  with no declared subcontractor | Consortium  (joint offer by a group of economic operators)  with declared subcontractor(s) |

1.2 In case of a sole tenderer, please provide the information in the table below:

|  |  |  |  |
| --- | --- | --- | --- |
| Name of the tenderer | Legal form  (if any) | Address in full | Name of the authorised representative |
|  |  |  |  |

1.3 In case of consortium, please provide the information in the tables below:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Information on the leader of the consortium[[1]](#footnote-1)** | | | | |
| Name of the consortium leader | Legal form (if any) | Address in full | Name of the authorised representative(s) | Roles, activities and responsibilities within the consortium[[2]](#footnote-2) |
|  |  |  |  |  |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Information on the members of the consortium** | | | | |
| Name of the consortium member | Legal form  (if any) | Address in full | Name of the authorised representative(s) | Roles, activities and responsibilities within the consortium[[3]](#footnote-3) |
|  |  |  |  |  |
| *(please add as many lines to the table as necessary)* |  |  |  |  |

The Bank requires that a Consortium, if successful in the competition, shall have **joint and several liability for the performance of the contract**. To this end, please indicate the proposed legal form for the Consortium:

|  |  |  |
| --- | --- | --- |
| Proposed Legal form | Name of the proposed Legal Form entity (if any) | Name of the authorised representative(s) for signature |
| 🞏 None (all consortium members will sign the contract individually)  🞏 Permanent **or** 🞏 Temporary  Legally established: 🞏 yes 🞏 no  🞏 Other (please give details below) |  |  |

1.4 In case of subcontracting, please provide the information in the table below:

|  |  |  |  |
| --- | --- | --- | --- |
| Name of the subcontractors | Address in full | Reason for subcontracting and scope of subcontracting[[4]](#footnote-4) | Value of the subcontracted part of contract (in EUR **and** as a percentage of estimated total amount of contract) |
|  |  |  |  |
| *(please add as many lines to the table as necessary)* |  |  |  |

**ARTICLE 2 – DECLARATION BY THE TENDERER**

**I/we, the undersigned**

....................................................................................................................................

....................................................................................................................................

**being authorised to represent the following organisation[[5]](#footnote-5)**

...................................................................................................................................

...................................................................................................................................

* having taken note of the call for tenders referenced above,
* having taken note of the content of ‘General Administrative and Submission Clauses’, the Terms of Reference and all the documents referred to therein,
* and having completed the Declaration on honour on exclusion criteria and selection criteria and on absence of conflict of interest (see **Form 5**),

**hereby declare that the above mentioned organisation:**

* has examined and accepted in full and without reservation all the terms and conditions of the present call for tenders as stated in the ‘General Administrative and Submission Clauses’, the ‘Terms of Reference’ and all the documents referred to therein, as well as all the provisions set in the model contract and the applicable general terms and conditions of EIB;
* waives its own terms and conditions;
* undertakes to provide the services in accordance with the terms set out in in the aforementioned documents,
* is bound to its tender for a period of 180 calendar days as of the date of opening the tenders.
* has in relation to this call for tenders not breached any applicable provisions of competition law;
* has (i) drawn up its tender completely independently and (ii) that it has not and will not divulge, discuss or compare its tender with other tenderers participating in the present call for tenders and (iii) has not and will not collude with any other tenderer, and (iv) it will take all appropriate and necessary measures to ensure that subcontractors, consortium members or other third parties respect the same rules and principles;
* is not aware of any elements that could influence competition between the different tenderers participating in the present call for tenders and that as soon as it becomes aware of any such elements it will immediately and in writing disclose such elements to the European Investment Bank.

DONE IN A SINGLE ORIGINAL

at , on

“Read and approved”

to be written by hand Name(s) Signature(s)

STAMP OF THE ORGANISATION

# Form 3 - Consortium member declaration

To be completed and signed by **each** member of the consortium in the case that a consortium submits a tender.

