CALL FOR TENDERS
N° MOVE/C4/2014-244

STUDY ON THE RISKS OF ELDERLY PEOPLE IN ROAD TRAFFIC

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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 liabilities 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](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 overall annual turnover of the tenderer for the last two financial years for which the accounts have been closed shall not be less than 200 000 EUR

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 following fields:

  1. Road safety, in particular analysis of road traffic accident causes and measures to prevent road accidents and/or reduce severity.

  2. Technological road safety measures such as in-vehicle safety technologies or cooperative systems (ITS).

  3. Cost-benefit analysis of measures aimed at improving road safety.

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

- The tenderer must prove experience in data collection and statistical analysis.
- The tenderer must prove experience in consultation activities.

- The tenderer must prove experience in drafting policy recommendations to the EU or EU Member States authorities in the area of road transport.

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, with experience in management of a team of at least 8 people.

**Expert in road safety:** Relevant higher education degree and/or 5 years of professional experience in the field of road safety, in particular accident causality analysis and road safety best practice analysis.

**Expert in EU road transport policy:** Relevant higher education degree and/or 5 years of professional experience in EU road transport policy, in particular in preparing policy recommendations to EU or EU Member States.

**Team for data collection and statistical analysis:** Collectively the team should have knowledge of English and at least three more EU official languages and proven experience in data analysis.

Language quality check: at least 3 members of the team should have excellent language skills in English, as guaranteed by a certificate or past relevant experience.

c. Evidence:

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

- List of relevant services provided in the past three years, with sums, dates and recipients, public or private. The most important services shall be accompanied by certificates of satisfactory execution, specifying that they have been carried out in a professional manner and have been fully completed;

- 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.
## Award criteria

### Quality of the proposed methodology

This criterion serves to assess the proposed methodology to carry out the tasks and fulfil the objectives:

- Quality of the proposed methodology and tools for gathering, validating and analysing data and information.
- Quality and appropriateness of methodology and planning of the proposed consultation activities including the workshop.
- Quality of the proposed methodology for gathering, assessing and presenting policy recommendations.

<table>
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<tr>
<th>Score for tender x =</th>
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### Organisation of the work

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

This criterion will assess the quality control system applied to the service foreseen in this tender specification concerning the quality of the deliverables, the language quality check, and continuity of the service in case of absence of the member of the team. The quality system should be detailed in the tender and specific to the tasks at hand; a generic quality system will result in a low score.

Tenders must score above 60% for each criterion and above 70% in total. Tenders that do not reach the minimum quality thresholds will be rejected and will not be ranked.

After evaluation of the quality of the tender, the tenders are ranked using the formula below to determine the tender offering best value for money. A weight of 70/30 is given to quality and price.
\[ \text{total quality score for award criteria for tender } x \times \frac{\text{multiplied by 70}}{100} \]

\[ \text{cheapest price } \times \frac{\text{multiplied by 30}}{\text{price of tender } x} \]

### 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 eurozone 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.

The total value of the contract has been estimated at approximately EUR 200 000.
3. TECHNICAL SPECIFICATIONS

a. Background

The Commission Policy orientations on road safety 2011-2020\(^2\) outlines priorities for the Commission road safety work during this decade. The protection of vulnerable road users and in particular the elderly people is one of the 7 main objectives.

In most European countries, the number of elderly people has increased over the last decades due to demographic changes. This increase is likely to intensify in the next 20 years. Currently, 16% of the European population is aged 65 years or above, and 4% is aged 80 years and above. These percentages are expected to increase up to 25% and 8% respectively in 2040\(^3\).

The percentage of people having difficulties in traffic due to functional limitations is clearly larger among the older group (80 and above) than among the younger group (65-79 years). This not only applies to older pedestrians and cyclists, but also to older drivers. As the group of older people becomes increasingly large, road safety policy will need to focus more on the safety needs of this group of road users. The availability of a means of transport other than the car is one of the most important ways to maintain older people’s mobility. However, no single form of transport provides mobility for all people under all circumstances.

Several types of measures are available to influence the future number of fatalities amongst older drivers. Given the physical vulnerability of older drivers, measures are needed that can reduce injury severity, such as improvements in active and passive vehicle safety. Measures that can reduce the older driver crash involvement also contribute to a reduction of their fatality rate. Examples of the latter type of measures include changes to road infrastructure, driver assistance systems, and providing education and training. In the case of a progressive decline of functions, training, adaptation of the infrastructure and the vehicle can no longer compensate for reduced fitness to drive. Therefore, Member States are implementing measures that involve licensing procedures and consultation of the medical profession to ensure fitness to drive.

The introduction of driving test requirements which result in older drivers losing their driving licence when they can still drive a car safely is undesirable for a variety of reasons. Firstly, the fatality rate for older cyclists and pedestrians is many times greater than that for older car drivers. Consequently, they are safer in a car. In addition, older people often will have stopped cycling, partly because of loss of balance. Saying farewell to their car often is also a farewell to part of their social lives. As a result, the loss of driving privileges can cause considerable distress and a lowering of self-esteem and dignity, as well as create difficulties for daily activities, shopping and social contact.


