CALL FOR TENDERS

Nº MOVE/E1/2013-365

Annual analyses related to the European Air Transport market

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 liability 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:

- The annual turnover of the last two financial years above € 100,000

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 applicable, evidence of professional risk indemnity insurance;

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 providing analysis in the field of air transport with at least five projects delivered in this field in the last three years with a minimum value for each project of € 50,000.

- The tenderer must prove experience of working in English language with at least five projects delivered in the last three years showing the necessary language coverage.

- The tenderer must prove capacity to draft reports in English.

- The tenderer must prove experience in producing structured analytical reports.

b. **Criteria relating to the team delivering the service:**

The team delivering the service should include, as a minimum, the following profiles:
**Project Manager:** At least three years' experience in project management, including overseeing project delivery, quality control of delivered service, client orientation and conflict resolution experience in project of a similar size (at least € 50,000) and coverage (geographical scope at least half of the one subject to this call for tender), with experience in management of team of at least three people.

Language quality check: at least two members of the team should have native-level language skills in English or equivalent, as guaranteed by a certificate or past relevant experience.

**Expert in air transport:** Relevant higher education degree and / or five years' professional experience in the field of air transport and minimum of three years' experience in producing structured reports on the basis of statistical analysis.

**Team for data collection/analysis:** collectively the team should have proven experience of three years in data collection techniques and three years in analysis related to air transport.

c. **Evidence:**

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

- List of relevant services provided in the past three years, with sums, dates and recipients, public or private. The most important services shall be accompanied by certificates of satisfactory execution, specifying that they have been carried out in a professional manner and have been fully completed;

- The educational and professional qualifications of the persons who will provide the service for this tender (CVs) including the management staff. 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 quality of the tender will be evaluated based on the following criteria. The maximum total quality score is 100 points.

- **Quality of the proposed methodology** (50 points - minimum threshold 60%)

  Sub-criterion 1.1 (30 points – minimum threshold 50%):

  This sub-criterion will assess the general methodology to come up with an in-depth understanding of the key-drivers of the growth and main barriers/constrains of the air transport industry.

  Sub-criterion 1.2 (20 points – minimum threshold 50%)

  This sub-criterion will assess the capacity to obtain and manage the required information (methodology to access required data, to handle possible consistency issues when using
multiple sources of data and to manage the required items to be collected, processed and/or analysed).

- **Organisation of the work** (30 points – minimum threshold 60%)

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.

- **Quality control measures** (20 points – minimum threshold 60%)

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.

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. A weight of 60/40 is given to quality and price.

\[
\text{Score for tender } x = \frac{\text{total quality score for award criteria for tender } x}{100} \times 0.6 + \frac{\text{price of lowest tender}}{\text{price of tender } x} \times 0.4
\]

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.

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 subsistence). Travel and subsistence expenses are not refundable separately.

3. TECHNICAL SPECIFICATIONS

- General background and (Internet based) reference documents

The European Commission has concluded since 1998 Annual reports as part of its function as an observatory of the European Air Transport Industry. The reports have highlighted developments on legislative and regulatory measures and covered analyses of capacity, traffic and financial performance of airlines and airports, as well as included topics such as air traffic control, environment, consumer issues and aircraft manufacturing.

The geographical scope of the reports has widened, and is widening, not only through the enlargement of the European Union but also through new mandates the Commission has got in the area of external relations.

The Commission wishes to further develop the reporting with a particular focus on the opening of markets to third countries as EU is extending its aviation policy beyond its borders. First, any bilateral agreements that are not in line with the freedom of operation deriving from the single market need to be revised to ensure legal certainty and to put all EU airlines on an equal footing for flights to countries outside the EU. Second, the EU is working to establish a common aviation area with neighboring countries in the Mediterranean and to the east. Third, the EU is setting up open aviation areas with other key international partners (see more at http://ec.europa.eu/transport/air/international_aviation/international_aviation_en.htm).

The reports should provide a clear status and observations the health and trends of the European Air Transport Industry vis-à-vis other major regions of the world and assess the effects of policy decisions on the European Air Transport Industry.

