



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR ENERGY

Deputy Director-General External policy & development of financial instruments
Acting Director Directorate A – Energy Policy

CALL FOR TENDERS

N° ENER/A3/2013-453-1

STUDY ON

**Introduction of a new underground mining technology at North-East
Coalfields in Assam, India**

TENDER SPECIFICATIONS

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1. INFORMATION ON TENDERING

1.1. Participation

Participation in this tender procedure is open on equal terms to all natural and legal persons coming within the scope of the Treaties and to all natural and legal persons in a third country which has a special agreement with the Union in the field of public procurement on the conditions laid down in that agreement. Where the Multilateral Agreement on Government Procurement¹ concluded within the WTO applies, the participation to the call for tender is also open to nationals of the countries that have ratified this Agreement, on the conditions it lays down.

1.2. Contractual conditions

The tenderer should bear in mind the provisions of the draft contract which specifies the rights and obligations of the contractor, particularly those on payments, performance of the contract, confidentiality, and checks and audits.

1.3. Joint tenders

A joint tender is a situation where a tender is submitted by a group of economic operators (consortium). Joint tenders may include subcontractors in addition to the joint tenderers.

In case of joint tender, all economic operators in a joint tender assume joint and several liabilities towards the Contracting Authority for the performance of the contract as a whole.

These economic operators shall designate one of them to act as leader with full authority to bind the grouping or the consortium and each of its members. It shall be responsible for the receipt and processing of payments for members of the grouping, for managing the service administration and for coordination. The composition and constitution of the grouping or consortium, and the allocation of the scope of tasks amongst the members, shall not be altered without the prior written consent of the Commission.

The tenderers should indicate in their offer whether the partnership takes the form of:

a) a new or existing legal entity which will sign the contract with the Commission in case of award

Or

b) a group of partners not constituting a new legal entity, who via a power of attorney, signed by an authorised representative of each partner (except the lead partner), designate one of the partners as lead partner, and mandate him as lead contractor to sign the contract with the Commission in case of award.

¹ See http://www.wto.org/english/tratop_E/gproc_e/gp_gpa_e.htm

1.4. Subcontracting

Subcontracting is permitted in the tender but the contractor will retain full liability towards the Contracting Authority for performance of the contract as a whole.

Tenderers must give an indication of the part of the services and proportion of the contract that they intend to subcontract.

Tenderers are required to identify subcontractors whose share of the contract is above 20%.

During contract execution, the change of any subcontractor identified in the tender will be subject to prior written approval of the Contracting Authority.

1.5. Content of the tender

The tenders must be presented as follows:

Part A: Identification of the tenderer (see section 1.6)

Part B: Evidence for exclusion criteria (see section 2.2)

Part C: Evidence for selection criteria (see section 2.3)

Part D: Technical offer (see section 2.5)

Part E: Financial offer (see section 2.6)

Part F: Power of attorney (for consortia only)

1.6. Identification of the tenderer: legal capacity and status

- The tenderer's identification form in **Annex 1** shall be filled in and signed by:
 - The tenderer (including any member of a consortium or grouping)
 - Subcontractor(s) whose share of the work represent more than 20% of the contract
- In order to prove their legal capacity and their status, all tenderers (including any member of a consortium of grouping) must provide a signed **Legal Entity Form with its supporting evidence**. The form is available on:
http://ec.europa.eu/budget/contracts_grants/info_contracts/legal_entities/legal_entities_en.cfm

Tenderers that are already registered in the Contracting Authority's accounting system (i.e. they have already been direct contractors) must provide the form but are not obliged to provide the supporting evidence.

- If it has not been included with the Legal Entity Form, tenderers must provide the following information
 - For legal persons, a legible copy of the notice of appointment of the **persons authorised to represent the tenderer** in dealings with third parties and in legal proceedings, or a copy of the publication of such appointment if the legislation which applies to the legal entity concerned requires such publication. Any

delegation of this authorisation to another representative not indicated in the official appointment must be evidenced.

- For natural persons, where applicable, a proof of registration on a professional or trade register or any other official document showing the registration number.

- The tenderer (only the leader in case of joint tender) must provide a **Financial Identification Form and supporting** documents. The form is available on: http://ec.europa.eu/budget/contracts_grants/info_contracts/index_en.cfm

2. EVALUATION AND AWARD

2.1. Evaluation steps

The evaluation is based on the information provided in the submitted tender. It takes place in three steps:

- (1) Verification of non-exclusion of tenderers on the basis of the exclusion criteria
- (2) Selection of tenderers on the basis of selection criteria
- (3) Evaluation of tenders on the basis of the award criteria (technical and financial evaluation)

Only tenders meeting the requirements of one step will pass on to the next step.