I the undersigned, as an authorized representative of:

|  |  |
| --- | --- |
| Name |  |
| Address |  |

**hereby declare**

* the intention to collaborate with *[name of the consortium leader]* in the execution of the tasks related to the tender referenced below;
* that I have appointed *[name of the consortium leader]* as the leader of the consortium which (i) will represent the consortium and act as the single contact point for communication and (ii) shall also have full authority to legally bind the consortium and each of its members (including the entity represented by me), and (iii) shall be responsible for the administrative management of the contract on behalf of all other consortium members (including the entity represented by me).
* that, if successful in the award of the tender referenced below, I undertake to provide *[name of the consortium leader]* with the necessary resources to perform the services which *[name of the consortium leader]*  intends to entrust to us under that contract;
* to have examined and accepted in full the content of the ‘General Administrative and Submission Clauses’, ‘Terms of Reference’ and all their annexes applicable to the call for tenders referenced below:

|  |  |
| --- | --- |
| Tender Number |  |
| Title |  |

**I also hereby acknowledge to have taken special note of and subsequently declare**

* that I, or the entity I represent, are not in any of the situations concerning exclusion and conflict of interest as described in **point 6.3** of the `General and Administrative Submission Clauses`, in addition I have provided a duly signed Declaration on honour on exclusion criteria and selection criteria and on absence of conflict of interest (**Form 5**).
* to have examined and accepted the provisions set in the model contract and the applicable general terms and conditions of EIB in their entirety without reservation or restriction.

|  |  |
| --- | --- |
| Name: |  |
| Signature: |  |
| Position: |  |
| Date: |  |

# Form 4: Subcontractor declaration

To be completed and signed by **each** respective subcontractor in the case that tasks will be subcontracted.

I the undersigned, as an authorized representative of:

|  |  |
| --- | --- |
| Subcontractor’s Name |  |
| Address |  |

**hereby declare**

* the intention to collaborate with *[name of the tenderer]* in the execution of the tasks related to the tender referenced below;
* hereby declareto have examined and accepted in full the content of ‘General Administrative and Submission Clauses’, ‘Terms of Reference’ and all their annexes applicable to the call for tenders referenced below:

|  |  |
| --- | --- |
| Tender Number |  |
| Title |  |

**I also hereby acknowledge to have taken special note of and subsequently declare**

* that I, or the entity I represent, are not in any of the situations concerning exclusion and conflict of interest as described in **point 6.3** of the `General Administrative and Submission Clauses`;
* that I have provided a duly signed Declaration on honour on exclusion criteria and selection criteria and on absence of conflict of interest (**Form 5**).
* to have examined and accepted the provisions set in the model contract and the applicable general terms and conditions of EIB in their entirety without reservation or restriction;

|  |  |
| --- | --- |
| Name: |  |
| Signature: |  |
| Position: |  |
| Date: |  |

# Form 5: Declaration on honour on exclusion criteria and selection criteria and on absence of conflict of interest

**Tender Reference: <….>**

**Title: <….>**

**Declaration on honour on  
exclusion criteria and selection criteria and on absence of conflict of interest**

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

|  |  |  |
| --- | --- | --- |
| * declares that the above-mentioned person is in one of the following situations: | 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 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. |  |  |

|  |  |  |
| --- | --- | --- |
| 1. is the target of a sanction or restrictive measure**[[6]](#footnote-6)** imposed or administered by: |  |  |
| 1. the European Union;[[7]](#footnote-7) or |  |  |
| 1. the United States of America. |  |  |

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***

|  |  |  |  |
| --- | --- | --- | --- |
| * 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 company directors, members of management or supervisory bodies, and cases where one natural person holds a majority of shares) is in one of the following situations: | 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) |  |  |  |
| Situation (h) above (sanctions) |  |  |  |

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

|  |  |  |  |
| --- | --- | --- | --- |
| * 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

|  |  |  |
| --- | --- | --- |
| * declares that the above-mentioned person: | YES | NO |
| 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 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 illustrates the remedial measures taken must be provided in annex to this declaration. This does not apply for situations referred in section I(h) of this declaration.

