CALL FOR TENDERS

N° MOVE/DDG1/C/1-2012-403-1

TENDER SPECIFICATIONS
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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 Procurement\(^1\) 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](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](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](http://ec.europa.eu/budget/contracts_grants/info_contracts/index_en.cfm)

1. **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 € 90,000.

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 the field of access restriction schemes and website management with at least 1 project delivered in this field in the last three years with a minimum value of EUR 100,000.

- The tenderer must prove experience of working in 1 language (English) with at least 1 project delivered in the last three years showing the necessary language coverage.

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 5 years' experience in project management, including overseeing project delivery, quality control of delivered service, client orientation and conflict resolution experience in a project of a similar size (at least EUR 100,000) 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 3 people.
Language quality check: at least 1 member of the team should have native-level language skills in English or equivalent, as guaranteed by a certificate or past relevant experience.

Expert in urban mobility issues: Relevant higher education degree and / or 10 years' professional experience in the field of transport and mobility.

Team for data collection and website management: collectively the team of two people should have knowledge of native-level language skills in English or equivalent and proven experience of five years in data collection techniques.

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 (40 points – minimum threshold 60%)

  Approach and methodology for implementing the work.
• **Organisation of the work** (30 points – minimum threshold 60%)

Clear division of roles and responsibilities and allocation of tasks, appropriate work plan and time schedule.

• **Quality control measures** (30 points – minimum threshold 60%)

Risk analysis, identification of possible solutions, quality control of deliverables including accuracy of content of website and language quality check.

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. This may be calculated as follows:

\[
\frac{\text{total quality score for award criteria for tender}}{100} \times \frac{\text{multiplied by 60}}{\text{cheapest price multiplied by 40}}
\]

\[\text{price of tender x}\]

2.2. **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.

2.3. **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).

Maximum price: EUR 350,000.
2. TECHNICAL SPECIFICATIONS

General background and (Internet based) reference documents

The European Commission launches this invitation to tender with a view to concluding a contract with a service provider to implement and maintain a comprehensive Europe-wide information resource, publicly available, providing updated information on existing and planned urban vehicle access restriction schemes (ARS), in the form of a single window, starting in 2014.

An access restriction scheme is defined for the purpose of this document as an urban area where access is limited to an area by vehicle type, vehicle fuel, vehicle weight, vehicle emissions class, user, or by a charge.

Vehicle access restrictions in urban areas such as inter alia environmental zones, city tolls, congestion charging, etc. are spreading rapidly throughout Europe. As of 2008, over 70 cities and towns in different Member States had started or prepared 'environmental zones' and 'low emission zones'. In the EU Study on Urban Access Restrictions² published in December 2010, 417 cities in EU Member States (plus Iceland, Norway and Switzerland) were investigated to establish the presence of an access restriction scheme; and information was documented on around 320 access restriction schemes.

In December 2012, over 360 'low emission zones' were documented in EU Member States (plus Norway) via the Low Emission Zone in Europe Network (LEEZEN) project, co-funded by the European Commission. The results of the project may be consulted online: [www.lowemissionzones.eu](http://www.lowemissionzones.eu).

In view of the multitude of national, regional, and local regulations on vehicle access restrictions, the Commission raised the issue of harmonised rules for environmental zones in its Green Paper on Urban Mobility, with a view to possibly making a future proposal.

Access restrictions are implemented for a variety of different reasons including inter alia to reduce air pollution, traffic and noise or to improve road safety. One important driver for the introduction of access restrictions has been EU air quality legislation. Key was the reduction in maximum permissible limits on particulate concentration in ambient air through Directive 1999/30/EC. This Directive, adopted 22 April 1999, lowered the limit values considerably with effect from 1 January 2005. From that date, many cities in Europe rapidly came to breach the law, as they exceeded the limit value of 50 μg/m³ of particulate matter (PM-10) for more than 35 days a year. Air pollution from road traffic remains a significant problem in most EU Member States.