2.2. Exclusion criteria

All tenderers shall provide a declaration on their honour (see Annex 2), duly signed and dated by an authorised representative, stating that they are not in one of the situations of exclusion listed in the Annex 2.

The declaration on honour is also required for identified subcontractors whose intended share of the contract is above 20%.

The successful tenderer shall provide the documents mentioned as supporting evidence in Annex 2 before signature of the contract and within a deadline given by the contracting authority. This requirement applies to all members of the consortium in case of joint tender. In case of doubt on this declaration on the honour, the contracting authority may also request the evidence for subcontractors whose intended share of the contract is above 20%.

2.3. Selection criteria

Tenderers must prove their economic, financial, technical and professional capacity to carry out the work subject to this call for tender.

The tenderer may rely on the capacities of other entities, regardless of the legal nature of the links which it has with them. 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 an undertaking on the part of those entities to place those resources at its disposal.

2.3.1. Economic and financial capacity criteria and evidence

In order to prove their economic and financial capacity, the tenderer (i.e. in case of joint tender, the combined capacity of all members of the consortium) must comply with the following criteria:

- An average annual turnover of the last two financial years above € 300 000.

The following evidence should be provided:

- Copy of the profit & loss account for the last two years for which accounts have been closed,
- Failing that, appropriate statements from banks.

If, for some exceptional reason which the Contracting Authority considers justified, a tenderer is unable to provide one or other of the above documents, he or she may prove his or her economic and financial capacity by any other document which the Contracting Authority considers appropriate. In any case, the Contracting Authority must at least be notified of the exceptional reason and its justification in the tender. The Commission reserves the right to request any other document enabling it to verify the tenderer's economic and financial capacity.

2.3.2. Technical and professional capacity criteria and evidence

a. Criteria relating to tenderers

Tenderers (in case of a joint tender the combined capacity of all tenderers) must comply with the following criteria:

- The tenderer must prove experience
 - In the field of underground mining with at least 5 projects delivered in this field in the last three years.
 - Participation in studies and laboratory test concerning underground mining techniques and control systems.

b. Criteria relating to the team delivering the service:

The Project manager who will carry out the work must have proven experience of minimum 5 years in project management, including overseeing project delivery, quality control of delivered service, client orientation and conflict resolution experience in project of a similar size. He has to have experience in writing English texts for reports.

The expert (s) that will carry out the work must have a mining related engineering education and 4 years of professional experience in the field of underground mining technologies.

c. Evidence:

The following evidence should be provided to fulfil the above criteria:

- List and description of related activities carried during the past three years
- Publications of related work
- The educational and professional qualifications of the team which will provide the service for this tender (CVs). Each CV provided should indicate the intended function in the delivery of the service.

2.4. Award criteria

The tender will be awarded according to the best-value-for -money procedure. The technical quality of the tender will be evaluated based on the following criteria. The maximum total quality score is 100 points.

N°	Award Criteria	Weighting
1	Presentation of tender	10
2	Methodology to achieve the tasks: <ul style="list-style-type: none"> • Quality of overall proposed methodology, consultant's approach how to adapt EU techniques and experiences to Indian geological and geomechanical conditions will be thoroughly assessed , as well as content of the preliminary design's technical specifications of the of the mining operation, i.e. completeness etc.; • Another step is evaluation of the management of information in particular the compilation and review of data and the development of the numerical model; 	45

3	<p>Organisation of the work:</p> <p>This criterion will assess how the roles and responsibilities of the proposed team and of the economic operators (in case of joint tenders, including subcontractors if applicable) are distributed for each task. It also assesses the global allocation of time and resources to the project and to each task or deliverable, and whether this allocation is adequate for the work. The tender should provide details on the allocation of time and resources and the rationale behind the choice of this allocation.</p>	25
4.	<p>Quality control measures</p> <p>This criterion will assess the quality control system applied to the service foreseen in this tender specification concerning the quality of the deliverables, the language quality check, and continuity of the service in case of absence of the member of the team. The quality system should be detailed in the tender and specific to the tasks at hand; a generic quality system will result in a low score.</p>	20
Total number of points		100

Tenders must score above 60% for each criterion and sub-criterion, and above 70% in total. Tenders that do not reach the minimum quality thresholds will be rejected and will not be ranked.