Regarding paragraph (h) of section II of this Declaration (Sanctions - Natural Persons), the person may propose as a remedial measure that the natural person(s) concerned shall not be involved in the proposed contract.

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 – Declaration of Absence of Conflict of Interest

|  |  |  |
| --- | --- | --- |
|  | YES | NO |
| Is the economic operator aware of any **conflict of interest\*** due to its participation in the procurement procedure?  **If yes**, please provide details: |  |  |
| Has the economic operator or an undertaking related to it **advised** the contracting authority or contracting entity or otherwise been **involved in the preparation** of the procurement procedure?  **If yes**, please provide details: |  |  |

\**A conflict of interest could arise in particular as a result of economic interests, political or national affinity, family, emotional life or any other shared interest*

VIII – exclusion effect

1. Subject to the application of the self-cleaning measures described in article 57 of Directive 2014/24/EU, the contracting authority shall exclude the person from participation in a procurement procedure:

* if the contracting authority has established by verification or is otherwise aware that the person is in one of the situations listed in **sections I to V of this Declaration**, and/or
* if the person would find itself in a situation of conflict of interest due to its participation or has advised the contracting authority or has otherwise been involved in the preparation of the procurement procedure, as per section VII of this Declaration.

1. Regarding **paragraph (h) of section I of this Declaration (Sanctions)**, the contracting authority shall exclude the person from participation in a procurement procedure:

* if the contracting authority has established by verification or is otherwise aware that the person is the target of a sanction or restrictive measure (imposed or administered by the European Union or by the United States of America, and
* in the case of US Sanctions, (1) the proposed contract for which the person is applying has a US Nexus,[[8]](#footnote-8) or (2) the sanction or restrictive measure in question is not in conflict with any applicable anti-boycott rule of the European Union, such as [EU Regulation (EC) 2271/96](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A31996R2271) (“Blocking Regulation”) as amended from time to time.

1. Regarding **paragraph (h) of section II of this Declaration (Sanctions - Natural Persons)**, the contracting authority shall exclude the person from participation in a procurement procedure if:

* the conditions under sub-section (ii) above apply to the natural person(s) concerned, and
* the person has not confirmed, to the full satisfaction of the contracting authority, that the natural person(s) concerned shall not be involved in the proposed contract.

IX – Selection criteria

|  |  |  |  |
| --- | --- | --- | --- |
| * 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 [*insert*] of the tender specifications; |  |  |  |
| 1. It fulfills the applicable economic and financial criteria indicated in section [*insert*] of the tender specifications; |  |  |  |
| 1. It fulfills the applicable technical and professional criteria indicated in section [*insert*] of the tender specifications. |  |  |  |

***The contracting authority must adapt the table above to the criteria indicated in the tender specifications (i.e. insert extra rows for each criterion or delete irrelevant rows).***

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| * if the above-mentioned person is the **sole tenderer** or the **leader in case of joint tender**, declares that: | YES | NO | N/A | |
| 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. |  |  | |  |

X – 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

# Form 6: Economic and Financial Capacity

**Tender No: <….>**

**Title: <….>**

As part of the proof required in the Terms of Reference **point 1.7.2**,tenderers and, if applicable, any consortium members and subcontractors are requested to complete this form.

