CALL FOR TENDERS

N° MOVE/D3/2014-259

STUDY ON

"STATE OF THE ART OF ELECTRONIC ROAD TOLLING"

TENDER SPECIFICATIONS
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5. ANNEXES
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.

\(^1\) See http://www.wto.org/english/tratop_e/gproc_e/gp_gpa_e.htm
1.4. Subcontracting

Subcontracting is permitted in the tender but the contractor will retain full liability towards the Contracting Authority for performance of the contract as a whole.

Tenderers must give an indication of the part of the services and proportion of the contract that they intend to subcontract.

Tenderers are required to identify subcontractors whose share of the contract is above 20%.

During contract execution, the change of any subcontractor identified in the tender will be subject to prior written approval of the Contracting Authority.

1.5. Content of the tender

The tenders must be presented as follows:

Part A: Identification of the tenderer (see section 1.6)

Part B: Evidence for exclusion criteria (see section 2.2)

Part C: Evidence for selection criteria (see section 2.3)

Part D: Technical offer (see section 2.5)

Part E: Financial offer (see section 2.6)

Part F: Power of attorney (for consortia only)

1.6. Identification of the tenderer: legal capacity and status

- The tenderer's identification form in Annex 1 shall be filled in and signed by:
  - The tenderer (including any member of a consortium or grouping)
  - subcontractor(s) whose share of the work represent more than 20% of the contract.

- In order to prove their legal capacity and their status, all tenderers (including any member of a consortium of grouping) must provide a signed Legal Entity Form with its supporting evidence. The form is available on:
  http://ec.europa.eu/budget/contracts_grants/info_contracts/legal_entities/legal_entities_en.cfm

  Tenderers that are already registered in the Contracting Authority’s accounting system (i.e. they have already been direct contractors) must provide the form but are not obliged to provide the supporting evidence.

- If it has not been included with the Legal Entity Form, tenderers must provide the following information

  - For legal persons, a legible copy of the notice of appointment of the persons authorised to represent the tenderer in dealings with third parties and in legal proceedings, or a copy of the publication of such appointment if the legislation which applies to the legal entity concerned requires such publication. Any
delegation of this authorisation to another representative not indicated in the official appointment must be evidenced.

- For natural persons, where applicable, a proof of registration on a professional or trade register or any other official document showing the registration number.

- The tenderer (only the leader in case of joint tender) must provide a Financial Identification Form and supporting documents. The form is available on: http://ec.europa.eu/budget/contracts_grants/info_contracts/index_en.cfm

2. Evaluation and Award

2.1. Evaluation steps

The evaluation is based on the information provided in the submitted tender. It takes place in three steps:

1) Verification of non-exclusion of tenderers on the basis of the exclusion criteria
2) Selection of tenderers on the basis of selection criteria
3) Evaluation of tenders on the basis of the award criteria (technical and financial evaluation)

Only tenders meeting the requirements of one step will pass on to the next step.

2.2. Exclusion criteria

All tenderers shall provide a declaration on their honour (see Annex 2), duly signed and dated by an authorised representative, stating that they are not in one of the situations of exclusion listed in the Annex 2.

The declaration on honour is also required for identified subcontractors whose intended share of the contract is above 20%.

The successful tenderer shall provide the documents mentioned as supporting evidence in Annex 2 before signature of the contract and within a deadline given by the contracting authority. This requirement applies to all members of the consortium in case of joint tender. In case of doubt on this declaration on the honour, the contracting authority may also request the evidence for subcontractors whose intended share of the contract is above 20%.

2.3. Selection criteria

Tenderers must prove their economic, financial, technical and professional capacity to carry out the work subject to this call for tender.

The tenderer may rely on the capacities of other entities, regardless of the legal nature of the links which it has with them. It must in that case prove to the Contracting Authority that it will have at its disposal the resources necessary for performance of the contract, for...
example by producing an undertaking on the part of those entities to place those resources at its disposal.