After evaluation of the quality of the tender, the tenders are ranked using the formula below to determine the tender offering best value for money.

$$\begin{aligned}
 & \text{Score for tender } x = \\
 & \frac{\text{total quality score for award criteria for tender } x}{100} \text{ multiplied by } 60 \\
 + & \frac{\text{cheapest price}}{\text{price of tender } x} \text{ multiplied by } 40
 \end{aligned}$$

2.5. Technical offer

The technical offer must cover all aspects and tasks required in the technical specification and provide all the information needed to apply the award criteria. Offers deviating from the requirements or not covering all requirements may be excluded on the basis of non-conformity with the tender specifications and will not be evaluated.

This section is of great importance in the assessment of the bids, the award of the contract and the future execution of any resulting contract.

2.6. Financial offer

The price for the tender must be quoted in euro. Tenderers from countries outside the euro zone have to quote their prices in euro. The price quoted may not be revised in line with exchange rate movements. It is for the tenderer to assume the risks or the benefits deriving from any variation.

Prices must be quoted free of all duties, taxes and other charges, including VAT, as the European Union is exempt from such charges under Articles 3 and 4 of the Protocol on the privileges and immunities of the European Union. The amount of VAT may be shown separately.

The quoted price must be a fixed amount which includes all charges (including travel and accommodation/subsistence expenses i.e. "all inclusive"). Travel and accommodation/subsistence expenses are not refundable separately. This fixed price is used for the calculation of the formula under specified 2.4.

Indicative maximum price: 130 000 euro

3. TECHNICAL SPECIFICATIONS

3. 1. Introduction

India is aiming at an economic growth of 8-9 % in the next years to enable the reduction of the poverty problems that the country still has. Energy supply is one of the key factors in this process, as still in 2012 about 25 % of the population did not have access to electricity, especially in the rural areas. To achieve this goal, an increase of more than 30 % in primary energy supply will be required in the period 2012-2017, which is the one considered in the 12th Five Year Plan, produced by the Planning Commission of the Indian Government².

India does not have large domestic resources for electricity generation, and therefore a large part of the growth on energy production will be based on imports of oil, coal and petroleum products. In particular, coal imports are expected to grow in 66 % during the considered period, to a total of 90 Mtoe, making India one of the most important coal

² Twelfth Five Years Plan (2012-2017). Vol II, Economic Sectors. Government of India, Planning Commission.

importers in the world. The main reason for this is economic, as electricity generation from coal is cheaper than from any other resources, and for the Indian Government it is extremely important to keep electricity prices at low values, to remain affordable by all sectors of population. Security of supply is also an issue, as the international coal market is very stable and has multiple supply sources.

However, India has significant coal reserves, and there are plans to increase the domestic coal production, as this is the largest energy resource in the country, and it has a direct effect in the domestic economic activity and in the creation of jobs. This need is rather urgent, as the targets for coal production in the 11th Plan were not achieved for a number of reasons. The aim in the 12th Plan is to increase the domestic production from 540 Mt/year to 795 Mt/y.

This growth in coal production is mainly focused on underground mining, which today represents only 15 % of the total coal production in India, much less than in other coal producing regions. This trend is driven mainly by environmental reasons, as underground mines avoid the devastation and deforestation of big areas of land, the resettlements of communities and negative impacts on the natural environment and water resources³. This is particularly important in forest areas with high value biodiversity and endangered species, in which many Indian coal fields are located. There is also an objective for increasing productivity and safety in these mines, by means of introducing modern mining equipment, international practices, and Information and Communication Technologies.

3. 2.Purpose of the project

The proposed project is aligned with the above objectives, and aims at introduction new underground mining technology in a particular area of the North East Coalfield (NEC) division of Coal India Ltd.

Coal reserves in the North East of India include a total of 17 coalfields, located in hilly areas with high rain precipitation and numerous rivers and streams, and covered with tropical forests. Mining has been in operation in the area for a long time, but some of the mines are facing a number of geological difficulties that makes mining complicated when using conventional underground mining methods. Therefore mining in these coal fields has low productivity or is not possible and creates high safety and environmental risks.

The project will be focused in the Tipong Colliery, which is located in the area of Margherita, in the Assam state. The coal in this deposit has an excellent quality (low sulphur, coking coal) but the seams have a strong inclination, what makes mining with conventional underground techniques impossible.

³ Coal & Lignite Resources in India: Plan, Technology and Challenges (2012-2017).Government of India. Ministry of Coal. August 2011.