The new technologies for crash and injury avoidance will specifically cater for older driver and occupants. Features as improved restraint systems, avoidance technology, ergonomic improvements to seating and display systems can be beneficial for the specific needs of older drivers and cyclists but new technologies can increase distraction.

The study will complement the results of existing projects DaCoTA\(^4\), SAMERU, CONSOL, VRUITS, Safety and Comfort of the Vulnerable Road Users\(^5\) or any other project co-financed by the EU on risks to elderly people.

The next step is therefore to move from descriptive analysis of risks and measures to develop an elderly transport safety strategy.

b. Objectives

The objective of this study is to get a clear view on elderly people's situation in traffic, in order to develop, if necessary, a strategy to increase road safety for elderly people.

The study should build on and complement but not duplicate the work done in previous studies. It should fill in the gaps of previous work, notably by targeting the following aspects:

a) Collect studies and policy documents in Member States and EEA countries and literature dealing with risk factors and best practices for the safety of elderly people.

b) Analyse main risk factors

c) Analyse best road safety measures in Member States, including measures addressed to old drivers.

d) Assess the benefits of ITS and technological countermeasures specifically aimed to reduce the risks identified as main risk factors (see point b above).

e) Summarize and present recommendations to for measures to be taken at EU level in this field

The expected outcome is to provide:

- an assessment of the main trends and analysis on risks for elderly persons in road traffic.

- a summary of measures aiming to increase safety for elderly people.

- recommendations for measures to be taken at EU-level, including cost-benefit analysis of these measures.

\(^4\) [http://www.dacota-project.eu/index.html](http://www.dacota-project.eu/index.html)

c. Scope

The study should primarily focus on situations on elderly people higher risk to be involved in an accident, could cause an accident or to be expose to more severe outcomes of the accidents. The study should not cover accident data collection; the Commission has these data\(^6\) and will make available to the contractor for the needs of this study.

The study should cover all road user groups (driver, passengers and pedestrians) and all transport modes including public transports and on all road types (inside and outside urban areas).

The study should map relevant research and studies done in the 28 EU Member States but also, as far possible, take into account relevant research done in third countries. Representative samples or case studies may be used.

The study should map counter-measures in the 28 EU Member States but also best practices in third countries or proposals of innovative new actions not yet implemented in the EU Member States. The study may also identify "worst practices" or countermeasures to be discouraged.

The mapping of possible measures should reach beyond the regulatory measures.

c. Tasks

1. Collection of studies and assessments indicating costs, benefits and outcomes of actions and tools to increase safety. Assessment of these actions and tools including consideration of e.g. efficiency, effectiveness and cost-benefit ratio.

2. Organising a workshop with stakeholders in order to gather inputs from e.g. industry and NGOs in addition to comments from Member States; on the main risks/problems that elderly road users face and proposed best practices to reduce those risks. The Commission will arrange the meeting venue on Commission premises. Dates for the workshop should be settled latest in the inception report. The Commission shall be consulted on the draft list of invitees and draft agenda for the workshop no later than 45 days before the organisation of the workshop. The Commission will participate in the workshop. Reports from the workshop including final agenda, final list of invitees, attendance list and a summary of main outcomes and conclusions shall be submitted to the Commission by the contractor no later than 10 working days after the workshop has been held.

3. Preparation of a half-time progress report including a summary of the results of the completed task 1, together with a complete bibliography of the studies and reports used, and reporting on the progress and planned continued work of tasks 2.

4. Preparation of a final report covering the entire outcome and results of the study including a presentation of a coherent set of best practice recommendations based

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on qualitative analysis supported by quantifiable data and clearly linked to the problem analysis findings.

d. Deliverables and timelines

The duration of the tasks shall not exceed 12 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 in this Tender Specification 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.

<table>
<thead>
<tr>
<th>Deadline</th>
<th>Task</th>
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<tbody>
<tr>
<td>Signature of contract (T0)</td>
<td>Starting date</td>
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<tr>
<td>Kick-off meeting in Brussels (T0+2 weeks)</td>
<td>Kick-off meeting in Brussels</td>
</tr>
<tr>
<td>Inception report (T0+4 weeks)</td>
<td>The contractor submits an inception report. Within three weeks the report should be approved or rejected by the Commission.</td>
</tr>
<tr>
<td>Half-time progress report (no later than T0+26 weeks)</td>
<td>The contractor submits a half-time report showing progress of the work. This report is linked to the interim payment referred to in Article I.4.1 of the contract.</td>
</tr>
<tr>
<td>Consultation progress report (no later than T0+40 weeks)</td>
<td>The contractor submits a progress report on the consultation phase. Within three weeks the report should be approved or rejected by the Commission.</td>
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<tr>
<td>Draft final report (T0+46 weeks)</td>
<td>The contractor submits the draft final report.</td>
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<tr>
<td>Comments on the draft final report (2 weeks from the reception of the draft final report)</td>
<td>The Commission will provide the contractor with comments on the draft final report and suggest a meeting date for discussion with the contractor, in Brussels or as otherwise agreed.</td>
</tr>
<tr>
<td>Final report (2 weeks from the reception of the Commission comments)</td>
<td>The contractor submits the final report which reflects the Commission's comments.</td>
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<tr>
<td>Approval of the Final Report (10 working days from the reception of the final report)</td>
<td>The Commission approves or rejects the final report.</td>
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e. Working methods and quality requirements