**2.3.1. Economic and financial capacity criteria and evidence**

In order to prove their economic and financial capacity, the tenderer (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 each the last two financial years above € 100,000

The following evidence should be provided:

- Copy of the profit & loss account for the last two years for which accounts have been closed,

- Failing that, appropriate statements from banks,

- If applicable, evidence of professional risk indemnity insurance;

If, for some exceptional reason which the Contracting Authority considers justified, a tenderer is unable to provide one or other of the above documents, he or she may prove his or her economic and financial capacity by any other document which the Contracting Authority considers appropriate. In any case, the Contracting Authority must at least be notified of the exceptional reason and its justification in the tender. The Commission reserves the right to request any other document enabling it to verify the tenderer's economic and financial capacity.

**2.3.2. Technical and professional capacity criteria and evidence**

**a. Criteria relating to tenderers**

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

- The tenderer must prove experience in the field of electronic road toll collection systems with at least 2 projects completed in this field in the last three years with a minimum value for each project of € 30,000.

- The tenderer must prove experience of working in English, French and German languages with at least 3 projects completed in the last three years showing the necessary working-level language coverage.

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

- The tenderer must prove experience of working in at least 5 EU countries with at least 3 projects of any domain, completed in the last three years, the combination of which must show the necessary coverage.
- The tenderer must prove experience in the assessment and comparison of different technical and technological road tolling solutions against financial, administrative and operational performance related criteria.

**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 a similar size (value at least € 50,000) and coverage (geographical scope of at least 5 Member States), with experience in management of team of at least 10 people.

**Experts in electronic toll collection:** 5 years professional experience in the field of electronic road toll systems requiring an OBU; knowledge and experience of toll collection systems without OBUs.

**Team for data collection:** collectively the team of people should cover English, French, German, Italian and Spanish languages and each member must have proven experience of 2 years in data collection techniques.

**Language quality check:** all members of the team involved in drafting the report must have proficiency level language skills in English, as guaranteed by a certificate or relevant experience.

**c. Evidence:**

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

- List of relevant services completed 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 on the basis of the following criteria. The maximum total quality score is 100 points.

- **Depth of the proposed analysis (40 points – minimum threshold 60%)**

  This criterion serves to assess the level of detail of the data research, analysis and comparison proposed by the tenderer. Evaluation elements will notably include:

  - the number and quality of information sources proposed to be used;
- the number of technologies proposed for review;
- the wideness of the criteria used to evaluate and compare them (in particular in what concerns costs, but equally other criteria listed in part 3.2 below); and

as described in this tender.

- **Quality of the proposed methodology (30 points – minimum threshold 60%)**

This criterion serves to assess if the methodology proposed by the contractor is suitable to gather the necessary data and attain the objectives of the study. The proposed methodology is expected to build upon the tasks in part 3.3. of these tender specifications, but be described in more details and in operational terms.

- **Quality of proposed structure of the analysis in the final report (20 points – minimum threshold 60%)**

The tender is expected to provide a preliminary description of how the analysis in the final report could be structured. This criterion serves to assess the quality and clarity of this preliminary structure.

- **Clarity of the proposal (10 points – minimum threshold 60%)**

This criterion serves to assess the overall clarity of formulation and quality of presentation of the tender. One of the evaluated elements will be the capacity of the tenderer to present a detailed offer in a concise manner, avoiding superfluous quotes from these tender specifications or reference to irrelevant information.

Tenders must score 60% for each criterion and 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 respectively to quality and price.

The contract will be awarded to the tender which attains the highest score calculated according to the following formula:

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

Indicative price: **100,000 EUR.**

3. TECHNICAL SPECIFICATIONS

3.1. Background

Following the Communications from the Commission on "The application of national road infrastructure charges levied on light private vehicles" in May 2012 and on the "Implementation of EETS" in September 2012, the European Parliament drafted an own-initiative report, which is the basis of its Resolution of 11 June 2013 on a "Strategy for an electronic toll service and a vignette system on light private vehicles in Europe". In this resolution the EP asks the Commission to undertake a review of all available studies on electronic road tolling systems, so as to provide a clear basis for different options for action in both the medium and the long term, including charging for road use via technologies such as GPS/GNSS, in order to prevent and reduce traffic congestion caused by physical barriers.