Please complete the below table of financial data based on your annual accounts (balance sheet, profit and loss account, notes on the accounts and auditors' remarks when applicable), and where applicable, audited and/or published. All documents must be signed by the authorised representative of the tenderer and must cover the last 3 financial years for which final figures are available[[9]](#footnote-9).

|  |  |  |  |
| --- | --- | --- | --- |
| **Currency:** *EUR* | |  | **Figures** *(000)* |
| **Financial data** | **Year N\*** | **Year N-1** | **Year N-2** |
| **Tenderer’s annual turnover**  *(The gross inflow of economic benefits (cash, receivables, other assets) generated from the ordinary operating activities of the enterprise (such as sales of goods, sales of services, interest, royalties, and dividends) during the year.)* | \_\_\_\_ | \_\_\_\_ | \_\_\_\_ |
| **Consolidated annual turnover**  (to be filled only in case of joint offers) | \_\_\_\_ | \_\_\_\_ | \_\_\_\_ |

*\* Last accounting year for which the entity's accounts have been closed and audited.*

Comments:

* Tenderers may add any information, explanation or data that they would consider of vital relevance for their organisation and for the understanding of the above figures.
* Tenderers must explain BRIEFLY important variations from one year to another if appropriate. In case of negative equity or repeated losses, please explain how the future of the organisation will be ensured.

The declarant certifies that the information given is correct.

Done at (date)

|  |  |  |
| --- | --- | --- |
| STAMP | NAME(S) | SIGNATURE(S) |

1. Please include declaration contained in **Form 3** (Consortium member declaration) signed by each consortium member appointing the entity indicated above as the leader of the consortium which will represent the consortium and act as the single contact point for communication. This entity shall also have full authority to bind the consortium and each of its members, and shall be responsible for the administrative management of the contract (invoicing, receiving payments, etc.) on behalf of all other entities. [↑](#footnote-ref-1)
2. If necessary, please include reference to other documents which form part of your offer and which describe the roles, activities and responsibilities of the consortium members more in detail. [↑](#footnote-ref-2)
3. If necessary, please include reference to other documents which form part of your offer and which describe the roles, activities and responsibilities of the consortium members [↑](#footnote-ref-3)
4. Please include the declaration contained in **Form 4** (Subcontractor Declaration) from each subcontractor, stating their intention to collaborate with the Tenderer, if the Tenderer is awarded an Agreement. [↑](#footnote-ref-4)
5. The name of the sole tenderer or the leader of the consortium, depending on the case. [↑](#footnote-ref-5)
6. Being “**the target of a sanction or restrictive measure**” means the economic operator (i) being listed on a sanctions list, or (ii) being (directly or indirectly) 50% or more (individually or on aggregate basis) owned or controlled by, or acting on behalf of or at the direction of, a person or entity listed on, any sanctions lists, or (iii) being located or resident in, or organised or incorporated under the laws of a Sanctioned Country, or owned or controlled by, or acting on behalf or at the direction of such a person or entity. A “**Sanctioned Country**” shall mean a country or territory that is, or whose government is, at any time, the target of comprehensive country or territory-wide sanction or restrictive measure imposed or administered by the competent authorities described in this sub-section (h). [↑](#footnote-ref-6)
7. Pursuant to Chapter 2 of Title V of the Treaty on European Union or Article 215 of the Treaty on the Functioning of the European Union, either autonomously or pursuant to the sanctions decided by the United Nations Security Council on the basis of Article 41 of the UN Charter. [↑](#footnote-ref-7)
8. “**US Nexus**” means where there is any US involvement or connection, including (without limitation): (i) any US dollar denominated transaction; (ii) any payment in any currency that is cleared through the US financial system, including foreign branches of US banks, and US branches, agency or representative offices or US accounts of non-US financial institutions; and (iii) any US Person, including US financial institutions, foreign branches of US banks, and US branches, agency or representative offices or US accounts of non-US financial institutions.

   “**US Person**” means: (i) any US citizen, US permanent resident alien or green card holder, wherever they are located or employed; (ii) any entity organised under the laws of the US or any jurisdiction within the US, including foreign branches of such an entity; and (iii) any individual or entity located in the US. [↑](#footnote-ref-8)
9. In the case of tenderers from outside Eurozone, EIB will calculate amounts of turnovers using exchange rates for December of the relevant financial year as published in the Official Journal of the European Union: <http://ec.europa.eu/budget/contracts_grants/info_contracts/inforeuro/inforeuro_en.cfm>. [↑](#footnote-ref-9)