Currently there are three open cast mines operating in the area, but only one underground mine, the Tipong Colliery, which remains inactive due to the technical difficulties found to operate it in a safe and efficient way. The large land need of open cast mines and their negative environmental impact in a tropical forest area like Assam, has however raised a strong interest in further developing the underground operations, as a way to make use of the existing reserves. This is the way to satisfy the increasing coal demand, and keeping jobs, while reducing the footprint of the mining activity and maintain ecological communities and heritage sites. It has also to be mentioned that mining is the main industrial activity in the region, and it is therefore the most sustainable way to improve the social and economic development, if it is done according to best international practices in terms of safety, technology, and environmental protection.

However, underground mining of steep seams is not very common, as worldwide most mine projects focus on flat or low inclination seams (usually under 30°), using almost exclusively the “longwall” or “room and pillar” methods. These methods are not applicable in the Tipong conditions, due to the large thickness of the coal seams (up to 11 m) together with its inclination (up to 90° in some cases). The mining history in Tipong goes back to 1924, and along this period a number of alternative mining methods have been tested, with limited success until now in terms of productivity, safety, and degree of recovery of the coal deposit.

Nevertheless, similar coal seams are being exploited in some northern Spain mines, where the geological conditions are somehow similar to those in Tipong. The method used in Spain is called “sublevel caving”, and has enabled these mines to achieve good records in terms of productivity and safety, with a minimum requirement in capital investment. In the framework of the EU – India Energy Panel and its established Coal working group which co-chaired by the Indian Ministry of Coal and the European Commission Directorate for Energy the exchange the underground mining needs of India and technical exchange of experiences including a site visit of the Tipong mine in Assam took place⁴. This was followed by two visits of Indian experts to Spanish mines and one visit of Spanish experts to the Tipong area. The conclusion of this exchange is that the Sublevel Caving Method (SCM) is probably the best option for the development of underground mining in the Tipong area, and the experience at this site could be probably expanded later to other NEC deposits⁵.

There are however a number of technical issues that require a special consideration when transferring this technology to Tipong, the most important being the differences in the geomechanical characteristics of the rock strata above the coal seams, which in the case of

⁴ See the information on the EU- India cooperation and the EU India Clean Coal Working group meetings (programme, presentations, conclusion) on the ENER webpage: http://ec.europa.eu/energy/international/bilateral_cooperation/india_en.htm

⁵ Mining proposal for introduction of new mining technology at Tipong Mine of NEC, Margherita, Assam, India. Central Mine Planning & Design Institute Ltd. Jharkhand, India. August 2011.

Tipong is a quite soft rock. This may introduce some difficulties in the caving operation performance, that is likely to require the development of specific adaptations of the SCM for being applicable in India. Some concerns exist also about the use of explosives in coal seams, which may have some regulatory restrictions in India.

For this reason, and in order to reduce technical risks, the project has been planned in steps of increasing complexity. The first step, which is the specific objective of this proposal, will be to carry out of a “Feasibility Study” of the possibilities for the application of the SCM in the Tipong mine conditions. Further steps are described in the attached Mining proposal of the Central Mine Planning & Design Institute Ltd which should be involved with their expertise to carry out the study.

In this Feasibility Study the local conditions at the Tipong Colliery will be investigated in detail, and a preliminary design of the caving operation will be made. The specific tasks to be performed within this study are:

- a) Compilation and review of existing geological and geomechanical data at the Tipong area. Identification of additional data required. Collection of rock and coal samples.
- b) Geomechanical testing on samples at laboratory needed for the mining methods
- c) Development of a numerical model of the geomechanics of the caving voids and roadways, based on the specific Tipong parameters and results from lab tests.
- d) Review of the Indian regulations on methane control and the use of explosives in underground mines. Proposal for the application of a special permit if needed.
- e) Preliminary design of the mining operation, including the technical specification of:
 - Dimensions of roadways and caving blocks
 - Blasting design
 - Sequence of mining operations
 - Drilling and coal extraction equipment
 - Roadways and face support systems
 - Ventilation system at single-entry areas
 - Methane control and other safety aspects
 - Expected production level
 - Subsidence and consequences for surface water

3.3. Reports and documents to produce - Timetable to observe

Execution of the tasks begins after the date on which the Contract enters into force.

In principle, the deadlines set out below cannot be extended. The Contractor is deemed solely responsible for delays occasioned by subcontractors or other third parties (except for rare cases of *force majeure*). Adequate resources and appropriate organisation of the work including management of potential delays should be put in place in order to observe the timetable below.