- General and specific objectives

The purpose of the Annual Reports is to provide the Commission with an in-depth understanding of the key market drivers of growth and the main barriers/constraints of the European air transport market and provide factual analysis of developments (regulatory and economic) in other regions of the world on issues which may affect the European air transport market; identifying the factors behind changes in trends and policies as well as their consequences.

Practically the contract is to carry out comprehensive analyses in the field of air transport industry by producing:

- Annual Reports for the years 2013, 2014 and 2015;
- Topical Reports during the period of the contract;
The geographical scope of the work shall cover all regions of the world with a special interest in an area comprising Member States of the European Economic Area (EEA), Candidate countries, Switzerland and markets, where open aviation agreements have been signed or initialised.

- **Tasks**

In the **Annual report** the contractor should present a clear structure including (as a minimum) following topics (marked with geographical coverage: ☑️ = worldwide, ☑️ = outside EU, ☑️ = EU):

- Traffic trends and structural developments of the airline industry (business models, alliances, consolidation, networks) of the main regions of the world (EU, North/South America, Asia, Middle East and Africa) together with the underlying drivers behind these trends and developments, including implications resulting from issues related to market liberalisation, competition, ownership and control, environment (such as climate change, volcanic ash clouds, extreme weather conditions), and social factors (such as strikes, political unrests).

- Traffic and financial results of main airlines/groupings (grouped in addition by the type of business model²) and airports by main world regions

- Dynamics in global regions in terms of influencing each other's markets, including anticipative behaviour, especially in relation to competitiveness of the industry and regulatory convergence

- Regulatory developments outside EU which may affect the European air transport market, including competition policy and passenger rights

- Environmental, Safety and Security issues outside EU

Intra-EU monitoring function on

- supply in terms of routes (weekly seats available and number of domestic, Intra-EU, Extra-EU routes) including the number of carriers by routes

- PSOs and regional routes benefiting from start-up aid

- delays and cancellations

The report shall, in accordance with the general delivery time, provide analysis and observations as an example on the trends and health of the industry vis-à-vis other major regions, highlighting the developments resulting from liberal aviation agreements with third countries, spotting the possible shortages on infrastructures and assessing the effects of policy decisions on the European Air Transport Industry.

Each Annual report shall be accompanied with a separate **summary report**. It includes an executive summary of the main developments included in the corresponding Annual Report and it is also included in the Annual Report itself as a first chapter.

The **Topical Reports** should include latest developments of the topics selected by the Commission during the period of the contract. The topics may cover items such as Airline

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² Network, low-cost, leasure/charter, regional
Alliances, Regulatory developments, Consumer rights, Aviation agreements, Ownership & Control and Safety.

A total pool of 100 person-days is proposed during this 3 year period for the production of Topical reports. The amount of person-days will be fixed in agreement with the Contractor once the topic has been chosen. Once the Topical report is delivered this fixed amount of person-days will be deducted from the total person-days in the pool.

During the contract the contractor should provide advice or background information related to the reports, and respond to spontaneous data requests by DG MOVE. The contractor is invited to propose a methodology to fulfil this function.

- **Input by the Contracting Authority**

The contractor is expected to develop a comprehensive framework for data collection, however the Commission's ICARE database on schedules (since 1989) and Eurostat data collections (for example on passengers and freight carried by air) may be used to complete any missing piece of information.

- **Intermediate outputs and deliverables**

  - Annual report 2013 shall be submitted to the Commission at the latest on October 2014.
  
  - Annual report 2014 shall be submitted to the Commission at the latest on October 2015.

The Commission will have 30 days to provide the Contractor with its comments.

- **Final output and deliverable**

  - Annual report 2015 shall be submitted to the Commission at the latest on October 2016.

Each Annual report shall be accompanied with a *summary report*.

- **Details on deliverables**

All Reports shall be written in English.

15 colour copies of the Annual reports together with the summary reports shall be supplied in paper form and a copy in electronic format (in MS Word and in pdf-format).

The Topical reports shall be supplied in electronic format only.

All *purchased datasets* should be made available electronically to the Commission.