The framework for deploying electronic tolling in the EU (for all road vehicles) is set in Directive 2004/52/EC (further referred to as "EETS Directive") and Decision 2009/750/EC (further referred to as "EETS Decision"). The EETS Directive, which covers only tolling schemes which require the installation of on-board equipment, provides that:

- Electronic toll systems shall use the 5.8 GHz microwave and/or satellite positioning technology, the latter coupled with mobile communications using the GSM-GPRS standard.

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4 (2012/2296(INI)).
• A European Electronic Tolling Service shall be provided, for vehicles exceeding 3.5t and vehicles which are allowed to carry more than nine passengers, three years after the EETS Decision has been taken (i.e. by October 2012); and for all other types of vehicles, five years after the EETS Decision has been taken (i.e. by October 2014).

• It is recommended that new electronic toll systems use the satellite positioning and mobile communications technologies (rather than microwave).

Electronic tolling has been progressing for charging heavy goods vehicles. Today, seven Member States have put in place barrier-free tolling systems (three using satellite positioning and four – microwave) and a further six have tolls with barriers, with special lanes dedicated to electronic tolling. However, these tolls typically apply to motorways and main national roads only. For passenger cars, only one country – Portugal – has introduced barrier free tolling using the microwave technology; five other Member States offer the possibility of electronic tolling on motorways with barriers.

Recently, several well advanced projects for the deployment of electronic, barrier-free tolls for heavy goods vehicles have been blocked. High investment and operation costs of these systems, concerns about personal data protection and enforcement possibilities have been invoked as arguments against their deployment. It is therefore relevant to evaluate these characteristics of different electronic tolling solutions and compare them to traditional manual tolls and vignettes.

3.2. Objectives of the study

The study will provide an overview of the available and prospective electronic tolling solutions for heavy goods vehicles and for other road vehicles including passenger cars.

The general objective will be to create a reference document from which authorities planning to deploy road tolls or to amend current tolling schemes will be able to choose the technology(-ies) best adapted to their needs, and which could also be used for any further initiatives by the Commission. The document will provide unbiased information on the pros and cons of each technological solution.

The range of analysed technologies will be as broad as possible. The study will concentrate on solutions which are allowed under the EETS Directive and Decision, but not disregard alternative, promising emerging technologies.

The overview will compare the above-mentioned solutions between themselves and against manual toll collection at toll booths and vignette schemes; it will also provide a comparison with electronic tolling systems which do not require the installation of on-board equipment such as (but not exclusively) automatic number plate recognition (ANPR). The technological overview and comparison will not be limited to toll collection per se, but will also cover enforcement technologies.

The overview and comparison should assess technologies against a number of criteria, amongst which:

• setup and operation costs (incl. enforcement) for the system operators and for the users (including cost of time lost due to physical barriers);

• administrative costs;
flexibility for extending the tolled network (including to urban roads) / vehicles covered and costs thereof;

- effectiveness and cost of enforcement;
- user friendliness;
- capacity to operate in specific environments such as city centres, remote areas or local roads;
- reliability;
- protection of personal data;
- fraud potential;
- other.

The following list of technologies to be assessed should be seen as non-exhaustive:

**Tolling technologies**

- 5.8 GHz microwave communications (DSRC);
- satellite positioning with GSM-GPRS communications;
- possible other localisation technologies;
- use of signal augmentation tools such as EGNOS;
- automatic number plate recognition (ANPR);
- manual toll collection at toll booths;
- vignettes (motorway stickers);
- other, including emerging, promising technologies currently not allowed by the EETS legislation.