Urban vehicle access regulations are an important tool for optimising access in urban areas. But there is also the risk of creating a fragmented patchwork of urban areas with

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2 http://ec.europa.eu/transport/themes/urban/studies/urban_en.htm
new 'border lines' across Europe. In the Green Paper consultations, many stakeholders called for guidance and the development of harmonised rules at the EU level for urban Green Zones, in order to enable a wide use of such measures without creating disproportionate barriers to mobility for citizens and goods. It was also considered that harmonisation and interoperability of similar technologies could reduce costs for public authorities wanting to establish Green Zones.

The Study on Urban Access Restrictions (TREN/A4/103-2/2009) implemented within the framework of the Action Plan on Urban Mobility (Action 7 – Access to Green Zones) presented in December 2010 a comprehensive overview of existing and planned urban traffic access restriction schemes implemented in European cities. The study aimed to document the different access and enforcement rules and the methods of informing the public about these rules locally and EU-wide. It also provided an impact assessment on possible action at the EU level.

While the nature and functioning of the existing schemes are generally well documented, the study confirmed that the availability of data on the impact of the implementation of schemes is very limited, incomplete and in general of an episodic nature.

Many of the drivers, enablers and barriers experienced by cities that decide to implement an access restriction scheme are common to all types of scheme, irrespective of the specific objectives and features of the scheme itself.

A stakeholders' consultation which was held during the preparation of the study showed that access restriction schemes are seen as a powerful policy instrument by most stakeholder groups, and that their potential in addressing the major challenges of urban sustainability (notably air quality, congestion, but also the need to increase the share of non-motorized modes) is recognized as considerable.

Recommendations resulting from the study primarily focus on actions that the EU could undertake in order to make the most of the good practice developed in those EU cities that have already accrued a meaningful experience in the design, implementation and evaluation of schemes, notably including (i) the development of a harmonized guidance paper on access restriction schemes good practice that would support cities without prescribing standardized solutions, (ii) the establishment and maintenance of a single-window information resource on all access restriction schemes aspects, (iii) the funding of large access restriction schemes demonstrators.

In the 2011 Transport White Paper the European Commission has proposed that the use of conventionally fuelled cars in urban areas should be phased out by 2050, halved by 2030. Urban vehicle access restrictions are one key measure that can be used to achieve this goal.

National implementing legislation and local implementation of urban traffic access restrictions widely differ. Some completely exclude access to certain vehicles, whilst in other cases access is allowed upon payment of entrance fees, sometimes differentiated according to locally defined vehicle classification schemes. Some schemes apply all day, others only at certain times. The access criteria vary widely and use, inter alia:

- EURO pollutant emission standards
- Vehicle type
- Emission level of particulates only
- Equipment of a vehicle with a particulate filter (without control of actual emission level)
- Equipment of a vehicle with a catalytic converter
• Weight, with local classification schemes, different for different vehicle categories
• Age, differentiated by vehicle category
• Vehicle technology (petrol, diesel, natural gas, LPG, electric).

Access restriction criteria may often vary across different zones in a single country.

Enforcement is based on different methodologies and different technologies.

As well as the many variations in the schemes as they are currently implemented they also evolve differently over time.

Local vehicle access restrictions, however, should not discriminate between vehicles registered in different Member States. The Commission therefore expressed its concerns with respect to an increasingly complex situation in Europe's cities in the Green Paper "Towards a new culture for urban mobility", of 25 September 2007. It acknowledged the benefits of these actions. But it also highlighted the risk of creating a fragmented patchwork of urban areas with new 'border lines' across Europe.

As a follow-up to the 2011 Transport White Paper 'Roadmap to a Single European Transport Area', the European Commission intends to put forward an Urban Mobility Package in 2013 that will address initiatives 31, 32 and 33 of the White Paper.

Initiative 31 calls for establishing procedures and financial support mechanisms at the European level for preparing Urban Mobility Audits, as well as Urban Mobility Plans. Initiative 32 foresees the development of an EU framework for urban road user charging and access restriction schemes; while initiative 33 targets city logistics.

