CALL FOR TENDERS

N° MOVE/D2/2013-1014


TENDER SPECIFICATIONS
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1. INFORMATION ON TENDERING

1.1. Participation

The invitation was sent to 6 candidates but 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 contract provisions which specify 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 1.5)
- **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
  - 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 must provide a signed [Legal Entity Form with its supporting evidence](http://ec.europa.eu/budget/contracts_grants/info_contracts/legal_entities/legal_entities_en.cfm). The form is available on:


  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 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)

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%.

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 € 50,000

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 of working in English with at least 2 projects in the field of reporting related to shipbuilding and repair delivered in the last three years, showing also the capacity to draft reports in English.

- The tenderer must prove experience in survey techniques, data collection, statistical analyses and drafting recommendations.

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

The team delivering the service should include, as a minimum, the following profiles:
**Project Leader:** At least 5 years experience in project management, including overseeing project delivery, data collection, quality control of delivered service, client orientation and conflict resolution experience in project of a similar size (at least € 30,000) 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 2 people.

Language quality check: at least 1 member of the team should have proficiency level language skills in English or equivalent, as guaranteed by a certificate or past relevant experience.

**Team member:** Expert in Maritime transport issues, attested by a relevant higher education degree and / or 5 years' professional experience.

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, and also by an executive summary/abstract (two page maximum) of the projects, including reference to the survey techniques, data collection, statistical analyses used and recommendations made (if any);

- 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%)
  This criterion will assess the soundness and individual structural elements of the proposed approach, aiming at addressing the tasks described in the technical specifications. The proposed method will also be evaluated with a view to assessing its appropriateness and thorough viewing of the overall and specific objectives as described in the technical specifications.

- **Organisation of the work** (40 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 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. The contract will be awarded to the tender which offers the best ratio quality/price determined as follows:

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

### 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.

Estimated maximum price: EUR 59,000 (fifty-nine thousand euros).
3. TECHNICAL SPECIFICATIONS

General background

Flag administrations can often authorise classification societies to carry out surveys and inspections as required by SOLAS (regarding safety of life at sea) and MARPOL (related to the protection of marine environment). The classification society acting on behalf of the flag administration is known as Recognised Organisations (ROs). Each RO is accountable to the flag administration for the work that it carries out on the administration's behalf.

To ensure access of their products to the markets, marine equipment suppliers need to apply for certificates issued by different classification societies. However, they are currently required to comply with different sets of rules since private class rules are not harmonised.

For decades the absence of mutual recognition of class certificates between societies resulted in the need for re-certifications: in order to be able to compete on a global scale (and to have access to a wide range of ship-owners who select a classification society to supervise the construction of a ship), marine equipment suppliers were required to obtain, for the same piece of equipment, a certificate from several European Union Recognised Organisations attesting the conformity with very similar requirements and sometimes based on identical tests carried out at the same laboratories (which often happen to be the manufacturer's).

This problem was addressed during the negotiations of Regulation (EC) No 391/2009 (hereinafter referred to as "the Regulation") and while the matter of whether a product is to be certified by one or more classification societies is commercially important, it does not seem to be a major issue of safety.

The Regulation refers to common rules and standards for ship inspection and survey organisations. Article 10 places an obligation on EU ROs to harmonise their classification rules and set up a system of mutual recognition of their classification certificates for equipment, material and components. This largely mimics the philosophy of the New Approach to technical harmonization and standards\(^2\), as the problem to resolve (unjustified technical barriers) is of similar nature.

In particular, according to Article 10.1 of the aforementioned Regulation, "Recognised organisations shall consult with each other periodically with a view to maintaining equivalence and aiming for harmonisation of their rules and procedures and the implementation thereof. They shall cooperate with each other with a view to achieving consistent interpretation of the international conventions, without prejudice to the powers of the flag States. Recognised organisations shall, in appropriate cases, agree on the technical and procedural conditions under which they will mutually recognise the class certificates for materials, equipment and components based on equivalent standards, taking the most demanding and rigorous standards as the reference.

Where mutual recognition cannot be agreed upon for serious safety reasons, recognised organisations shall clearly state the reasons therefor."

Where a recognised organisation ascertains by inspection or otherwise that material, a piece of equipment or a component is not in compliance with its certificate, that organisation may refuse to authorise the placing on board of that material, piece of equipment or component. The recognised organisation shall immediately inform the other recognised organisations, stating the reasons for its refusal.


They shall provide the Commission and the Member States with periodic reports on fundamental progress in standards and mutual recognition of certificates for materials, equipment and components."

Moreover, according to Article 10.2 of the abovementioned Regulation, "The Commission shall submit a report to the European Parliament and the Council by 17 June 2014, based on an independent study, on the level reached in the process of harmonising the rules and procedures and on mutual recognition of certificates for materials, equipment and components."

After the Regulation was adopted, the EU ROs consulted with each other and set up the EU RO Mutual Recognition Group comprising representatives of each RO. The aim was to collectively work on the technical and procedural requirements and terms and conditions by which the classification certificates of appropriate types of materials, equipment and components could mutually be recognised. The EU ROs developed an approach for Type Approval of materials, equipment and components, based on commonly agreed safety considerations. Thus allowing the relevant classification Type Approval certificate of a piece of equipment, material and component intended for a ship, to be recognised by the EU RO classing the ship.

**General Objective**

The overall objective of this contract is to provide an analysis of the current state in the area of mutual recognition of classification certificates for marine materials, equipment and components, in a form of a study as mentioned in Article 10.2 of the Regulation. The study will assist the Commission in its assessment of various aspects of the level reached by the EU ROs in the process of harmonising of their rules and procedures and of the Mutual Recognition of their certificates for materials, equipment and components.

Ultimately, the study should provide a detailed report of the progress achieved so far on the implementation of the agreed Mutual Recognition scheme. This study will aim to clarify whether the Mutual Recognition scheme is having a real impact on safety, market access and cost, and assess the need for mutual recognition in practice for the efficient functioning of the market for marine materials, equipment and components. It should investigate whether for some areas the proposed scheme is working (if this is the case) and if there are profound reasons why it would not work in certain other areas. Last but not least the study should focus on the steps that have already been taken and indicate what can be done to further improve the Mutual Recognition scheme in a foreseeable future.

**Specific Objectives**

The aspects targeted in the study are the following:
• Introduction to the scheme developed by the EU RO Mutual Recognition Group.

• Technical/Safety considerations to be taken into account for marine equipment, materials and components.

• Impact on cost, time effectiveness and administrative burden for the marine equipment manufacturers and any other stakeholders involved.

• Competition, market access and commercial aspects for the marine equipment manufacturers and any other stakeholders involved.

Tasks

The study comprises the following tasks:

1. Provide a factual description of the proposed scheme by the EU RO Mutual Recognition Group and its impact on the development of private classification rules and standards/procedures, accompanied by an analysis of the scheme's compliance with the Regulation.

2. Assess the safety impact (positive and negative) of the proposed scheme as well as cases where the following sentence of Article 10.1 is applicable: "Where mutual recognition cannot be agreed upon for serious safety reasons, recognised organisations shall clearly state the reasons therefor."

3. Describe the impact of the developed scheme on the cost effectiveness, time effectiveness and administrative burden; highlight changes incurred due to the introduced scheme on the three aforementioned areas (cost, time, bureaucracy) - if any - and evaluate their impact.

4. Examine how the developed scheme impacts on competition between EU ROs respective marine equipment manufacturers, as well as on market access and commercial issues.

5. Present and assess the timeline followed so far for the two (and the third that has been announced) tiers of products that qualify for the agreed EU RO mutual recognition scheme. Elaborate whether additional appropriate products from the Type Approval category should further be included in the scheme. Consider if additional classification categories other than Type Approval, with their relevant Tiers of products, should be included in the mutual recognition scheme.

6. Compile opinions, views and expectations (met/unmet) of the stakeholders (EU ROs, manufacturers, ship owners and shipyards) involved in this process. Examine whether there was enough opportunity for the stakeholders to provide their opinion on the developed scheme.

7. Investigate how the harmonisation of voluntary classification certification requirements has been achieved in practice and examine whether the EU ROs have chosen the most robust way to assess safety criticality based on which they proposed this scheme.

8. Assess the extent to which the Industry has used the mutually recognised certificate so far. Interact with companies that have applied for and/or obtained such certificates to gain an insight of the entire procedure, based on their positive or
negative experience (e.g. in the form of a case-study to identify the functioning of the developed scheme in practice). Present their views and observations on the current scheme and draw parallels to the previous scheme, while elucidating legal and contractual arguments, technical aspects and liability issues.

**Input by the Contracting Authority**

After the selection process, the Commission services will provide the successful contractor with access to the following documents:

- The EU ROs: First report to the European Commission and the Member States (Oct 2012); supplement No1 to First report to the European Commission and the Member States (July 2013); joint report on the SEA Europe and the EU ROs joint workshop on mutual recognition of certification under Article 10 of the Regulation (August 2013).
- SEA Europe: reporting on the analysis of the feedback received through the mutual recognition study questionnaire.

**Intermediate outputs and deliverables**

A kick-off meeting should take place not later than 15 days after the entry into force of the contract in order to settle all the details of the work to be undertaken. Preparatory documents for the kick-off meeting are to be delivered to the Commission’s services three working days before the kick-off meeting. These preparatory documents shall include a draft meeting agenda, study objectives, a description of the methodology including resources and timetable of the work to be carried out, data collection methodology and approach, data collection tools as well as lists of contacts to be surveyed or interviewed (subject to further refinement during kick-off meeting and during the implementation of the study). The preparatory documents must follow the current Tender Specifications. Additional tasks can be introduced during the kick-off meeting. The Contractor will produce minutes of the kick-off meeting within five calendar days after the kick-off meeting.

A progress report showing progress of the work shall be submitted to the Commission at the latest three months after the entry into force of the contract. The progress report shall contain an executive summary. The interim payment referred to in Article I.4.1 of the contract is linked to this report.

**Final output and deliverable**

A draft version of the final study report containing an executive summary will be submitted to the Commission at the latest six months after the entry into force of the contract. The Commission will have 1 month to provide the contractor with its comments.

The contractor may request a meeting with the Commission to be held in Brussels within 2 weeks of reception of the Commission observations.
The final study report taking into account the comments from the Commission will be submitted at the latest eight months after the entry into force of the contract.

All reports shall be drafted in English and be proof-read by a native or native-equivalent speaker. The reports shall be supplied in electronic format (in MS Word).

The duration of the tasks shall not exceed eight 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 above 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.

The Commission may publish the results of the study. For this purpose, the Contractor must ensure that the study is not subject to any restrictions deriving from intellectual property rights of third parties. Should the tenderer intend to use data in the study, which cannot be published, this must be explicitly mentioned in the offer.

Any results or rights, including copyright and other intellectual or industrial property rights, obtained in performance of the contract, shall be owned solely by the European Union.

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 logo. 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/GL/WCAG2.0-TECHS/pdf.html) 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)

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](http://www.w3.org/WAI/GL/WCAG20-TECHS/pdf.html)

4.1. **Content**

4.1.1. Final study report

The final study report shall include:

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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](mailto:comm-visual-identity@ec.europa.eu)
- an abstract of no more than 200 words and an executive summary of maximum 6 pages in English;

- 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 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.

### 5. ANNEXES

1. Tenderer’s Identification Form

2. Declaration related to the exclusion and selection criteria and absence of conflict of interest

3. 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/ENER/SRD xx/xxxx-xx**

<table>
<thead>
<tr>
<th>Identity</th>
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<tbody>
<tr>
<td>Name of the tenderer</td>
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<tr>
<td>Legal status of the tenderer</td>
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<tr>
<td>Date of registration</td>
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<tr>
<td>Country of registration</td>
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</tr>
<tr>
<td>Registration number</td>
<td></td>
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<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)</td>
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</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>
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<tr>
<td>Where appropriate, administrative address of tenderer for the purposes of this invitation to tender</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Contact Person</th>
<th></th>
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</thead>
<tbody>
<tr>
<td>Surname:</td>
<td></td>
</tr>
<tr>
<td>First name:</td>
<td></td>
</tr>
<tr>
<td>Title (e.g. Dr, Mr, Ms):</td>
<td></td>
</tr>
<tr>
<td>Position (e.g. manager):</td>
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</tbody>
</table>

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4 For natural persons
<table>
<thead>
<tr>
<th>Telephone number:</th>
<th></th>
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<tbody>
<tr>
<td>Fax number:</td>
<td></td>
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<tr>
<td>E-mail address:</td>
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<table>
<thead>
<tr>
<th><strong>Legal Representatives</strong></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>
<tr>
<td><strong>Declaration by an authorised representative of the organisation</strong>[^5]</td>
</tr>
</tbody>
</table>

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></th>
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</thead>
<tbody>
<tr>
<td>First name:</td>
<td></td>
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<tr>
<td><strong>Signature:</strong></td>
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</tr>
</tbody>
</table>

[^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
with respect to
the 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.

Full name  Date  Signature

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\(^6\) 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