|  |  |
| --- | --- |
| ged | **AA-000364-002 Technical Assistance to Zambia Water and Sanitation Project** |

**C. DECLARATIONS AND OTHER TEMPLATES**

**The following documents are an integral part of this call for tenders:**

* Annex 1: “Tender submission form including declaration and statement of exclusivity and availability”
* Annex 2: “Model for the undertaking letter”
* Annex 3: “Template List of experts and template CV”
* Annex 4: “Financial offer”
* Annex 5: “Evaluation grid”
* Annex 6: “Legal entity form” (see annex in PDF format)
* Annex 7: “Pre-financing guarantee form”
* Annex 8: “Tax arrangements”
* Annex 9: “Expenditure verification: terms of reference and report of factual findings”
* Annex 10: “Administrative compliance grid”

**ANNEX 1**

***Circulation restricted*** *to the Contracting Authority and the author of the document to protect the individual and privacy and commercial and industrial secrecy*

**Service Tender submission form**

**Reference code:** AA-000364-002

Technical Assistance to Zambia Water and Sanitation Project

**One copy, signed in original,** of this Service tender submission form, as well as Declarations from the Leader and all members (in case of a consortium) must be supplied.The attachments to this submission form (*i.e.* declarations, statements) may be in original or copy. If copies are submitted, then the originals must be dispatched to the Contracting Authority upon request. **All data included in this submission form must concern only the legal entity or entities submitting the tender.**

For economical and ecological reasons, we strongly recommend that you submit your files on paper-based materials (no plastic folder or divider). We also suggest you use double-sided print-outs as much as possible.

Any additional documentation (brochure, letter, etc) sent with the submission form will not be taken into consideration, unless specifically requested to be submitted (see Instructions to tenderers).Tenders being 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.

With regard to criteria relating to economic and financial standing and to criteria relating to technical and professional ability, an economic operator could, where appropriate and for a particular contract, rely on the capacities of other entities, regardless of the legal nature of the links which it has with them.

If the tenderer relies on the capacities of other entities, it must, in that case, prove to the Contracting Authority that it will have at its disposal the resources necessary for performance of the contract, for example by producing a commitment (refer to of the letter of undertaking template) on the part of those entities to place those resources at its disposal. Such entities, for instance the parent company of the economic operator, must respect the same rules of eligibility - notably that of nationality – and must fulfil the same relevant selection criteria as the economic operator. The contracting authority shall verify whether there are grounds for exclusion for these entities. In this sense, the respective entity shall provide the Declarations referred to at point 7 of this Tender submission form. The contracting authority shall require that the economic operator replace an entity, which does not meet a relevant selection criterion, or in respect of which there are compulsory grounds for exclusion. The contracting authority may require that the economic operator substitute an entity in respect of which there are non-compulsory grounds for exclusion. With regard to technical and professional criteria, an economic operator may only rely on the capacities of other entities where the latter will perform the services for which these capacities are required. With regard to economic and financial criteria, the entities upon whose capacity the tenderer relies become jointly liable for the execution of the contract.

In case the respective tenderer is awarded the contract, the Contracting Authority reserves the right to ask the entity providing the undertaking for documentary evidence regarding the exclusion criteria.

**1 SUBMITTED by (i.e. the identity of the Tenderer)**

|  |  |  |
| --- | --- | --- |
|  | **Name(s) of legal entity or entities making this tender** | **Nationality[[1]](#footnote-1)** |
| **Leader[[2]](#footnote-2)** |  |  |
| **Member** |  |  |
| **Etc …**  |  |  |

**2 CONTACT PERSON (for this tender)**

|  |  |
| --- | --- |
| **Name** |  |
| **Organisation** |  |
| **Complete Address** |  |
| **Telephone** |  |
| **Fax** |  |
| **e-mail** |  |

**3 ECONOMIC AND FINANCIAL CAPACITY[[3]](#footnote-3)**

Please complete the following table of financial data[[4]](#footnote-4) based on your annual accounts and your latest projections. If annual accounts are not yet available for this year or last year, please provide your latest estimates, clearly identifying estimated figures in italics. Figures in all columns must be on the same basis to allow a direct, year-on-year comparison to be made (or, if the basis has changed, an explanation of the change must be provided as a footnote to the table). Any clarification or explanation which is judged necessary may also be provided. In case of applicant being a public body, equivalent information should be provided.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Financial data[[5]](#footnote-5)** | **Year n-2**<*specify*>**€** | **Year n-1**<*specify*>**€** | **Year n[[6]](#footnote-6)**<*specify*>**€** | ***Year n+1***<*specify*>***€*** |
| Annual turnover[[7]](#footnote-7), excluding this contract |  |  |  |  |

**4 STAFF RESOURCES**

Please provide the following personnel statistics for the years indicated at item 5 – *Selection criteria* point 2) *Professional capacity of the tenderer* of the Instructions to tenderers and the statistics for the current year[[8]](#footnote-8).

