CALL FOR TENDERS
N°MOVE/B2/827-2013

STUDY ON
User-friendly access to information about
last-mile infrastructure for rail freight

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\(^1\) 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.

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\(^1\) 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

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

The consortium of tenderers has to include at least one sector association representing (also) rail infrastructure managers from at least two different Member States.

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

- The annual turnover of the last two financial years above € 1,500,000 million.

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 and identified subcontractors) must comply with the following criteria:

- The tenderer must prove experience in the field of:

  - advising freight railway undertakings and/or shippers in the development and improvement of rail-based logistics solutions, including wagonload services

  - developing and managing websites with GIS-functionalities

with at least together 3 projects delivered in this field in the last three years.

- The tenderer must prove experience of working in at least English and German 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.

**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 project of at least € 100,000 and similar 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 from different countries.

**Expert in rail freight logistics:** Relevant higher education degree and / or 5 years' professional experience in the field of planning rail-based logistic solutions and production planning of wagonload services.

**Expert in rail legislation:** Relevant 3 years' professional experience in the field of European legislation relating to provision of information about rail infrastructure, including Network Statements and Registers of Infrastructure (RINF).

**Language quality check:** at least 3 members of the team should have proficiency level language skills in English, German, and two other official EU languages (of which one from Southern-European countries and one from Central-Eastern European countries), or equivalent, as guaranteed by a certificate or past relevant experience.

**Team for stakeholder consultation:** collectively the team should have knowledge of 6 EU languages and proven experience of 3 years in stakeholder consultation 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 40%): Identification and analysis of user needs regarding information about last-mile infrastructure for rail freight and
development of a requirement profile on the content and functionalities of an EU-wide web-based information portal.

Sub-criterion 1.2 (10 points – minimum threshold 40%): Identification and description of primary data sources covering all EU-countries with a rail system, and analysis of conditions of availability of these data for the purpose of a public EU-wide web-based information portal, including proposals for procedures to manage a regular update of the information in the portal, including identification of potential entities for the management of a permanent web-based information portal.

Sub-criterion 1.3 (10 points – minimum threshold 40%): Identification and comparative analysis of existing regional and, if existing, national web-based information portals about last-mile infrastructure for rail freight.

Sub-criterion 1.4 (30 points – minimum threshold 40%): Development and programming of a web-based information portal with GIS-application, which shall be put online during the project, filling of the portal with data for at least three major regions (industrial agglomerations) in three different Member States, managing the administration of the portal until the end of the project, organise in Brussels a seminar for stakeholders to present the online-information portal, carry out a stakeholder consultation about the content and functionalities of the portal and derive recommendations for the operation of a permanent portal.

- **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, 40% 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 60/40 is given to quality and price.

  e.g.

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


price of tender $x$

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 : € 750,000

3. **TECHNICAL SPECIFICATIONS**

**Background / context**

Lack of or difficulties to easily and quickly access information about last-mile infrastructure for rail freight constitute an important barrier to the planning of rail-based transport solutions, in particular across borders.

In the context of this study last-mile infrastructure shall be understood as:

- rail infrastructure at industries, storages and in terminals for trans-shipment of goods or intermodal loading units between rail and other transport modes, including related infrastructure and equipment for the loading and unloading of freight wagons, such as loading ramps, paved surfaces, handling equipment, etc.

- local spurs leading from and to these sites (spurs which are not used by other traffic than that from and to these sites)

- minor local yards for train formation in the vicinity of above-mentioned sites, if their primary purpose is to enable the collection and delivery of wagons/trains to such specific sites.
- depending on the outcomes of the stakeholder consultations, even "historical" sites currently out of service, possibly disconnected and partly or completely dismantled, but with a potential of revitalisation, may need to be considered in the context of the study.

The general objective of the study is resolving the difficulties of access to information about last-mile infrastructure for rail freight by designing a European web-based portal capable to present in a transparent way – connected to a geographical information system – all user-relevant data for the different stakeholders concerned. The type of information and the way it is presented shall be based on user needs. A further objective is to propose procedures and identify potential entities to manage such a portal on a permanent basis.

**Main objectives and tasks**

The main objectives of the study and tasks to be carried out by the contractor are the following:

1) Identification and analysis of user needs regarding information about last-mile infrastructure for rail freight and development of a requirement profile on the content and functionalities of an EU-wide web-based information portal. As stakeholders shall be considered in the context of this study at least freight railway undertakings (incumbents and new entrants), shippers and rail logistical service providers such as rail freight forwarders and intermodal operators.

2) Identification and description of primary data sources covering all EU-countries with a rail system, and analysis of conditions of availability of these data for the purpose of a public EU-wide web-based information portal, including proposals for procedures to manage a regular update of the information in the portal, including identification of potential entities for the management of a permanent web-based information portal.

3) Identification and comparative analysis of existing regional and, if existing, national web-based information portals about last-mile infrastructure for rail freight.

4) Development and programming of a web-based information portal with GIS-application, which shall be put online during the project, filling of the portal with data for at least three major regions (industrial agglomerations) in at least three different Member States – of which one in Central-Eastern Europe –, managing the administration of the portal until the end of the project, organise in Brussels a seminar for stakeholders to demonstrate the online-information portal, carry out a stakeholder consultation about the content and functionalities of the portal and derive recommendations for the operation of a possible permanent portal.

**Intermediate outputs and deliverables**

A first progress report on Task 1, 2 and 3 shall be submitted to the Commission at the latest 6 months after the date of signature of the contract.

A draft offline-version of the information portal, at least partly filled with the data required under Task 4, shall be presented to the Commission at the latest 8 months after the date of signature of the contract.