In parallel with the Urban Mobility Package and to explore the effectiveness of low emission zones, the European Commission is currently analysing the means for eco-innovative solutions to facilitate the implementation of low emission zones in Europe. One of the aims of the initiative is to support cities willing to implement a low emission zone that fulfils common European criteria. After assessing their potential, costs and benefits, the study will develop guidelines and requirements for a standardized “European City Pass” in line with the provisions of the Urban Mobility Package.

For the purpose of the current tender, it may be useful to refer to existing eco-innovative solutions highlighted by the ongoing DG Environment study on low emission zones to establish a comprehensive information resource.

**General and specific objectives**

The Study on Urban Access Restrictions notably includes a recommendation *'to establish a comprehensive information resource, publicly available, providing updated information on access restriction schemes, in the form of a single window'*. 

The current tender aims to respond to this recommendation by providing such an information resource.

Vehicle operators, representative organizations and driver discussion groups have also stressed the need for relevant information to be provided through a single source on access restriction schemes on an EU-wide basis, including accessibility criteria for vehicles, and necessary steps to gain access.
Information on access restriction schemes provided from a single website in a well-organised and user-friendly format will improve the accessibility of urban areas for passengers and freight. It will help to overcome the barriers resulting from varying and complex access restrictions. Furthermore, it will allow for the interoperability of information on access restriction schemes in order to support public and private transport mobility throughout Europe's urban agglomerations.

The sharing of information between the operators of access restriction schemes shall serve to provide a platform for intensified dialogue between authorities implementing access restriction schemes, including examples of best practice implemented elsewhere – thus facilitating the establishment of interoperable standards.

Stakeholders should be involved, to ensure targeted dissemination.

**Tasks**

The preparation and implementation of the activities will last for a period of 48 months. Geographically, the services to be delivered should cover the EU Member States, the EEA Member States (Norway, Iceland and Liechtenstein) as well as Croatia.

The following tasks shall be implemented, as a minimum requirement:

**Task 1 (During the first year of implementation)**

Establishment of a website during the first year of implementation, providing a single window for access to updated information on access restriction schemes, which shall be available to vehicle operators wishing to access these areas, and to members of the general public.

The website shall include:

- A comprehensive, user-friendly and regularly updated website of vehicle-dependent urban access restriction schemes (low emission zones, urban charging schemes, weight restriction schemes), including a database of such schemes.
- Translation into all official EU languages.
- Access to web-based payment or registration for access restriction schemes, where this exists.
- Background and supporting information on access restriction schemes (including local contact details/links).
- Provision of information on cities and towns that have implemented an access restriction scheme.
- Provision of information on cities and towns that have decided not to implement an access restriction scheme (where available).
- General and specific information regarding the evaluation (e.g. costs and benefits) and effectiveness of access restriction schemes, including guidance/reference documents for a standardized European low emission zone – currently being developed by the European Commission's DG Environment.
- Information on how to meet emission standards.

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3 This coverage area may be extended should additional countries join the Intelligent Energy Europe Programme.
- Updated list of all retrofits certified in EU.
- Full information on access restriction schemes in EU, with a harmonized, user-friendly format with easily-navigable links to further information.
- List of all access restriction schemes with their emission standards and dates, listed by, scheme type, country/city or by date.
- General background information on access restriction schemes.
- Information on the evolution of access restriction schemes over time.
- Categorisation of different types of access restriction schemes.
- Background on EU air quality limit values.
- Links to other relevant information sources.

Task 2

- Regular maintenance/updating/quality control of the website.
- Measures to promote the use of the website.

Task 3

- Involvement of stakeholders, including vehicle representative organizations and driver discussion groups.
- Consultation with the main stakeholders on local, regional, national, and EU level on the implementation of the tender.

Task 4

The website shall serve as a platform for intensified dialogue between authorities implementing access restriction scheme and provide, in particular:

- Reports from different access restriction schemes, from feasibility studies to monitoring reports. To include congestion charging, road pricing, cleaner constriction off-road vehicle schemes.
- Enforcement of foreign vehicles – how enforcement is currently implemented, compliance information, documents from different Member States, including retrofit certifications.
- FAQ section.
- Bulletin board to enable discussion between cities/ministries; questions to be asked/answered – to function as a platform for dialogue presenting summaries of previous discussions.
- Information bank with conclusions from discussion/bulletin board, etc.
- News and reports of access restriction schemes around Europe.
- Contact details of members.
- Comprehensive search function.
- Secretariat.