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Annual manpower** | **2 Years before last year**<*specify*> | **Year before last year**<*specify*> | **Last year**<*specify*> | **Current year**<*specify*> |
|  | **Overall** | **Total for fields related to this contract[[9]](#footnote-9)** | **Overall** | **Total for fields related to this contract[[10]](#footnote-10)** | **Overall** | **Total for fields related to this contract[[11]](#footnote-11)** | **Overall** | **Total for fields related to this contract[[12]](#footnote-12)**  |
| Permanent staff[[13]](#footnote-13)  |  |  |  |  |  |  |  |  |
| Other staff[[14]](#footnote-14)  |  |  |  |  |  |  |  |  |
| Total |  |  |  |  |  |  |  |  |
| Permanent staff as a proportion of total staff (%) | % | % | % | % | % | % | % | % |

**5 FIELDS OF SPECIALISATION**

Please use the table below, whose objective is to indicate the relevant fields of specialisation related to this contract (see description of the contract in the Terms of reference, included in the Tender dossier) of each legal entity submitting this tender, by using the names of these fields of specialisation as the row headings and the name of the legal entity as the column headings. Show the relevant field(s) of specialisation of each legal entity by placing a tick (✓) in the box corresponding to those fields in which the legal entity has significant experience. **Maximum 10 fields of specialisation**.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | Leader | Member 2 | Member 3 | Etc … |
| <Relevant field of specialisation 1> |  |  |  |  |
| <Relevant field of specialisation 2> |  |  |  |  |
| Etc …[[15]](#footnote-15) |  |  |  |  |

**6 EXPERIENCE**

Please complete a table using the format below to summarise the major projects/assignments relevant to this contract[[16]](#footnote-16) carried out in the course of the past years[[17]](#footnote-17) by the legal entity or entities making this tender. The number of references to be provided for the entire tender must not exceed the maximum number indicated in the Instructions to tenderers.

|  |  |  |
| --- | --- | --- |
| **Ref no. <..>**  | **Project[[18]](#footnote-18) title** | «… »  |
| **Name of legal entity who carried out the project[[19]](#footnote-19)**  | **Country/ies where the project was carried out** | **Overall project value[[20]](#footnote-20) (EUR)** | **Proportion carried out by legal entity[[21]](#footnote-21) (%)** | **No of staff provided (total)[[22]](#footnote-22)** | **Name of client** | **Origin of funding** | **Dates (start/end)** | **Name of consortium members, if any** |
| … | … | … | … | … | … | … | mm/yyyy to mm/yyyy | … |
| **Detailed description of project** | **Type of services provided by the legal entity** |
| …<*please include a synthetic, but sufficiently detailed description of the assignment (objectives, scope, results). In case the project/assignment / consultancy services have been provided in relation to an investment, please also indicate the value, objectives and scope of that investment*> | …<*please include a description of the types of services provided by the legal entity within the framework of the project.* *Where the projects referenced have been implemented by consortia comprising two or more of the members now associated as a consortium for this tender procedure, please indicate here the types of services provided by each of the members*> |

**7 DECLARATIONS**

*As part of this tender, each legal entity identified under point 1 of this Tender submission form, that is every consortium member in case the tender is submitted by a consortium, must submit a signed declaration using the attached format. The declaration may be in original or in copy. If copies are submitted the originals must be dispatched to the Contracting Authority upon request.*

*Moreover, each legal entity identified under point 1 of this Tender submission form, including every consortium member, and capacity-providing entities (if any) must submit a signed declaration of honour on exclusion and selection criteria (see attached). The Contracting Authority will accept the European Single Procurement Document (ESPD) as an alternative to the declaration.*

**8 STATEMENT**

I, the undersigned, being the authorised signatory of the above tenderer [*if applicable*: including all consortium members], hereby declare that we have examined and accept without reserve or restriction the entire contents of the tender dossier for the tender procedure referred to above. We offer to provide the services requested in the tender dossier on the basis of the following documents, which comprise our technical offer, and our financial offer, which is submitted in a separate, sealed envelope:

* Organisation & Methodology
* Key experts (comprising a list of the key experts and their CVs)
* Tenderer's declaration
* Statements of exclusivity and availability signed by each of the key experts
* Completed vendor identification form providing details of the bank account into which payments under the proposed contract should be made in the event that we are awarded the contract, if required. <*delete this item if not requested in the Instructions to tenderers*>
* Completed legal entity file and supporting documentation
* Duly authorised signature: <*please specify which official document is provided, such as: statutes, power of attorney, notary statement, etc*.> proving that I am duly authorised to sign on behalf of the company / joint venture / consortium.

[We undertake to guarantee the eligibility of the subcontractor(s) for the parts of the services for which we have stated our intention to subcontract in the Organisation and Methodology.] <*delete this sentence if not applicable*>

We recognise that our tender may be excluded if we propose key experts who have been involved in preparing this project or engage such personnel as advisers in the preparation of our tender and that we may also be subject to exclusion from other EIB tender procedures and contracts.

[*To be included only in case the tender is submitted by a consortium*]We are fully aware that the composition of the consortium cannot be modified in the course of the tender procedure, unless prior approval of the Contracting Authority is obtained, barring which our tender will be rejected. We are also aware that the consortium members would have joint and several liability towards the Contracting Authority concerning participation in both the above tender procedure and any contract awarded to us as a result of it.