The information portal, filled with the data required under Task 4, shall be put online at the latest 10 months after the date of signature of the contract and be managed by the Contractor until the end of the study.
A stakeholder-consultation shall be carried out about the content and functionalities of the portal after being put online, and be finalised at the latest 12 months after the signature of the contract.

Final output and deliverables

The final report shall include all intermediate outputs and deliverables and all other results of the above tasks.

The final report shall be accompanied by a Powerpoint-presentation covering the key content of each chapter of the final report and the content of the web-based information portal, including screenshots.

A draft final report and draft Powerpoint-presentation shall be submitted to the Commission at the latest 13 months after the date of signature of the contract.

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

The final report and final Powerpoint-presentation, taking into account the observations of the Contracting Authority, shall be submitted to the Commission at the latest two weeks before the end of the duration of the tasks.

All output and deliverables shall be provided in English. An executive summary shall in addition be in German and French (see 4.1.1).

The final report shall consist of a Microsoft Word-file in docx-format and a pdf-file. The Powerpoint-presentation shall be in pptx-format. In addition to the electronic version, 4 paper copies of the report and the presentation shall be provided.

The Contractor shall also hand over to the Commission all documents, access codes, programming codes and other information required to administrate the web-based information portal. The Commission reserves the right to modify the content and functionalities of the web-based information portal after the end of the contract and to conclude contracts with other entities regarding the portal.

The Commission may publish the final report and the Powerpoint-presentation. The Commission may also decide to keep online the web-based information portal after the end of the contract, without any responsibilities of the Contractor after the end of the contract. For this purpose, the tenderers must ensure that not any part of the content of the deliverables is subject to any restrictions deriving from intellectual property rights of third parties. Should a tenderer intend to include data in the study, which cannot be published, this must explicitly be mentioned in the offer.

Duration

The duration of the tasks shall not exceed 15 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.
Meetings

A kick-off meeting with the Contracting Authority 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, report, e.t.c to be undertaken.

Intermediate meetings with the Contracting Authority shall take place in Brussels:

- after the submission of the first progress report,
- in connection with the presentation of the draft offline-version of the web-based information portal
- after submission of the draft final report.

The Contractor shall draft the minutes of these meetings.

The exact dates of the meetings will be agreed upon with the Contractor.

The meetings will take place in the premises of the Contracting Authority at no charge for the Contractor.

In addition, the Contractor shall organise in Brussels a seminar for stakeholders to present the web-based information portal (part of Task 4); for this seminar the Contractor shall be responsible for organising the premises in which the seminar will take place.

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 logo².

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

Pdf versions of studies destined for online publication should respect W3C guidelines for accessible pdf documents. See: http://www.w3.org/WAI/

4.1. Content

² 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
4.1.1. Final study report

The final report shall include:

- an abstract of no more than 200 words and an executive summary of maximum 6 pages, in English, German and French;

- the following standard disclaimer:

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

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

4.1.2. Publishable executive summary

The publishable executive summary shall be provided in English, German 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 provided in the annex 4. The cover page shall be filled in by the contractor in accordance with the instructions provided in the template. For further details you may also contact comm-visual-identity@ec.europa.eu.

5. ANNEXES

1. Tenderer's Identification Form
2. Declaration related to the exclusion criteria and absence of conflict of interest
3. Power of Attorney (mandate in case of joint tender)
4. Standard Word template for studies
5. Draft Contract
## ANNEX 1

### IDENTIFICATION OF THE TENDERER

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

**Call for tender MOVE/ENER/SRD  xx/xxxx-xx**

<table>
<thead>
<tr>
<th>Identity</th>
<th></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>
<td></td>
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<tr>
<td>Date of registration</td>
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<td>Country of registration</td>
<td></td>
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<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)(^3)</td>
<td></td>
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<table>
<thead>
<tr>
<th>Address</th>
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<tbody>
<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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</table>

<table>
<thead>
<tr>
<th>Contact Person</th>
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<tbody>
<tr>
<td>Surname:</td>
<td></td>
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<tr>
<td>First name:</td>
<td></td>
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<tr>
<td>Title (e.g. Dr, Mr, Ms):</td>
<td></td>
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<tr>
<td>Position (e.g. manager):</td>
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\(^3\) For natural persons
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<tr>
<td><strong>Telephone number:</strong></td>
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<td><strong>Fax number:</strong></td>
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<tr>
<td><strong>E-mail address:</strong></td>
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<tr>
<td></td>
<td><strong>Legal Representatives</strong></td>
</tr>
<tr>
<td><strong>Names and function of legal</strong></td>
<td>representatives and of other representatives of the tenderer who are authorised to sign contracts with third parties</td>
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<td></td>
</tr>
<tr>
<td><strong>Declaration by an authorised representative of the organisation</strong></td>
<td></td>
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<tr>
<td>This person must be included in the list of legal representatives; otherwise the signature on the tender will be invalidated.</td>
<td></td>
</tr>
<tr>
<td><strong>Surname:</strong></td>
<td><strong>Signature:</strong></td>
</tr>
<tr>
<td><strong>First name:</strong></td>
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</table>

*4 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, has 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\(^5\) 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\(^6\) 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.

<table>
<thead>
<tr>
<th>Full name</th>
<th>Date</th>
<th>Signature</th>
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\(^5\) This covers the company directors, members of the management or supervisory bodies, and cases where one natural person holds a majority of shares.

\(^6\) 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 7

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:

7 To be filled in and signed by each of the partners in a joint tender, except the lead partner;
ANNEX 4
Standard Word template for studies

_Template can be found in the Library or the Models section._
ANNEX 5
DRAFT CONTRACT

<Relevant draft contract (i.e. direct/framework service/supply contract or purchase order
[see Manuel partie III section 5.2.2.16 for more info] should be inserted hereunder in
the invitation to tender – Templates can be found in the Library or the Models section>