- **General guidance on methodology**
The Annual Report should not merely be a "statistical compendium" nor an activity report.

- General delivery time and progress meetings foreseen with the Contracting Authority

The duration of the tasks shall not exceed 36 months. This period is calculated in calendar days.

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, at the latest 31 days following the signature of the contract, in order to settle all the details of the study, report, etc. to be undertaken.

Annual Report:

Each May (on a year following the reference year) a draft Annual report is to be submitted to the Commission. A meeting may be held in Brussels in order to enable the contracting parties to discuss the work accomplished and to discuss the Commission’s comments. The contractor will have to take fully into consideration any suggestion made by the Commission. The date of another meeting in Brussels may be agreed upon.

Each October (on a year following the reference year), after the submission of the draft final Annual Report, a meeting will be organised in Brussels to discuss the Commission’s observation and to set up a planning of following year’s report. The exact date will be agreed upon with the Contractor.

Topical Report:

The Topical reports should be available four weeks after the Commission has selected and communicated a topic of interest. Scope of the topic will be agreed with the Contractor.

The Commission shall have 10 days from receipt to approve or reject the report, and the Contractor shall have 10 days in which to submit additional information or a new report.

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 logo3.

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

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3 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
physical disabilities, and those not having the latest technologies. The Commission supports the Web Content Accessibility Guidelines 2.0 of the W3C.

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. Publishable Annual and Summary report

The final Annual report and the Summary report shall include:

- the following standard disclaimer:

  “The information and views set out in this report 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 Topical report

The publishable Topical report (publication to be decided depending on the topic) 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 Annual Report may follow, but is not obliged, the structure along the previous years’ reports at: http://ec.europa.eu/transport/modes/air/internal_market/observatory_market/annual_reports_en.htm

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
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 MOVE/E1/2013-365

<table>
<thead>
<tr>
<th>Identity</th>
<th></th>
</tr>
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<tbody>
<tr>
<td>Name of the tenderer</td>
<td></td>
</tr>
<tr>
<td>Legal status of the tenderer</td>
<td></td>
</tr>
<tr>
<td>Date of registration</td>
<td></td>
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<tr>
<td>Country of registration</td>
<td></td>
</tr>
<tr>
<td>Registration number</td>
<td></td>
</tr>
<tr>
<td>VAT number</td>
<td></td>
</tr>
<tr>
<td>Description of statutory social security cover (at the level of the Member State of origin) and non-statutory cover (supplementary professional indemnity insurance)(^4)</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Address</th>
<th></th>
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</thead>
<tbody>
<tr>
<td>Address of registered office of tenderer</td>
<td></td>
</tr>
<tr>
<td>Where appropriate, administrative address of tenderer for the purposes of this invitation to tender</td>
<td></td>
</tr>
</tbody>
</table>

| Contact Person                               |               |
| Surname:                                     |               |
| First name:                                  |               |
| Title (e.g. Dr, Mr, Ms) :                    |               |
| Position (e.g. manager):                     |               |

\(^4\) For natural persons
<table>
<thead>
<tr>
<th>Telephone number:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Fax number:</td>
<td></td>
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<tr>
<td>E-mail address:</td>
<td></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Legal Representatives</th>
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</thead>
<tbody>
<tr>
<td><strong>Names and function of legal representatives</strong> and of other representatives of the tenderer who are authorised to sign contracts with third parties</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Declaration by an authorised representative of the organisation$^5$</th>
</tr>
</thead>
<tbody>
<tr>
<td>I, the undersigned, certify that the information given in this tender is correct and that the tender is valid.</td>
</tr>
<tr>
<td><strong>Surname:</strong></td>
</tr>
<tr>
<td><strong>First name:</strong></td>
</tr>
</tbody>
</table>

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$^5$ 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 control\(^6\) 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 penalties\(^7\) 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.

\(^6\) This covers the company directors, members of the management or supervisory bodies, and cases where one natural person holds a majority of shares.

\(^7\) 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
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<tr>
<th>Full name</th>
<th>Date</th>
<th>Signature</th>
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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:
Standard Word template for studies
ANNEX 5

DRAFT CONTRACT