This tender is subject to acceptance within the validity period stipulated in the Contract Notice and in the Instructions to tenderers.

Signed on behalf of the tenderer:

|  |  |
| --- | --- |
| **Name** |  |
| **Signature** |  |
| **Date** |  |

**FORMAT OF THE DECLARATION REFERRED TO IN POINT 7
OF THE TENDER SUBMISSION FORM
To be submitted on the headed notepaper of the legal entity concerned**

<Date>

<Name and address of the Contracting Authority - see item 1 of the Instructions to tenderers>

**Your ref: <Reference code: AA…>; < contract title >**

Dear Sir/Madam

In response to your invitation to tender for the above-mentioned contract, we, < **full name of the legal entity making this Declaration**>, hereby declare that we:

1. are making this tender <*please select as appropriate*> [Option 1] [on an individual basis] / [Option 2][as member of the consortium led by < name of the leader / ourselves >] for this contract. We confirm that we are not participating in any other tender for the same contract, whatever the form of participation (as a member - including leader - in a consortium or as an individual tenderer);
2. are not in any of the situations excluding us from participating in contracts which are stipulated under Article 57 of Council Directive 2014/24/EC;
3. <*please select as appropriate between Option 1 and 2*> [Option 1]we have not been involved in the preparation of the project which is the subject of this tender procedure [Option 2] our involvement in previous stages of the project as <*please specify*> does not constitute unfair competition and we undertake to prove this should we be required to do so by the Contracting Authority. [*please add for both Options*] Furthermore, we declare that we have no conflict of interests or any equivalent relation in that respect with other tenderers or parties involved in this technical assistance operation and/or the underlying project at the time of the submission of this tender;
4. <*please select as appropriate between Option 1 and 2*> [Option 1] [have attached a current list of the enterprises in the same group or network as ourselves ] / [Option 2] [ are not part of a group or network ] [*please add for both Options*]and have only included data in the Tender submission form concerning the resources and experience of <*please select as appropriate*> [our legal entity] / [our legal entity and the entities for which we attach a written undertaking];
5. [*if applicable*]wish to rely on the <*please specify type: financial, professional etc*> capacities of <*name of the economic operator on whose capacities the tenderer relies*> and have attached in this respect an undertaking from this company;
6. will inform the Contracting Authority immediately if there is any change in the above circumstances at any stage during the tender procedure and/or during the implementation of the tasks; and
7. fully recognise and accept that if we participate in spite of being in any of the situations stipulated under Article 57 of Council Directive 2014/24/EC or if the declarations or information provided prove to be false, we may be subject to rejection from this procedure;
8. are aware that, for the purposes of safeguarding the financial interests of the Communities, our personal data may be transferred to internal audit services, to the European Court of Auditors, to the Financial Irregularities Panel or to the European Anti-Fraud Office.
9. are aware that our key experts may have signed Statements of Exclusivity and Availability for other tender procedures and that the expert will notify us and the Contracting Authority should he/she receive a confirmed engagement[[23]](#footnote-23) in another tender, according to the Statement of Exclusivity and Availability, and the consequence is that our tender may be rejected in this tender procedure. We recognise that our tender and the expert may be excluded should we propose the same key expert as another tenderer or should we propose a key expert who is engaged in an EU/EDF/EIB financed project where the input from his/her position in that contract could be required on the same dates as his/her activities under this contract.

In the event that our tender is successful, we undertake, if required, to provide the additional documentation indicated in the Instructions to tenderers, including evidence of the financial and economic standing and the technical and professional capacity data included in our submission form for this tender, according to the selection criteria for this tender specified in the Instructions to tenderers, as well as documentary evidence that we do not fall into the exclusion situations stipulated under Article 57 of European Parliament and Council Directive 2014/24/EU. The date on the evidence or documents provided in this respect will be no earlier than 1 year before the submission of the tender. 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.

[*If this declaration is being completed by a consortium member (either as leader or as consortium member), please add the following*:

The following table contains our financial data[[24]](#footnote-24) as included in the consortium’s tender submission form. These data are based on our annual audited accounts and our latest projections. Estimated figures (i.e., those not included in annual audited accounts) are given in italics. Figures in all columns have been provided on the same basis to allow a direct, year-on-year comparison to be made <except as explained in the footnote to the table>.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Financial data** | **Year n-2**<*specify*>**€** | **Year n-1**<*specify*>**€** | **Year n**<*specify*>**€** | **Year n+1**<*specify*>**€** |
| Annual turnover, excluding this contract |  |  |  |  |

The following table contains our personnel statistics[[25]](#footnote-25) as included in the consortium’s Tender submission form:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Annual manpower** | **2 Years before last year**<*specify*> | **Years before last year**<specify> | **Last year**<*specify*> | **Current year**<specify> |
|  | **Overall** | **Total for fields related to this contract**  | **Overall** | **Total for fields related to this contract**  | **Overall** | **Total for fields related to this contract**  | **Overall** | **Total for fields related to this contract**  |
| Permanent staff  |  |  |  |  |  |  |  |  |
| Other staff  |  |  |  |  |  |  |  |  |