**On-board units (OBU)**

- "fat" satellite OBUs (which calculate the toll);
- "slim" satellite OBUs (which only send data on the vehicles position, while toll computing is done in the back-office).
- OBUs using the microwave technology.
- Hybrid OBUs integrating the two technologies (EETS-compatible OBUs)
- Use of devices already available in the lorry (digital tachograph, tracking and tracing devices, etc) as tolling OBU
- Use of cell phones/smart phones as OBU or in conjunction with a tolling OBU
- etc.

**Enforcement techniques**
• DSRC;
• ANPR;
• gantries vs. mobile units using the above technologies
• Physical barriers

3.3. Tasks

In line with the objectives in part 3.2 above, and in order to gather evidence, the contractor will notably:

• review relevant studies and literature;
• liaise with toll chargers and service providers, toll equipment manufacturers, mapping/communication/chip companies in view to evaluate the foreseeable evolution of electronic tolling technologies;
• use publicly or commercially available sources (such as accounting statements of toll chargers) about existing tolling schemes in the EU and in the world to assess the pros and cons of each technology, and in particular their setup and direct/indirect operation costs;

The evidence gathered will be used by the contractor to:

• compare identified existing and emerging tolling technologies on their respective pros and cons, with a particular focus on the costs (direct and indirect, for the operators and for the users) and extension potential (possibility to cover wide networks including local and urban roads), but looking also at the other criteria listed in part 3.2;
• evaluate the issues and solutions related to data privacy for each technological solution;
• evaluate the risk of fraud (and fraud-prevention potential) and efficiency of each enforcement solution in combination with different compatible tolling technologies;
• evaluate each technology's possible shortcomings, whether it can cope with the whole variety of tolling situations (tunnels, bridges, parking [also indoor parking garages], ferries, trains, cordon tolling, kilometre pricing [also for short distances in urban areas], …) and whether it is suitable for full time-distance-place (TDP) operations also in difficult/harsh environments and whether accompanying measures are needed;
• evaluate the communication costs. Costs of communications between on-board equipment and ground information processing systems are often cited as an important issue for satellite-based systems. The study should make proposals to address this issue, including propositions for a possible technological migration from GSM-GPRS as cited in Directive 2004/52/EC as an adaptation to technical progress;

3.4. Input by the Contracting Authority

The Commission will provide the contractor with the information, studies, etc. which are available to it.
3.5. Output and deliverables

The duration of the tasks shall not exceed 6 months. This period is calculated in calendar days.

Execution of the tasks begins after the date on which the Contract enters into force.

In principle, the deadlines set out below cannot be extended. The Contractor is deemed solely responsible for delays occasioned by subcontractors or other third parties (except for rare cases of force majeure). Adequate resources and appropriate organisation of the work including management of potential delays should be put in place in order to observe the timetable below.

A kick-off meeting will take place in Brussels, at the latest 15 days following the signature of the contract, in order to settle all the details of the study, report, etc. to be undertaken. Following the kick-off meeting, the contractor will submit, in 5 working days, to the Commission the minutes of the kick-off meeting.

At the latest 14 days after the kick-off meeting, the contractor will submit to the Commission a draft inception report of no more than 25 pages (excluding annexes) reflecting the conclusions of the kick-off meeting. The inception report will also contain the draft structure of the final report and present progress made with the work on tasks listed in point 1.3. The Commission has 10 days to comment on this report, and the contractor has to address all those comments in 20 days, by presenting a new version of the report, if so requested by the Commission.

Approval of the inception report is a pre-condition to the contractor to be entitled to the interim payment of 30% of the price agreed in the contract. The contractor will submit the draft final study report to the Commission at the latest 4 months after the signature of the contract. The draft final report must fully and comprehensively address all tasks as listed in paragraph 1.3 above.

Within 15 days after the submission of this draft final study report the Commission will provide the contractor with its comments on the draft final report and set the date of a meeting in Brussels will be agreed in order to discuss the Commission’s observations.

After this meeting, the Contractor shall have 20 days in which to submit additional information or a new final report. The report will be submitted in electronic form (in MS Word format) and in ten paper copies.

