CALL FOR TENDERS

N° MOVE/C4/2014-326

UPDATE OF ROADSAFETY OBSERVATORY INFORMATION

TENDER SPECIFICATIONS
# TABLE OF CONTENTS

1. INFORMATION ON TENDERING ................................................................. 3
   1.1. Participation ..................................................................................... 3
   1.2. Contractual conditions ................................................................... 3
   1.3. Joint tenders ................................................................................... 3
   1.4. Subcontracting ................................................................................ 4
   1.5. Content of the tender ...................................................................... 4
   1.6. Identification of the tenderer: legal capacity and status .................. 4
2. EVALUATION AND AWARD ................................................................. 5
   2.1. Evaluation steps .............................................................................. 5
   2.2. Exclusion criteria ............................................................................ 5
   2.3. Selection criteria ............................................................................ 5
   2.4. Award criteria ................................................................................. 7
   2.5. Technical offer ................................................................................ 9
   2.6. Financial offer ................................................................................ 9
3. TECHNICAL SPECIFICATIONS ............................................................ 9
   a. Background ...................................................................................... 9
   b. Objectives ....................................................................................... 9
   c. Scope .............................................................................................. 10
   d. Tasks .............................................................................................. 10
   e. Deliverables and timelines .............................................................. 11
   f. Working methods and quality requirements .................................. 12
4. CONTENT, STRUCTURE AND GRAPHIC REQUIREMENTS OF THE FINAL DELIVERABLES ................................................................. 12
5. ANNEXES ............................................................................................. 14
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:

  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 400 000 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 during the last three years in the following fields, these criteria are cumulative:

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

  2. Publications of road safety reports and documents.

  3. Data analysis.

- 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 technical documents.

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 3 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 4 people.

Expert in road safety: Relevant higher education degree and/or 3 years of professional experience in the field of road safety, in particular accident analysis and road safety measures.

Expert in EU road transport policy: Relevant higher education degree and/or 3 years of professional experience in EU road transport policy.

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 four 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.
<table>
<thead>
<tr>
<th><strong>Quality of the proposed methodology</strong></th>
<th>50 points – minimum threshold 60%</th>
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</thead>
<tbody>
<tr>
<td>This criterion serves to assess the proposed methodology to carry out the tasks and fulfil the objectives:</td>
<td></td>
</tr>
<tr>
<td>- Clarity, completeness and full coverage of the tasks.</td>
<td></td>
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<tr>
<td>- Quality of the proposed methodology and tools for gathering, validating and analysing data and information.</td>
<td></td>
</tr>
<tr>
<td>- Quality of the proposed methodology for gathering, assessing and presenting reports.</td>
<td></td>
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<table>
<thead>
<tr>
<th><strong>Organisation of the work</strong></th>
<th>30 points – minimum threshold 60%</th>
</tr>
</thead>
<tbody>
<tr>
<td>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 a detailed timetable of deliverables.</td>
<td></td>
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</table>

<table>
<thead>
<tr>
<th><strong>Quality control measures</strong></th>
<th>20 points – minimum threshold 60%</th>
</tr>
</thead>
<tbody>
<tr>
<td>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.</td>
<td></td>
</tr>
</tbody>
</table>

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.

Score for tender \( x \) =

\[
\frac{\text{total quality score for award criteria for tender } x}{100} \times 70 + \frac{\text{cheapest price}}{\text{price of tender } x} \times 30
\]
2.5. Technical offer

The technical offer must cover all aspects and tasks required in the technical specification and provide all the information needed to apply the award criteria. Offers deviating from the requirements or not covering all requirements may be excluded on the basis of non-conformity with the tender specifications and will not be evaluated.

2.6. Financial offer

The price for the tender must be quoted in euro. Tenderers from countries outside the euro zone have to quote their prices in euro. The price quoted may not be revised in line with exchange rate movements. It is for the tenderer to assume the risks or the benefits deriving from any variation.

Prices must be quoted free of all duties, taxes and other charges, including VAT, as the European Union is exempt from such charges under Articles 3 and 4 of the Protocol on the privileges and immunities of the European Union. The amount of VAT may be shown separately.

The quoted price must be a fixed amount which includes all charges (including travel and subsistence). Travel and subsistence expenses are not refundable separately.

The total value of the contract has been estimated at approximately EUR 600 000.

3. TECHNICAL SPECIFICATIONS

a. Background

The Commission Policy orientations on road safety 2011-2020\(^1\) outlines priorities for the Commission road safety work during this decade. It establishes seven focus areas and objectives for EU work on road safety. All such work is to be performed on the basis of sound evidence and with regular monitoring and evaluations of the efficiency of road safety policies and actions. To this end, a road safety knowledge base is required, gathering statistics and information sources for the Commission to draw upon.