Yours faithfully,

<Signature of authorised representative>

Name and position of authorised representative

**Declaration on honour on
exclusion criteria and selection criteria and on the 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 ‘economic operator’) | Full official name:Official legal form: Statutory registration number**:** Full official address: VAT registration number: (the ‘economic operator’) |

**I – Situations of exclusion**

|  |  |  |
| --- | --- | --- |
| declares that: | YES | NO |
| 1. **Grounds relating to criminal convictions (Art. 57(1) of Directive 2014/24/EU)**
 |
| 1. **Participation in a criminal organisation**

Has the economic operator itself or any person who is a member of its administrative, management or supervisory body or has powers of representation, decision or control therein been the subject of a conviction by final judgment for participation in a criminal organisation? As defined in Article 2 of Council Framework Decision 2008/841/JHA of 24 October 2008 on the fight against organised crime (OJ L 300, 11.11.2008, p. 42).  | [ ]  | [ ]  |
| 1. **Corruption**

Has the economic operator itself or any person who is a member of its administrative, management or supervisory body or has powers of representation, decision or control therein been the subject of a conviction by final judgment for corruption? As defined in 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, OJ C 195, 25.6.1997, p. 1, and in Article 2(1) of Council Framework Decision 2003/568/JHA of 22 July 2003 on combating corruption in the private sector (OJ L 192, 31.7.2003, p. 54). This exclusion ground also includes corruption as defined in the national law of the contracting authority (contracting entity) or the economic operator. | [ ]  | [ ]  |
| 1. **Fraud**

Has the economic operator itself or any person who is a member of its administrative, management or supervisory body or has powers of representation, decision or control therein been the subject of a conviction by final judgment for fraud? Within the meaning of Article 1 of the Convention on the protection of the European Communities' financial interests (OJ C 316, 27.11.1995, p. 48). | [ ]  | [ ]  |
| 1. **Terrorist offences or offences linked to terrorist activities**

Has the economic operator itself or any person who is a member of its administrative, management or supervisory body or has powers of representation, decision or control therein been the subject of a conviction by final judgment for terrorist offences or offences linked to terrorist activities? As defined in Articles 1 and 3 of Council Framework Decision of 13 June 2002 on combating terrorism (OJ L 164, 22.6.2002, p. 3). This exclusion ground also includes inciting or aiding or abetting or attempting to commit an offence, as referred to in Article 4 of that Framework Decision. | [ ]  | [ ]  |
| 1. **Money laundering or terrorist financing**

Has the economic operator itself or any person who is a member of its administrative, management or supervisory body or has powers of representation, decision or control therein been the subject of a conviction by final judgment for money laundering or terrorist financing? As defined in Article 1 (3), (4) and (5) of Directive (EU) 2015/849 of the European Parliament and of the Council of 20 May 2015 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, amending Regulation (EU) No 648/2012 of the European Parliament and of the Council, and repealing Directive 2005/60/EC of the European Parliament and of the Council and Commission Directive 2006/70/EC (Text with EEA relevance) | [ ]  | [ ]  |
| 1. **Child labour and other forms of trafficking in human beings**

Has the economic operator itself or any person who is a member of its administrative, management or supervisory body or has powers of representation, decision or control therein been the subject of a conviction by final judgment for child labour and 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 of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA (OJ L 101, 15.4.2011, p. 1).  | [ ]  | [ ]  |
| 1. **Grounds relating to the payment of taxes or social security contributions (Art. 57(2) of Directive 2014/24/EU)**
 |
| 1. **Payment of taxes**

Has the economic operator breached its obligations relating to the payment of taxes and has this breach been established by a judicial or administrative decision having final and binding effect in accordance with the legal provisions of the country in which it is established or with those of the Member State of the contracting authority?  | [ ]  | [ ]  |
| 1. **Payment of social security**

Has the economic operator breached its obligations relating to the payment social security contributions and has this breach been established by a judicial or administrative decision having final and binding effect in accordance with the legal provisions of the country in which it is established or with those of the Member State of the contracting authority? | [ ]  | [ ]  |
| 1. **Grounds relating to insolvency, conflicts of interests or professional misconduct (Art. 57(4) of Directive 2014/24/EU)**
 |
| 1. **Breaching of obligations in the fields of environmental, social and labour law**

Has the economic operator breached its obligations in the fields of environmental, social or labour law? As referred to for the purposes of this procurement in the relevant notice or the procurement documents or in Article 18(2) of Directive 2014/24/EU.  | [ ]  | [ ]  |
| 1. **Bankruptcy**

Is the economic operator bankrupt?  | [ ]  | [ ]  |
| 1. **Insolvency**

Is the economic operator the subject of insolvency or winding-up proceedings? | [ ]  | [ ]  |
| 1. **Arrangement with creditors**

Is the economic operator in an arrangement with creditors?  | [ ]  | [ ]  |
| 1. **Analogous situation to bankruptcy under national law**

Is the economic operator in any analogous situation to bankruptcy arising from a similar procedure under national laws and regulations?  | [ ]  | [ ]  |
| 1. **Assets being administered by liquidator**

Are the assets of the economic operator being administered by a liquidator or by the court?  | [ ]  | [ ]  |
| 1. **Business activities are suspended**

Are the business activities of the economic operator suspended?  | [ ]  | [ ]  |
| 1. **Agreements with other economic operators aimed at distorting competition** Has the economic operator entered into agreements with other economic operators aimed at distorting competition?
 | [ ]  | [ ]  |
| 1. **Guilty of grave professional misconduct**

Is the economic operator guilty of grave professional misconduct which renders its integrity questionable? Where applicable, see definitions in national law, the relevant notice or the procurement documents. | [ ]  | [ ]  |
| 1. **Early termination, damages or other comparable sanctions**

Has the economic operator shown significant or persistent deficiencies in the performance of a substantive requirement under a prior public contract, a prior contract with a contracting entity or a prior concession contract, which led to early termination of that prior contract, damages or other comparable sanctions?  | [ ]  | [ ]  |
| 1. **Serious misinterpretation**

Has the economic operator:1. been guilty of serious misrepresentation in supplying the information required for the verification of the absence of grounds for exclusion or the fulfilment of the selection criteria,
2. withheld such information, or
3. is not able to submit the supporting documents required pursuant to section IV of this declaration?
 | [ ]  | [ ]  |
| 1. **Undue Influence**

Has the economic operator undertaken to unduly influence the decision-making process of the contracting authority, to obtain confidential information that may confer upon it undue advantages in the procurement procedure or to negligently provide misleading information that may have a material influence on decisions concerning exclusion, selection or award?  | [ ]  | [ ]  |
| 1. **Other Grounds**
 |
| 1. **EIB Exclusion Policy**

Is the economic operator the subject of a current Exclusion Decision issued by the EIB which makes them ineligible for the award of contracts by the EIB? If so, please provide brief description: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | [ ]  | [ ]  |
| 1. **Sanctions**

Is the economic operator itself, or any person who is a member of its administrative, management or supervisory body or has powers of representation, decision or control therein, the target of a sanction or restrictive measure[[26]](#footnote-26) imposed or administered by: |  |  |
| 1. the European Union[[27]](#footnote-27); or
 | [ ]  | [ ]  |
| 1. the United States of America?
 | [ ]  | [ ]  |

**II – Conflict of Interest**

|  |  |  |
| --- | --- | --- |
|  | YES | NO |
| Is the economic operator aware of any **conflict of interest**\*, as indicated in national law, the relevant notice or the procurement documents 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 direct or indirect economic, financial, political or national affinity, family, emotional life or any other shared interest.*

**III – Remedial measures**

If the economic operator declares one of the situations of exclusion listed in sections I or II above, it can provide evidence to the effect that measures taken by the economic operator are sufficient to demonstrate its reliability despite the existence of a relevant ground for exclusion. Such measures, which will be reviewed by the contracting authority in light of Article 57 of Directive 2014/24/EU, 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 an annex to this declaration.

The provision of remedial measures does not apply to:

* point I.D (Other Grounds), except where a natural person who is a member of the economic operator’s administrative, management or supervisory body or has powers of representation, decision or control therein is the target of a sanction or restrictive measure, in which the case the economic operator may propose as a remedial measure that the natural person(s) concerned shall not be involved in the proposed contract, or
* during a period of exclusion from participation in procurement or concession award procedures imposed by a final judgment in the Member States where the judgment is effective.

**IV – Evidence upon request**

Upon request and within the time limit set therein, the contracting authority will require the economic operator to submit the following means of proof as evidence for the absence of grounds for exclusion declared in sections I and II of this declaration:

1. as regards point I.A (grounds relating to criminal convictions), the production of an extract from the relevant register, such as judicial records or, failing that, of an equivalent document issued by a competent judicial or administrative authority in the Member State or country of origin or the country where the economic operator is established showing that those requirements have been met; and
2. as regards point I.B (payment of taxes or social security contributions) and paragraphs (b) – (g) of point I.C (insolvency, conflicts of interests or professional misconduct), a certificate issued by the competent authority in the Member State or country concerned.

Where the Member State or country in question does not issue such documents or certificates, or where these do not cover all the cases specified in points I.A, I.B or in paragraphs (b) – (g) of point I.C, they may be replaced by a declaration on oath or, in Member States or countries where there is no provision for declarations on oath, by a solemn declaration made by the person concerned before a competent judicial or administrative authority, a notary or a competent professional or trade body, in the Member State or country of origin or in the Member State or country where the economic operator is established.