Task 5

- Reasonable updates and revisions shall be made to the website in order to support the implementation of the EC actions on urban mobility.
Task 6 (During the final year of implementation)

- Measures to ensure that the website becomes financially self-sustainable, where possible.

Input by the Contracting Authority

New EC actions on urban mobility (currently under preparation) shall be referred to during the implementation of the project.

Intermediate outputs and deliverables

An Inception Report shall be submitted to the Commission at the latest 15 days after the kick-off meeting.

A progress report showing progress of the work shall be submitted to the Commission at the latest 6 months after the date of signature of the contract (N+6 months).

A 2nd progress report showing progress of the work shall be submitted to the Commission at N+ 12 months.

3rd and 4th progress reports shall be submitted to the Commission annually, at the latest at N+ 24 months and N+ 36 months.

A draft final report shall be submitted to the Commission at the latest 46 months after the contract was signed.

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

Final output and deliverable

The contractor will submit a final report to the Commission at the latest 48 months after the signature of the contract.

The final report shall be in English. Four paper copies shall be submitted, and also an electronic version.

The end result will include:

- a high-quality website in excellent clear English, with competent translations into all official EU languages
- a platform for intensified dialogue between authorities implementing access restriction scheme as specified above (Task 4).

The duration of the tasks shall not exceed 48 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 1 month following the signature of the contract, in order to settle all the details of the work to be undertaken. An early draft of the inception report shall be provided by the contractor for discussion at this meeting.

A minimum of 4 subsequent review meetings shall be held with the European Commission in Brussels or at the project implementation site.

The final meeting shall be held in Brussels following the submission of the draft final report, to discuss the Commission's observations.

3. **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 logo⁴.

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](http://www.w3.org/WAI/standards-guidelines/wcag20/) 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](http://ec.europa.eu/ipg/standards/accessibility/index_en.htm)

4. **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. Draft Contract

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⁴ 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](mailto:comm-visual-identity@ec.europa.eu)
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/DDG1/C/1-2012-403-1**

<table>
<thead>
<tr>
<th>Identity</th>
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<tbody>
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<td>Name of the tenderer</td>
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<td>Legal status of the tenderer</td>
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<td>Date of registration</td>
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<td>Country of registration</td>
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<td>Registration number</td>
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<td>VAT number</td>
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<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)</td>
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<tr>
<th>Address</th>
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<tr>
<td>Address of registered office of tenderer</td>
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<tr>
<td>Where appropriate, administrative address of tenderer for the purposes of this invitation to tender</td>
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<tr>
<th>Contact Person</th>
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<tr>
<td>Surname:</td>
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<td>First name:</td>
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<td>Title (e.g. Dr, Mr, Ms):</td>
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<td>Position (e.g. manager):</td>
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<td>Telephone number:</td>
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5 For natural persons
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<td>E-mail address:</td>
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**Legal Representatives**

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<tr>
<th>Names and function of legal representatives and of other representatives of the tenderer who are authorised to sign contracts with third parties</th>
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**Declaration by an authorised representative of the organisation**<sup>6</sup>

I, the undersigned, certify that the information given in this tender is correct and that the tender is valid.

<table>
<thead>
<tr>
<th>Surname:</th>
<th>Signature:</th>
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<td>First name:</td>
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<sup>6</sup> 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

(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\(^7\) over the above-mentioned legal entity are not in the situations referred to in b) and e) above;

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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;

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acknowledges that [the above-mentioned legal person][he][she] may be subject to administrative and financial penalties\(^8\) 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.

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\(^7\) This covers the company directors, members of the management or supervisory bodies, and cases where one natural person holds a majority of shares.

\(^8\) 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:

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*To be filled in and signed by each of the partners in a joint tender, except the lead partner;*