*A **kick-off meeting** will take place in Brussels or will be done as a video(telephone)-conference, at the latest 20 days following the signature of the contract, in order to settle all the details of the study, report, etc... to be undertaken.*

*A **second meeting** will take place in Brussels or will be done as a video(telephone) conference at least 40 days after the submission of the progress report in order to enable the contracting parties to discuss the work accomplished. The contractor will have to take fully into consideration any suggestion made by the Commission.*

3.3.1. Progress report

The **progress report** showing progress of the work shall be submitted to the Commission at the latest 3 months after the date of signature of the contract.

3.3.2. Final report

The contractor will submit a final study report including the feasibility study to the Commission at the latest 7 months after the signature of the contract.

3.3.3. Report format and publication

3 copies of the reports shall be supplied in paper form and one copy in electronic form, either in MS Word or in HTML format.

3. 4. Duration of the tasks

The duration of the tasks shall not exceed **7 months**. This period is calculated in calendar days.

3. 5. Place of performance

The tasks will be performed on the Contractor's premises and India.

4. CONTENT, STRUCTURE AND GRAPHIC REQUIREMENTS OF THE FINAL DELIVERABLES

All studies produced for the European Commission and Executive Agencies shall conform to the corporate visual identity of the European Commission by applying the graphic rules set out in the European Commission's Visual Identity Manual, including its logo⁶.

The Commission is committed to making online information as accessible as possible to the largest possible number of users including those with visual, auditory, cognitive or physical disabilities, and those not having the latest technologies. The Commission supports the Web Content Accessibility Guidelines 2.0 of the W3C.

⁶ The Visual Identity Manual of the European Commission is available upon request. Requests should be made to the following e-mail address: comm-visual-identity@ec.europa.eu

For full details on Commission policy on accessibility for information providers, see: http://ec.europa.eu/ipg/standards/accessibility/index_en.htm

Pdf versions of studies destined for online publication should respect W3C guidelines for accessible pdf documents. See: <http://www.w3.org/WAI/GL/WCAG20-TECHS/pdf.html>

4.1. Content

4.1.1. Final study report including the feasibility study.

The final study report shall include:

- an abstract of no more than 200 words and an executive summary of maximum 6 pages, both in English and French;
- the following standard disclaimer:

“The information and views set out in this [report/study/article/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.”

- specific identifiers which shall be incorporated on the cover page provided by the Contracting Authority.

4.1.2. Publishable executive summary

The publishable executive summary shall be provided in both in English and French and shall include:

- the following standard disclaimer:

“The information and views set out in this [report/study/article/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.”

- specific identifiers which shall be incorporated on the cover page provided by the Contracting Authority.

4.2. Structure

The structure for the presentation of the feasibility study should be in accordance with the tender specification.

4.3. Graphic requirements

For graphic requirements please refer to the template available at Annex 4. The cover page shall be filled in by the contractor in accordance with the instructions provided in the template. For further details you may also contact comm-visual-identity@ec.europa.eu.

5. ANNEXES

1. Tenderer 's Identification Form
2. Declaration related to the exclusion criteria and absence of conflict of interest
3. Power of Attorney (mandate in case of joint tender)
4. Standard Word template for studies
5. Draft Contract
6. Mining proposal CMPDI India – August 2011

ANNEX 1

IDENTIFICATION OF THE TENDERER

(Each service provider , including any member of a consortium or grouping and subcontractor(s) whose share of the work is more than 20% of the contract must complete and sign this identification form)

Call for tender ENER/A3/2013/453-1

Identity	
Name of the tenderer	
Legal status of the tenderer	
Date of registration	
Country of registration	
Registration number	
VAT number	
Description of statutory social security cover (at the level of the Member State of origin) and non-statutory cover (supplementary professional indemnity insurance) ⁷	
Address	
Address of registered office of tenderer	
Where appropriate, administrative address of tenderer for the purposes of this invitation to tender	
Contact Person	
Surname:	
First name:	
Title (e.g. Dr, Mr, Ms) :	
Position (e.g. manager):	

⁷ For natural persons

Telephone number: Fax number: E-mail address:	
Legal Representatives	
Names and function of legal representatives and of other representatives of the tenderer who are authorised to sign contracts with third parties	
Declaration by an authorised representative of the organisation⁸ I, the undersigned, certify that the information given in this tender is correct and that the tender is valid.	
Surname: First name:	Signature:

⁸ This person must be included in the list of legal representatives; otherwise the signature on the tender will be invalidated.