The economic operator is not required to submit the evidence if it has already been submitted for another procurement procedure with 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 economic operator 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.* |  |

**V – Exclusion Effect**

The contracting authority shall exclude the economic operator from participation in a procurement procedure if:

* the contracting authority has established by verification, or is otherwise aware, that the economic operator is in one of the situations listed in **sections I to II of this Declaration**, and
* in the case of sub-section ii of point I.D(b) (US Sanctions), (1) the proposed contract for which the economic operator is applying has a US Nexus,[[28]](#footnote-28) or (2) the sanction or restrictive measure in question is not in conflict with [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, and
* if any remedial measures are proposed in accordance with section III of this Declaration, such measures are not, to the satisfaction of the contracting authority, sufficient to demonstrate the economic operator’s reliability.

**[Section VI only to be included if documentary evidence concerning selection criteria is not to be provided together with the offer – otherwise DELETE]**

**VI – Selection criteria**

|  |  |  |  |
| --- | --- | --- | --- |
| 1. declares that the above-mentioned economic operator 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)]**

|  |  |  |  |
| --- | --- | --- | --- |
| 1. if the economic operator 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.
 | [ ]  | [ ]  | [ ]  |

**VII – Evidence for selection**

The signatory declares that the economic operator 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 economic operator 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 economic operator 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 economic operator 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

**Statement of exclusivity and availability[[29]](#footnote-29)
refERENCE CODE: <ta reference>**

I, the undersigned, hereby declare that I agree to participate exclusively with the tenderer < tenderer name > in the above-mentioned service tender procedure. I further declare that I am able and willing to work for the period(s) foreseen for the position for which my CV has been included in the event that this tender is successful, namely:

|  |  |  |
| --- | --- | --- |
| **From** | **To** | **Availability** |
| < start of period 1 > | < end of period 1 > | < full time/part time > |
| < start of period 2 > | < end of period 2 > | < full time/part time > |
| < etc > |  |  |

I confirm that I do not have a confirmed engagement[[30]](#footnote-30) as key expert in another EU/EDF/EIB-funded project or any other professional activity incompatible in terms of capacity and timing with the above engagements.

By making this declaration, I understand that I am not allowed to present myself as an expert to any other tenderer submitting a tender to this tender procedure. I am fully aware that if I do so, I will be excluded from this tender procedure, the tenders may be rejected, and I may also be subject to exclusion from other EIB tender procedures and contracts.

Furthermore, should this tender be successful, I am fully aware that if I am not available at the expected start date of my services for reasons other than ill-health, force majeure or, if applicable, a received confirmed engagement in one of the tenders mentioned below, the tenderer may be subject to exclusion from other EIB tender procedures and contracts and that the notification of award of contract to the tenderer may be rendered null and void.

Additionally I declare that I am not in a situation of conflict of interest or unavailability and commit to inform the Contracting Authority of any change in my situation.

[*If applicable:* For information I have signed a Statement of Exclusivity and Availability for the following tender(s):

|  |  |  |
| --- | --- | --- |
| **Tender reference** | **Submission deadline for the tender** | **Tendered engagement** |
| < tender reference > | < date > | < full time/part time > |
| < tender reference > | < date > | < full time/part time > |
| < etc > |  |  |

Should I receive a confirmed engagement I declare that I will accept the first engagement which is offered to me chronologically. Furthermore I will notify the tenderer and the Contracting Authority immediately of my unavailability. The consequence is that the tender, for which this Statement of Exclusivity and Availability is submitted, may be rejected.]

|  |  |
| --- | --- |
| **Name** |  |
| **Signature** |  |
| **Date** |  |

**ANNEX 2**

<Entity Letter Head>

**European Investment Bank (EIB)**

Mrs Simona Bovha

Head of Consultant Procurement and

Contract Management Division

SG/AS/CPCM

100 boulevard Konrad Adenauer,

L-2950 Luxembourg

**Subject: Letter of Undertaking**

**<AA operation reference code and title>**

Dear Sir/Madam

I, <Ms/Mr. name>, acting as <Position in the Entity placing its resources at disposal of the Tenderer>, declares that <name of the entity denomination> will provide its full support to <Name of the Tenderer> for the above-mentioned project to be contracted by the European Investment Bank.

In particular, for this invitation to tender, <the entity denomination > puts at the disposal of <Name of the Tenderer>:

*<The resources placed by the entity should be described below and can consist in: economic and financial data, professional capacity, specific references related to the technical capacity. This information will be included and consolidated in FORMAT FOR THE DECLARATION REFERRED TO IN POINT 7 OF THE TENDER SUBMISSION FORM to be submitted on the headed notepaper of the economic operator applying. The Contracting Authority should be able to identify clearly the resources of the entity>*

1. Financial data:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Financial data***Data requested in this table must be consistent with the selection criteria set in the Instructions to tenderers* | **Year n-2<**specify**>****EUR** | **Year n-1<**specify**>****EUR** | **Year n\*<**specify**>****EUR** | ***Year n+1<****specify****>******EUR*** |
| Annual turnover \*\*, excluding this contract |  |  |  |  |

\***Year n** = last year for which accounts have been closed.

\*\*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.

AND/OR

1. Staff resources

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Annual Manpower** | **2 Years before last year**<*specify*> | **Year before last year**<*specify*> | **Last year**<*specify*> | **Current year**<*specify*> |
|  | **Overall** | **Total for the relevant fields\*** | **Overall** | **Total for the relevant fields\*** | **Overall**  | **Total for the relevant fields**\* | **Overall** | **Total for the relevant fields\*** |
| Permanent staff\*\* |  |  |  |  |  |  |  |  |
| Other staff\*\*\* |  |  |  |  |  |  |  |  |
| Total |  |  |  |  |  |  |  |  |
| Permanent staff as a proportion of total staff (%) | % | % | % | % | % | % | % | % |

\*Manpower in fields related to this contract, corresponding to the specialisations identified in point 5.

\*\*Staff directly employed by the tenderer on a permanent basis.

\*\*\*Other staff not directly employed by the tenderer on a permanent basis.

AND/OR

(3) the entity denomination references presented in the Tender submission form for the above-mentioned project (reference titles could also be listed )

*The entity should explain when and in which conditions the support would apply.*

Consequently should this contract be awarded to the Firm/Consortium of which <name of the Tenderer> is a <leader/partner>, I confirm that the latter will benefit from the above-mentioned resources of the <entity denomination>.

Yours faithfully,

<Signature of authorised representative>

Name and position of authorised representative

**ANNEX 3**

**LIST OF PROPOSED EXPERTS:**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Name of expert** | **Function** | **Years of experience** | **Nationality** | **Educational background** | **Languages and degree of fluency**  |
|  |  |  |  |  |  |
|  |  |  |  |  |  |
|  |  |  |  |  |  |
|  |  |  |  |  |  |

|  |
| --- |
|  |
|  |
|  |
|  |
|  |
|  |

Curriculum vitae

**Proposed role in the project:**

1. **Family name:**
2. **First names:**
3. **Date of birth:**
4. **Nationality** <*please include only the information related to the citizenship*>**:**
5. **Education:**

|  |  |
| --- | --- |
| Institution(Date from - Date to) | Degree(s) or Diploma(s) obtained: |
|  |  |
|  |  |

1. **Language skills:** Indicate competence on a scale of 1 to 5 (1 - excellent; 5 - basic)

|  |  |  |  |
| --- | --- | --- | --- |
| Language | Reading | Speaking | Writing |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |

1. **Membership** **of professional bodies** <*please do not include information related to membership in the trade unions*>**:**
2. **Other skills:** (e.g. Computer literacy, etc.)
3. **Present position:**
4. **Years within the firm:**
5. **Key qualifications:** (Relevant to the project)
6. **Specific experience in the region:**

|  |  |
| --- | --- |
| Country | Date from - Date to |
|  |  |
|  |  |
|  |  |

1. **Professional** **experience**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Date from - Date to | Location | Company | Position | Description |
|  |  |  |  |  |
|  |  |  |  |  |
|  |  |  |  |  |
|  |  |  |  |  |