The ERSO (European Road Safety Observatory) integrates European road safety data and knowledge and makes it publically available on the internet. ERSO was developed as a result of the research projects Safetynet and Dacota. It provides an EU reference website for road safety knowledge and information and must therefore be regularly updated with new information and data in order to enable the monitoring of road safety performance, country comparisons.

b. Objectives

The objective of this service contract is to provide regular updates of the main reports already available on the ERSO website, prepared with the same or similar structure as the current set of reports. The Commission database will be the main source for accidents and exposure data.
The expected outcome is to have updates of the annual statistical reports, country profiles, and basic fact sheets on the ERSO website, as well as regular reviews of the knowledge section of the website.

c. **Scope**

The study should focus on the analysis of accidents data. Apart from the collection of information for the preparation of country profiles, the study should not cover the collection of accident data but should concentrate on the analysis of the data made available, for the needs of this study, to the contractor by the Commission.

The study should cover all Member States and EEA countries and will cover three annual updates.

d. **Tasks**

1. Three complete updates of the annual accident report (2014, 2015, 2016) delivered at 12, 24, 36 months after the signature of the contract.

2. At least two updates of the country profiles, on 2015 and 2017

3. At least one update of the basic fact sheets (minimum 6 per years) on road safety showing the last information and performances by country, road user and place of the accident.

List of available fact sheets:
- Main figures
- Children
- Young drivers
- Young people
- Elderly
- Gender
- Car Occupants
- Pedestrians
- Bicycles
- Heavy Goods Vehicles and Buses
- Motorcycle and Moped riders
- Urban Areas
- Roads outside urban areas
- Motorways
- Junctions
- Single vehicle accidents

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• Seasonality

4. At least one review of web texts\(^6\) on the 3 years contract period and at least 4 per year on:
   • Novice drivers
   • Pedestrians and cyclists
   • Older drivers
   • Powered two-wheelers
   • Alcohol/Drugs
   • E-safety
   • Cell phone use while driving
   • Driver distraction
   • Fatigue
   • Speed and speed management
   • Work-related road safety
   • Post impact care

The contractor should provide a timetable with the expected reports

\(\text{e. Deliverables and timelines}\)

The duration of the tasks shall not exceed 36 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>
</tr>
</thead>
<tbody>
<tr>
<td>Signature of contract (T0)</td>
<td>Starting date</td>
</tr>
<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>First progress report (no later than T0+12 months)</td>
<td>The contractor submits the complete set of updated reports planned on the timetable for the first year and a first progress report showing progress of the work. Within three weeks the report should be approved or rejected by the Commission.</td>
</tr>
<tr>
<td>Second progress report (no later than T0+24 months)</td>
<td>The contractor submits a second set of reports planned on the timetable for the second year and a second progress report showing progress of the work. Within three weeks the report should be approved or rejected by the Commission.</td>
</tr>
</tbody>
</table>

\(^6\) http://ec.europa.eu/transport/road_safety/specialist/knowledge/index_en.htm
Draft final report (T0+34 months) | rejected by the Commission.
---|---
The contractor submits the last set of reports planned on the timetable for the third year and the draft final report.

Comments on the draft final report (2 weeks from the reception of the draft final report) | The Commission will provide the contractor with comments on the draft final report and suggest, if necessary, a meeting date for discussion with the contractor, in Brussels or as otherwise agreed.

Final report (2 weeks from the reception of the Commission comments) | The contractor submits the final report which reflects the Commission's comments.

Approval of the Final Report (10 working days from the reception of the final report) | The Commission approves or rejects the final report.

**f. 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.

**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.  

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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
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.
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. 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/C4/2014-326

<table>
<thead>
<tr>
<th>Identity</th>
</tr>
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<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)(^8)</td>
</tr>
</tbody>
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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>
</tr>
</tbody>
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<table>
<thead>
<tr>
<th>Contact Person</th>
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</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>
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</table>

\(^8\) For natural persons
Telephone number:  
Fax number:  
E-mail address:  

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

<table>
<thead>
<tr>
<th><strong>Declaration by an authorised representative of the organisation</strong>⁹</th>
</tr>
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<tbody>
<tr>
<td>I, the undersigned, certify that the information given in this tender is correct and that the tender is valid.</td>
</tr>
</tbody>
</table>

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

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\textsuperscript{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\textsuperscript{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.

\textsuperscript{10} This covers the company directors, members of the management or supervisory bodies, and cases where one natural person holds a majority of shares.

\textsuperscript{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
<table>
<thead>
<tr>
<th>Full name</th>
<th>Date</th>
<th>Signature</th>
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</thead>
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ANNEX 3

POWER OF ATTORNEY

mandating one of the partners in a joint tender as lead partner and lead contractor 12

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:

12 To be filled in and signed by each of the partners in a joint tender, except the lead partner;
ANNEX 4
Draft Contract