The reports and any annexes thereto will be drafted in English.

The final report shall also contain: 1) an abstract of no more than 200 words, 2) a publishable executive summary of 6 pages maximum in both in English and French and 3) shall also 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.”
4. THE COMMISSION MAY PUBLISH THE RESULTS OF THE STUDY. FOR THIS PURPOSE, THE TENDERER MUST ENSURE THAT THERE ARE NO RESTRICTIONS BASED ON CONFIDENTIALITY AND/OR INTELLECTUAL PROPERTY RIGHTS ARE EXPECTED FROM THE THIRD PARTY. SHOULD HE INTEND TO USE THE STUDY DATA, WHICH CANNOT BE PUBLISHED, THIS MUST BE EXPLICITLY MENTIONED IN THE OFFER.

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 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

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.”

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

4.1.2. Publishable executive summary

5 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
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 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/D3/2014-259

<table>
<thead>
<tr>
<th>Identity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name of the tenderer</td>
</tr>
<tr>
<td>Legal status of the tenderer</td>
</tr>
<tr>
<td>Date of registration</td>
</tr>
<tr>
<td>Country of registration</td>
</tr>
<tr>
<td>Registration number</td>
</tr>
<tr>
<td>VAT number</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)⁶</td>
</tr>
</tbody>
</table>

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

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

⁶ For natural persons
Telephone number:  
Fax number:  
E-mail address:  

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

**Declaration by an authorised representative of the organisation**\(^7\)

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

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

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\(^7\) 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 parenthese)

[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 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 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.

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8 This covers the company directors, members of the management or supervisory bodies, and cases where one natural person holds a majority of shares.

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.

Full name                      Date                      Signature
ANNEX 3

POWER OF ATTORNEY

mandating one of the partners in a joint tender as lead partner and lead contractor

The undersigned:

– Signatory (Name, Function, Company, Registered address, VAT Number)

having the legal capacity required to act on behalf of his/her company,

HEREBY AGREES TO THE FOLLOWING:

1) To submit a tender as a partner in the group of partners constituted by Company 1, Company 2, Company N, and led by Company X, in accordance with the conditions specified in the tender specifications and the terms specified in the tender to which this power of attorney is attached.

2) If the European Commission awards the Contract to the group of partners constituted by Company 1, Company 2, Company N, and led by Company X on the basis of the joint tender to which this power of attorney is attached, all the partners shall be co-signatories of the Contract in accordance with the following conditions:

(a) All partners shall be jointly and severally liable towards the European Commission for the performance of the Contract.
(b) All partners shall comply with the terms and conditions of the Contract and ensure the proper delivery of their respective share of the services and/or supplies subject to the Contract.

1) Payments by the European Commission related to the services and/or supplies subject to the Contract shall be made through the lead partner’s bank account: [Provide details on bank, address, account number].

2) The partners grant to the lead partner all the necessary powers to act on their behalf in the submission of the tender and conclusion of the Contract, including:

(a) The lead partner shall submit the tender on behalf of the group of partners.
(b) The lead partner shall sign any contractual documents — including the Contract, and Amendments thereto — and issue any invoices related to the Services on behalf of the group of partners.
(c) The lead partner shall act as a single contact point with the European Commission in the delivery of the services and/or supplies subject to the Contract. It shall co-ordinate the delivery of the services and/or supplies by the group of partners to the European Commission, and shall see to a proper administration of the Contract.

Any modification to the present power of attorney shall be subject to the European Commission’s express approval. This power of attorney shall expire when all the contractual obligations of the group of partners towards the European Commission for the delivery of the services and/or supplies subject to the Contract have ceased to exist. The parties cannot terminate it before that date without the Commission’s consent.

Signed in ………………………… on [dd/mm/yyyy]

10 To be filled in and signed by each of the partners in a joint tender, except the lead partner;
Place and date:
Name (in capital letters), function, company and signature:

ANNEX 4

Standard Word template for studies
ANNEX 5
DRAFT CONTRACT