ANNEX 2

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

(Complete or delete the parts in grey italics in parentheses)

[Choose options for parts in grey between square brackets]

The undersigned *(insert name of the signatory of this form)*:

in [his][her] own name *(for a natural person)*

or

representing the following legal person: *(only if the economic operator is a legal person)*

full official name:

official legal form:

full official address:

VAT registration number:

➤ declares that [the above-mentioned legal person][he][she] is not in one of the following situations:

- a) is bankrupt or being wound up, is having its affairs administered by the courts, has entered into an arrangement with creditors, has suspended business activities, is the subject of proceedings concerning those matters, or is in any analogous situation arising from a similar procedure provided for in national legislation or regulations;
- b) has been convicted of an offence concerning professional conduct by a judgment of a competent authority of a Member State which has the force of *res judicata*;
- c) has been guilty of grave professional misconduct proven by any means which the contracting authorities can justify including by decisions of the European Investment Bank and international organisations;
- d) is not in compliance with all its obligations relating to the payment of social security contributions and the payment of taxes in accordance with the legal provisions of the country in which it is established, with those of the country of the contracting authority and those of the country where the contract is to be performed;
- e) has been the subject of a judgement which has the force of *res judicata* for fraud, corruption, involvement in a criminal organisation, money laundering or any other illegal activity, where such activity is detrimental to the Union's financial interests;
- f) is a subject of an administrative penalty for being guilty of misrepresentation in supplying the information required by the contracting authority as a condition of participation in a procurement procedure or failing to supply this information, or having been declared to be in serious breach of its obligations under contracts covered by the Union's budget.

➤ *(Only for legal persons other than Member States and local authorities, otherwise delete)* declares that the natural persons with power of representation, decision-

making or control⁹ over the above-mentioned legal entity are not in the situations referred to in b) and e) above;

- declares that [the above-mentioned legal person][he][she]:
 - g) has no conflict of interest in connection with the contract; 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;
 - h) will inform the contracting authority, without delay, of any situation considered a conflict of interest or which could give rise to a conflict of interest;
 - i) has not granted and will not grant, has not sought and will not seek, has not attempted and will not attempt to obtain, and has not accepted and will not accept any advantage, financial or in kind, to or from any party whatsoever, where such advantage constitutes an illegal practice or involves corruption, either directly or indirectly, inasmuch as it is an incentive or reward relating to award of the contract;
 - j) provided accurate, sincere and complete information to the contracting authority within the context of this procurement procedure ;
- acknowledges that [the above-mentioned legal person][he][she] may be subject to administrative and financial penalties¹⁰ if any of the declarations or information provided prove to be false.

In case of award of contract, the following evidence shall be provided upon request and within the time limit set by the contracting authority:

For situations described in (a), (b) and (e), production of a recent extract from the judicial record is required or, failing that, a recent equivalent document issued by a judicial or administrative authority in the country of origin or provenance showing that those requirements are satisfied. Where the tenderer is a legal person and the national legislation of the country in which the tenderer is established does not allow the provision of such documents for legal persons, the documents should be provided for natural persons, such as the company directors or any person with powers of representation, decision making or control in relation to the tenderer.

For the situation described in point (d) above, recent certificates or letters 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 tenderer is liable, including for example, VAT, income tax (natural persons only), company tax (legal persons only) and social security contributions.

For any of the situations (a), (b), (d) or (e), where any document described in two paragraphs above is not issued in the country concerned, it may be replaced by a sworn or, failing that, a solemn statement made by the interested party before a judicial or administrative authority, a notary or a qualified professional body in his country of origin or provenance.

If the tenderer is a legal person, information on the natural persons with power of representation, decision making or control over the legal person shall be provided only upon request by the contracting authority.

Full name

Date

Signature

⁹ This covers the company directors, members of the management or supervisory bodies, and cases where one natural person holds a majority of shares.

¹⁰ As provided for in Article 109 of the Financial Regulation (EU, Euratom) 966/2012 and Article 145 of the Rules of Application of the Financial Regulation

ANNEX 3

POWER OF ATTORNEY

mandating one of the partners in a joint tender as lead partner and lead contractor

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 X, 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 X 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:
 - (a) All partners shall be jointly and severally liable towards the European Commission for the performance of the Contract.
 - (b) 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.
- 1) 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].
- 2) 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:
 - (a) The lead partner shall submit the tender on behalf of the group of partners.
 - (b) 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.
 - (c) 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: