



**EUROPEAN COMMISSION**  
DIRECTORATE-GENERAL FOR MOBILITY AND TRANSPORT  
Directorate B-European mobility network

## **CALL FOR TENDERS**

N°MOVE/B2/2013-825

STUDY ON

Measuring and upgrading the clearance gauges of railway lines

# **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 Procurement<sup>1</sup> 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.

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<sup>1</sup> 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 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)

## **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 € 2,000,000

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 has to include at least:

- A rail-road intermodal operator or at least one major shipper of potential rail freight
- A company or in-house entity of an infrastructure manager specialised on measuring and processing measured clearance gauge data
- Two or more rail infrastructure managers
- Railway undertakings active in freight transportation
- Project coordinator

The tenderer must prove experience in the field of

1. Intermodal rail-road operation of at least 1,000 containers carried by rail across borders a year.
2. Clearance gauge measurement at speeds of at least 40 km/h according to the specifications of an infrastructure manager and of the European Railway Agency. The measurement company must have measured clearance gauges of lines at a length of at 500 km during each of the previous three years.
3. Railway undertaking active in international freight transport
  - The tenderer must prove experience of working in two languages (**one of them being English**) with at least 3 projects delivered in the last three years showing the necessary language coverage.
  - The tenderer must prove capacity to draft reports in English and the languages of the infrastructure managers.
  - The tenderer must prove experience of working in 5 EU countries with at least 3 projects delivered in the last three years, the combination of which must show the necessary coverage.
  - The tenderer must prove experience in survey techniques, data collection, statistical analyses and drafting reports and recommendations.
  - The tenderer must have measured and processed measured data at a level of detail and precision that allows enhancing clearance gauge information and codifications of railway lines.
  - The tenderer must present at least two railway links crossing internal or external borders of the EU for clearance gauge enlargement. The intermodal operators, railway undertakings and/or shippers must demonstrate that an enlarged clearance gauge would attract additional transport volumes by rail of at least 100,000 TEU or an equivalent of bulk tonnage.

**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 of 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 € 200,000) 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 5 from people from different countries.

Language quality check: at least 5 members of the team should have native-level language skills in English and good knowledge of at least 5 different main other EU official languages or equivalent, as guaranteed by a certificate or past relevant experience.

Two experts in civil engineering of rail infrastructure: Relevant higher education degree and 5 years of professional experience in the field of design, feasibility studies and cost/benefit analyses for this type of projects, meeting the requirements for applications under EU cohesion and TEN-T funds.

Team for market studies: collectively the team of 3 people should have knowledge of 5 main EU official languages and proven experience of 3 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** (60 points – minimum threshold 60%)

Sub-criterion 1.1 (10 points - minimum threshold 50%): **Assessment of clearance gauge information and enhancement** – how the tenderer proposes to assess existing clearance gauge information systems and procedures requesting enhanced clearance gauges.

Sub-criterion 1.2 (10 points - minimum threshold 50%): **Transport volumes** - how the tenderer proposes to get confirmation for at least two different corridors in terms of the potential volumes they would attract if a larger clearance gauge could be set, notably how he intends to carry out the market study. A third or fourth corridor presents an advantage.

Sub-criterion 1.3 (20 points - minimum threshold 50%): **measurement campaign**: how the tender proposes to carry out the gauge measurement on each of the corridors, meeting the requirements of the infrastructure manager and safety authority for enhancing a clearance gauge.

Sub-criterion 1.4 (10 points - minimum threshold 50%): **Revision procedure** - how the tenderer proposes to elaborate, design and structure the revision of a line codification, ensuring that it can be applied on other railway lines after the end of this study.

Sub-criterion 1.5 (10 points - minimum threshold 50%): **Gauge enlargement programme** - how the tenderer intends to prepare the application for infrastructure projects to implement a gauge enlargement, notably as regards the feasibility study and the cost benefit analysis..

- **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** (10 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, 50% for each 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 70/30 is given to quality and price.

e.g.

Score for tender  $x$  =

$$\frac{\text{total quality score for award criteria for tender } x}{100} \text{ multiplied by } 70$$

$$+ \frac{\text{cheapest price}}{\text{price of tender } x \text{ } 100} \text{ multiplied by } 30$$

## 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.

Maximum price: €1,000,000

### **3. TECHNICAL SPECIFICATIONS**

Railway lines are codified according to their ability to accommodate different trains in terms of train weight, length, axle load, loading gauge, etc. Once infrastructure managers have fixed and published these parameters, they are normally not updated though vehicle technology and customer needs are subject to change. There is no legal obligation for infrastructure managers to regularly revise the codifications and investigate possibilities to apply enhanced parameter levels. Revising the codifications is often connected with the need to carry out physical measurements on the lines concerned.

If revised at all, it is normally on the initiative of an interested railway undertaking or intermodal operator, who also incurs the costs of upgrading jointly with the infrastructure manager. The initiator of a re-codification (railway undertaking or intermodal operator) does not only take the risk that the revision does not lead to the desired change of the parameter, but, if successful, that also competitors benefit from such a change.

Thus, there is a need that the infrastructure manager, in the function of a system manager, also assesses the need of revising the line codifications and the need of upgrades with a view to overall network performance.

The main objectives of the study are the following:

1. Transparency on the access conditions of railway lines and facilities: Prompt, user-friendly and reliable information on clearance gauges at low cost through and at the legal conditions of network statements, corridor documents and infrastructure registers.
2. Attract additional traffic for rail, including for services with special needs eg regarding the containers or the load sizes.
3. Facilitate the use of lines by vehicles built according to standard gauges and exploit economies of scale of designing and constructing vehicles by giving them access to a larger network.
4. Remove obstacles to market entries and discriminatory potential presented by removing unnecessary restrictions in terms of clearance gauges.
5. Strengthen demand oriented infrastructure development, including the best use of public funds for infrastructure development.

The main achievement of the envisaged study is to develop a best-practice guide concerning administrative and practical procedures for the revision of line codifications, outlining the role and tasks of different market actors, with a view to achieve an upgrading of line characteristics on selected lines in a pilot application of these procedures.

The guide should provide information on the procedure to apply for enhancement of clearance gauges, the participation of the different stakeholders, the implementation of measurements in accordance with the requirements of the infrastructure manager, TSIs and, where appropriate, national rules, and the preparation of a feasibility study and a cost-benefit analysis to prepare for the civil engineering works of enhancing the gauge.

The contractor should carry out the following tasks:

1. Assessment of existing clearance gauge information systems of at least six different main EU infrastructure managers and at least three different facility operators regarding their:
  - a. User friendliness relative, where railway undertakings and other authorised applicants and vehicle manufacturing and leasing industry shall be taken into account.
  - b. Time to response when clearance gauge data are not completely provided in the network statement, the register of infrastructure or the corridor document, including the support tools provided (web based data, access restrictions, paper based information).
  - c. Charges levied from users for getting clearance gauge information.
  - d. Completeness of the network statement, register of infrastructure and corridor document.
  - e. Role of line codifications as sole or supplementary source of information.

On the basis of this assessment and consultation of stakeholders, the tenders shall provide recommendations for EU policy making.

2. Assessment of procedures to measure and enhance clearance gauge information: The tender shall consult users that submitted such requests in at least five different cases in the past five years. The assessment shall cover the reasons which triggered the measurement and/or gauge enhancement, the way these measures were financed, the procedures applied and the role of the regulatory body and the safety authority. On the basis of this assessment and consultation of stakeholders, the tenders shall provide recommendations for EU policy making and for rules on regular or incidence driven revisions of line codifications/line parameters.
3. Market study in accordance with the requirements of market studies for European rail freight corridors under Regulation 913/2010/EU. Consultation of railway undertakings, forwarders, shippers, ports active on potential gauge enlargement links on the need to review line codifications and/or carry out improvements of line parameters. This shall result in the selection of two to six gauge enlargement links jointly with industrial partners to validate the procedures, including the operation of measurement trains/test trains.
4. Definition of necessary procedures and requirements to request, plan and implement revisions of line codifications in cooperation between the infrastructure manager and the requesting party (usually a railway undertaking or intermodal operator); Definition of one to three target gauges to which a rail freight link is to be enlarged.
5. Propose a structure and harmonised rules for national support programs to upgrade certain line parameters beyond legal minimum requirements with a view to optimise network performance and reap economies of scale. Such support programs should seek to involve an appropriate level of co-financing by the interested parties, e.g. railway undertakings or intermodal operators.

#### **- Intermediate outputs and deliverables**

A first progress report on the market study and the planning of the measuring runs shall be submitted to the Commission at the latest 4 months after the date of signature of the contract.

A 2nd progress report will set out the completed measurement campaign and the different gauge enlargement scenarios shall be submitted to the Commission at the latest 16 months after the date of signature of the contract.

A 3rd progress report providing (1) the assessment and recommendations relative to the clearance gauge information systems, (2) the measurement and gauge enhancement procedures, (3) the feasibility study setting out the gauge enlargement measures on the links for one to three gauge enlargement scenarios and (4) a cost/benefit analysis about the gauge enlarging measures in accordance to standards set by the EU regional and cohesion funds shall be submitted to the Commission at the latest 20 months after the date of signature of the contract.

#### **- Final output and deliverable**

The final report shall include the best practice guide, Power Point presentation of the best practice guide and the report covering the all other results of the above tasks, notably the policy recommendations.

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

The contractor will submit the final study report to the Commission at the latest 22 months after the signature of the contract.

**- Performance and quality requirements:** The measurement data shall be collected to meet the requirements of the infrastructure managers and the European Railway Agency established under the Register for rail infrastructure. The data must allow the infrastructure manager to enlarge the clearance gauge with the approval of the national safety authority.

**Final output and deliverable** will consists of the final report (in Microsoft Word and PDF format), PowerPoint presentations made, and any contribution from stakeholders received by the contractor. The deliverables shall be in English. The contractor will submit the final study report to the Commission **at the latest 22 months** after the signature of the contract. In addition to the electronic version, 4 paper copies of the study shall be provided. The measurement company shall make available all measurement data without restrictions to the infrastructure manager.

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

The duration of the tasks shall not exceed 24 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 incurred by subcontractors or other third parties (except for rare cases of *force majeure*). Adequate resources and appropriate organisation of the work including the management of potential delays should be put in place in order to observe the timetable below.

### **3.7. Meetings**

A kick-off meeting will take place in Brussels, at the latest 20 days following the signature of

the contract, in order to settle all the details of the study, reports and meetings to be undertaken.

Additional meetings shall take place in Brussels after the submission of the first, the second, and the third progress report. The contractor shall draft the minutes of these meetings.

One meeting per selected freight link will be organised, involving infrastructure managers, safety authorities, freight corridor managers, etc. Following the submission of the draft final study report, a meeting will be organised in Brussels to discuss the Commission's observation. The exact date will be agreed upon with the Contractor.

#### **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<sup>2</sup>.

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

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>

#### **4.1. Content**

##### **4.1.1. Final study report**

The final study report shall include:

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

*“The information and views set out in this [report/study/article/publication...] are those of the author(s) and do not necessarily reflect the official opinion of the Commission. The Commission does not guarantee the accuracy of the data included in this study. Neither the Commission nor any person acting on the Commission’s behalf may be held responsible for the use which may be made of the information contained therein.”*

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<sup>2</sup> 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)

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

#### **4.1.2. Publishable executive summary**

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

- the following standard disclaimer:

*“The information and views set out in this [report/study/article/publication...] are those of the author(s) and do not necessarily reflect the official opinion of the Commission. The Commission does not guarantee the accuracy of the data included in this study. Neither the Commission nor any person acting on the Commission’s behalf may be held responsible for the use which may be made of the information contained therein.”*

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

#### **4.2. 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](mailto: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/B2/2013-825

Identity	
Name of the tenderer	
Legal status of the tenderer	
Date of registration	
Country of registration	
Registration number	
VAT number	
Description of statutory social security cover (at the level of the Member State of origin) and non-statutory cover (supplementary professional indemnity insurance) <sup>3</sup>	
Address	
Address of registered office of tenderer	
Where appropriate, administrative address of tenderer for the purposes of this invitation to tender	
Contact Person	
Surname:	
First name:	
Title (e.g. Dr, Mr, Ms) :	
Position (e.g. manager):	

<sup>3</sup> For natural persons

Telephone number: Fax number: E-mail address:	
<b>Legal Representatives</b>	
<b>Names and function of legal representatives</b> and of other representatives of the tenderer who are authorised to sign contracts with third parties	
<b>Declaration by an authorised representative of the organisation<sup>4</sup></b> I, the undersigned, certify that the information given in this tender is correct and that the tender is valid.	
Surname: First name:	Signature:

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<sup>4</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

*(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<sup>5</sup> 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<sup>6</sup> 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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<sup>5</sup> This covers the company directors, members of the management or supervisory bodies, and cases where one natural person holds a majority of shares.

<sup>6</sup> 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

Full name

Date

Signature

## ANNEX 3

### POWER OF ATTORNEY

#### **mandating one of the partners in a joint tender as lead partner and lead contractor <sup>7</sup>**

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:

## ANNEX 4

<sup>7</sup> To be filled in and signed by each of the partners in a joint tender, except the lead partner;

# Standard Word template for studies

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## 6. How To Use This Document Template

### Cover page

Add the title of the document which should be center aligned. Add any other relevant information if necessary which should be left aligned on the left vertical axe of the EC logo.

The font colour of the title should be **White**.

### Page set up

- Top margin: 3.5
- Bottom margin: 2.5
- Left margin: 3
- Right margin: 2.5

### Headings and subheadings

The following styles should be used for headings and subheadings.

- Heading 1  
Font type: Verdana  
Font Size: 14  
Colour: R:38, G:54, B:115
- Heading 2  
Font type: Verdana  
Font Size: 11  
Colour: R:38, G:54, B:115
- Heading 3  
Font type: Verdana  
Font Size: 10  
Colour: R:38, G:54, B:115

Do not use capital letters for the headings/subheadings, the format should always be "sentence case", except for abbreviations.

### Body text

Font style: Verdana  
Font size: 10  
Font colour: Gray 80%

### Header

The header should include the EU flag and the reference text:

- European Commission
- The title of the document
- Font type: Verdana Italic
- Font size: 8

### Footer

Add the relevant name of the month and year in the footer which should appear to the left below the line.

- Font type: Verdana Italic
- Font size: 8.

- The page numbers will appear automatically.

### **Bulleted list**

The bullet should be square and the colour should be Black. For reference please see list under "Headings and subheadings". To apply the style of the list, select "List Bullet 2" from the "Style" drop down menu.

### **Hyperlinks**

By default the hyperlinks will appear in blue (colour coder: R:26, G:63, B:124), no underline.

### **Table of Contents**

This template is complete with Styles for a Table of Contents. From the **Insert menu**, choose **Reference**, then **Index and Tables**. Click on the tab "**Table of Contents**". In the "Format" box, select "From template".

ANNEX 5  
**DRAFT CONTRACT**