The methodology to be applied in the study is to be elaborated by the contractor. In the offer, the contractor will describe the phases of the study together with a presentation of the different methodologies proposed for the different phases and tasks of the work.
Any content of questionnaires and list of stakeholders to be consulted will be agreed with the Commission before the launch of consultations.

The contractor (team leader and other relevant experts) is expected to participate in two meetings in Brussels, the kick-off meeting and a meeting to discuss the final draft report. The kick-off meeting between the contractor and the Commission will serve to settle all the details of the study and to ensure that the contractor has a clear understanding of the terms of the contract and the objectives of the study. At the kick-off meeting, the contractor will be provided with all relevant available documents and be informed of useful information sources for data collection.

If needed, additional meetings may be scheduled. Minutes of the meetings should be drafted by the contractor within 5 working days and should be agreed among the meeting participants and the Commission.

The analysis should be well argued and transparently described, using concrete examples where needed. There must be a clear link between the analysis of risks/problems and the choice of best practices presented.

The best practice/policy recommendations shall be clear, realistic, concrete and addressed to the appropriate decision-making level (EU, Member State, industry or other).
4. CONTENT, STRUCTURE AND GRAPHIC REQUIREMENTS OF THE FINAL DELIVERABLES

All studies produced for the European Commission and Executive Agencies shall conform to the corporate visual identity of the European Commission by applying the graphic rules set out in the European Commission's Visual Identity Manual, including its logo.

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

All reports should be produced in English and submitted electronically in Microsoft Word format (or Microsoft Excel if appropriate for annexes or similar) per e-mail to the Commission technical officer appointed as contact person in the Contract. In addition, three hard-copies should be sent to the technical officer.

The final report should also be submitted per e-mail in publishable pdf format.

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 study 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

7 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
any person acting on the Commission’s behalf may be held responsible for the use which may be made of the information contained therein.”

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

4.1.2. Publishable executive summary

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

- the following standard disclaimer:

  “The information and views set out in this study 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.

4.3. 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/C4/2014-244**

<table>
<thead>
<tr>
<th>Identity</th>
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<tbody>
<tr>
<td>Name of the tenderer</td>
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<tr>
<td>Legal status of the tenderer</td>
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<tr>
<td>Date of registration</td>
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<td>Country of registration</td>
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<tr>
<td>Registration number</td>
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<tr>
<td>VAT number</td>
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<tr>
<td>Description of statutory social security cover (at the level of the</td>
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<td>Member State of origin) and non-statutory cover (supplementary</td>
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<td>professional indemnity insurance)</td>
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<tr>
<th>Address</th>
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<tbody>
<tr>
<td>Address of registered office of tenderer</td>
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<td>Where appropriate, administrative address of tenderer for the purposes</td>
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<tr>
<td>of this invitation to tender</td>
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<tr>
<th>Contact Person</th>
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<tbody>
<tr>
<td>Surname:</td>
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<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>
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8 For natural persons
Telephone number:  
Fax number:  
E-mail address:  

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

**Declaration by an authorised representative of the organisation**

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

<table>
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<tr>
<th>Surname:</th>
<th>First name:</th>
<th>Signature:</th>
</tr>
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9 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\(^\text{10}\) 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\(^\text{11}\) 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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\(^{10}\) This covers the company directors, members of the management or supervisory bodies, and cases where one natural person holds a majority of shares.

\(^{11}\) As provided for in Article 109 of the Financial Regulation (EU, Euratom) 966/2012 and Article 145 of the Rules of Application of the Financial Regulation
ANNEX 3

POWER OF ATTORNEY

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

The undersigned:

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

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

HEREBY AGREES TO THE FOLLOWING:

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

2) If the European Commission awards the Contract to the group of partners constituted by Company 1, Company 2, Company N, and led by Company X on the basis of the joint tender to which this power of attorney is attached, all the partners shall be co-signatories of the Contract in accordance with the following conditions:
   (a) All partners shall be jointly and severally liable towards the European Commission for the performance of the Contract.
   (b) All partners shall comply with the terms and conditions of the Contract and ensure the proper delivery of their respective share of the services and/or supplies subject to the Contract.

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

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

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

Signed in ………………………… on        [dd/mm/yyyy]

Place and date:
Name (in capital letters), function, company and signature:

ANNEX 4

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