1. **Other relevant information (e.g., Publications)**
1. Country in which the legal entity is registered [↑](#footnote-ref-1)
2. Add / delete additional lines for consortium members as appropriate. **Note** that a sub-contractor is not considered to be a consortium member for the purposes of this Tender submission form. Subsequently, the data of the subcontractor must not appear in the data related to the economic, financial and professional capacity. If this tender is being submitted by an individual legal entity, the name of that legal entity should be entered as 'Leader' and all other lines should be deleted. **Any change in the identity of the Leader and/or any consortium members between the deadline for receipt of tenders indicated in the Instructions to tenderers and the award of the contract is not permitted without the prior written consent of the Contracting Authority. Infringement of this rule will lead to the exclusion of the tenderer from this tender procedure.** [↑](#footnote-ref-2)
3. Please see item 5 – *Selection criteria*, point 1) *Economic and financial capacity of the tenderer*, of the Instructions to tenderers. **Note** that the data included in the table will have to be proven by means of documentary evidence by the tenderer that will be awarded the contract. Natural persons have to prove their capacity in accordance with the selection criteria and by the appropriate means. [↑](#footnote-ref-3)
4. If this tender is being submitted by a consortium, the data in the table must be the sum of the data in the corresponding tables in the Declarations provided by the consortium members – see point 7 of this submission form (Declaration to be provided by each member of the consortium). [↑](#footnote-ref-4)
5. If the accounts of the legal entity(ies) are in a currency other than EUR and EUR equivalents are not included in the entity’s financial statements, the financial data to be provided in the table will be converted into EUR using the average InforEuro exchange rate for the respective financial year. In this case, the tenderer will indicate, in an endnote to the table, the start and end date of the financial year(s) and the exchange rate used for conversion. InforEuro monthly rates are available at the following website: <http://ec.europa.eu/budget/inforeuro/index.cfm?Language=en> [↑](#footnote-ref-5)
6. **Year n** = last year for which accounts have been closed for the tenderer (in case of a consortium, this will be the last year for which accounts have been closed for all members). Please remember to include in the table *the actual year* (*e.g. “*2009”) for which data is provided. [↑](#footnote-ref-6)
7. The gross inflow of economic benefits (cash, receivables, other assets) arising from the ordinary operating activities of the enterprise (such as sales of goods, sales of services, interest, royalties, and dividends) during the year. [↑](#footnote-ref-7)
8. If this tender is being submitted by a consortium, the data in the table above must be the sum of the data in the corresponding tables in the declarations provided by the consortium members – see point 7 of this submission form (Declaration to be submitted by each member of the consortium) [↑](#footnote-ref-8)
9. Corresponding to the relevant fields of specialisation identified in point 5 below. [↑](#footnote-ref-9)
10. Corresponding to the relevant fields of specialisation identified in point 5 below. [↑](#footnote-ref-10)
11. See footnote 9 above [↑](#footnote-ref-11)
12. See footnote 9 above [↑](#footnote-ref-12)
13. Staff directlyemployed by the tenderer on a permanent basis (i.e., under indefinite contracts) [↑](#footnote-ref-13)
14. Other staff not directlyemployed by the tenderer on a permanent basis (i.e., under fixed-term contracts) [↑](#footnote-ref-14)
15. Add / delete additional columns and/or rows as appropriate. If this tender is being submitted by an individual legal entity, the name of the legal entity should be entered as 'Leader' (and all other columns should be deleted) [↑](#footnote-ref-15)
16. Please see item 5 – *Selection criteria*, point 3) *Technical capacity of the tenderer* of the Instructions to tenderers. **Note** that the tenderer who will be awarded the contract will be requested to provide documentary evidence for the information included in this table, for those references which will be retained by the Contracting Authority as fulfilling the relevant selection criteria. [↑](#footnote-ref-16)
17. See applicable period under item 5 – *Selection criteria*, point 3) *Technical capacity of the tenderer* of the Instructions to tenderers [↑](#footnote-ref-17)
18. A project/assignment, for the purposes of this Submission Form, refers to **consultancy services** (*e.g.* services contracts). However, if the consultancy services have been provided within the framework of an investment, for instance, and no separate contract / agreement has been signed for these services, such references will only be used if the value and scope of the services provided can be clearly identified and supported by adequate documentary evidence. If this is the case, a mention in this regard should be included in the table under the “Detailed description of the project”. In the case of framework contracts (without contractual value), **only specific contracts** corresponding to assignments implemented under such framework contracts shall be considered, and only one such specific contract shall be included as one reference. [↑](#footnote-ref-18)
19. Where the projects referenced have been implemented by consortia comprising two or more of the members now associated as a consortium for this tender procedure, please indicate here the names of the respective members [↑](#footnote-ref-19)
20. **Value of the consultancy services provided**. This represents the final, certified value of these services (after the final payment has been made). If the contract has been concluded in a currency other than EUR and no EUR equivalent is provided in the contract documents, the value of the project shall be indicated in the respective currency and converted into EUR at the InforEuro exchange rate of the month when the final payment has been made. If this is the case, the tenderer will indicate, in an endnote to the table corresponding to such a reference, the exchange rate used and its value month. InforEuro monthly rates are available at the following website: <http://ec.europa.eu/budget/inforeuro/index.cfm?Language=en> [↑](#footnote-ref-20)
21. Where the projects referenced have been implemented by consortia comprising two or more of the members now associated as a consortium for this tender procedure, please indicate here the percentages carried out by each of the respective members [↑](#footnote-ref-21)
22. Please indicate the total number of staff/experts provided for the implementation of the project. Where the projects referenced have been implemented by consortia comprising two or more of the members now associated as a consortium for this tender procedure, include the total number of staff provided by all these members together. [↑](#footnote-ref-22)
23. The engagement of an expert is confirmed when such expert is committed to work as a key expert or equivalent under a signed contract financed by the EU general budget or the EDF or where he/she is a key expert in a tender which has received a notification of award. The date of confirmation of the engagement in the latter case is that of the notification of award to the Consultant. [↑](#footnote-ref-23)
24. The data provided in the table must belong to the legal entity providing the Declaration or, if the case, to this legal entity and to the entities from which a written undertaking is attached to the Tender submission form. In the latter case, care should be taken to ensure that the data belonging to the legal entity and that belonging to other entities can be easily identified, *e.g.* by including separate lines for the data belonging to each legal entity. See also footnotes 5 to 7 above. [↑](#footnote-ref-24)
25. The data provided in the table must belong to the legal entity providing the Declaration or, if the case, to this legal entity and to the entities from which a written undertaking is attached to the Tender submission form. In the latter case, care should be taken to ensure that the data belonging to the legal entity and that belonging to other entities can be easily identified, *e.g.* by including separate lines for the data belonging to each legal entity. See also footnotes 8 to 13 above [↑](#footnote-ref-25)
26. 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 (b). [↑](#footnote-ref-26)
27. 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-27)
28. “**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-28)
29. To be completed by all key experts [↑](#footnote-ref-29)
30. The engagement of an expert is confirmed when such expert is committed to work as a key expert or equivalent under a signed contract financed by the EU general budget or the EDF or where he/she is a key expert in a tender which has received a notification of award. The date of confirmation of the engagement in the latter case is that of the notification of award to the Consultant [↑](#footnote-ref-30)