

TENDER SPECIFICATIONS

N° BEREC/2017/04/NP5

External supporting services for the project of the net neutrality measurement tool

Riga, 11 October 2017



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1. INFORMATION ON TENDERING

1.1. Participation

Participation in this procurement procedure is open on equal terms to all natural and legal persons coming within the scope of the Treaties, as well as to international organisations.

It is also open to all natural and legal persons established 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 plurilateral Agreement on Government Procurement¹ concluded within the World Trade Organisation applies, the participation to this procedure is also open to all natural and legal persons established in 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. Compliance with applicable law

The tender must comply with applicable environmental, social and labour law obligations established by Union law, national legislation, collective agreements or the international environmental, social and labour conventions listed in Annex X to Directive 2014/24/EU².

1.4. Joint tenders

A joint tender is a situation where a tender is submitted by a group of economic operators (natural or legal persons). Joint tenders may include subcontractors in addition to the members of the group.

In case of joint tender, all members of the group assume joint and several liability towards the Contracting Authority for the performance of the contract as a whole, i.e. both financial and operational liability. Nevertheless, tenderers must designate one of the economic operators as a single point of contact (the leader) for the Contracting Authority for administrative and financial aspects as well as operational management of the contract.

After the award, the Contracting Authority will sign the contract either with all members of the group, or with the leader on behalf of all members of the group, authorised by the other members via powers of attorney.

¹ See http://www.wto.org/english/tratop_E/gproc_e/gp_gpa_e.htm

² Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC (OJ L 94, 28.3.2014, p. 65).

1.5. Subcontracting

Subcontracting is permitted but the contractor will retain full liability towards the Contracting Authority for performance of the contract as a whole. Tenderers are required to identify subcontractors. During contract performance, the change of any subcontractor identified in the tender or additional subcontracting will be subject to prior written approval of the Contracting Authority.

1.6. Structure and content of the tender

The tenders must be presented as follows:

Part A: Identification of the tenderer (see section 1.7)

Part B: Non-exclusion (see section 4.1)

Part C: Selection (see section 4.2)

Part D: Technical offer

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

Part E: 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 bear 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.

1.7. Identification of the tenderer

The tender must include a **cover letter** signed by an authorised representative presenting the name of the tenderer (including all entities in case of joint tender) and identified subcontractors if applicable, and the name of the single contact point (leader) in relation to this procedure.

In case of joint tender, the cover letter must be signed either by an authorised representative for each member, or by the leader authorised by the other members with powers of attorney. The signed powers of attorney must be included in the tender as well. Subcontractors that are

identified in the tender must provide a letter of intent signed by an authorised representative stating their willingness to provide the services presented in the tender and in line with the present tender specifications.

All tenderers (including all members of the group in case of joint tender) 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.

The tenderer (or the leader in case of joint tender) must provide a Financial Identification Form with its supporting documents. Only one form per tender should be submitted. No form is needed for subcontractors and other members of the group in case of joint tender. The form is available on: http://ec.europa.eu/budget/contracts_grants/info_contracts/index_en.cfm

The tenderer (and each member of the group in case of joint tender) must declare whether it is a Small or Medium Size Enterprise in accordance with [Commission Recommendation 2003/361/EC](#). This information is used for statistical purposes only.

2. TECHNICAL SPECIFICATIONS

BEREC³ has a mandate to provide guidance to National Regulatory Authorities (NRAs) with the implementation of the net neutrality provisions of the Regulation 2015/2120⁴. This guidance covers monitoring and supervision of net neutrality⁵, therefore in 2016 BEREC decided to develop a net neutrality regulatory assessment methodology. This methodology shall contribute to the harmonisation of net neutrality measurements across Europe. BEREC has published for public consultation its draft methodology on 7 June 2017.⁶ The methodology builds upon previous BEREC guidance on net neutrality, Internet access service (IAS) quality monitoring and best practices.

After the public consultation BEREC approved its final regulatory assessment methodology on 5 October 2017. For the details of the methodology please consult the relevant BEREC

³ http://bereg.europa.eu/eng/about_bereg/what_is_bereg/

⁴ <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32015R2120>

⁵ For definitions of net neutrality see: <http://bereg.europa.eu/eng/netneutrality/>

⁶ BoR (17) 112 http://bereg.europa.eu/eng/document_register/subject_matter/bereg/public_consultations/7093-draft-net-neutrality-regulatory-assessment-methodology

documents⁷. BEREC has also decided to develop a net neutrality measurement tool based on the requirement of the assessment methodology. The Office of the Body of European Regulators for Electronic Communications (BEREC Office⁸) has a mandate to support BEREC in delivering its work programme. Following the instructions of BEREC, BEREC Office intends to launch two procurement procedures: one of them is the development of the NN measurement tool (open tender, to be launched later) and a separate one for providing external supporting services and technical assistance (NP5 procedure, middle value). For this second procurement BEREC Office intends to conclude a single framework contract in order to acquire supporting services assuring the quality of the tender specification of the proposed BEREC Net Neutrality (NN) measurement tool, as well as technical assistance in conducting acceptance test of the tool.

BEREC Office will prepare the tender specification for the development of the NN measurement tool (open tender) in the period of November 2017 and January 2018. The contractor of the supporting services (NP5, middle value) shall perform the tasks according to different specific contracts signed as a part of the single framework contract. The contractor has to provide its expertise in at least two specific contracts.

The first specific contract with a maximum value of 15 000 EUR will cover the same time period as the preparation of the NN measurement tool tender specifications (November 2017 to January 2018). In this period the contractor shall assist BEREC Office with quality assurance of the tender specifications of the NN measurement tool (open tender). The contractor's services are anticipated in at least two deliverables, the first deliverable by the 8th of January 2018 as a report and a second final deliverable report and presentation by the 14th January 2018. The contractor might be invited to participate in BEREC Meetings via video conference sessions. Both deliverables shall be in English language and made available to BEREC Office in electronic formats.

BEREC Office will provide its draft tender specifications prepared for the open tender to the contractor, immediately after the signature of the specific contract. BEREC Office will also share with the contractor any information or deliberation deemed necessary to understand the draft tender specifications. The contractor then shall review the draft tender specification and give its advice to BEREC office at least on the followings:

- proposals on amending, improving the tender specifications in terms of clarity and relevance of the technical requirements within the open tender's objectives,
- proposals on clarifications regarding the text,
- review the proposed selection and award criteria proposed by BEREC and suggest to BEREC any improvement which makes the tender's results during the tender's evaluation process undeniable.

BEREC Office does not expect the contractor to define the specific technical requirements since these were already mostly laid down in the NN regulatory assessment methodology. The contractor shall only review the draft tender specifications and give its professional advice

⁷ BoR (17) 178 and BoR (17) 179

⁸ http://berec.europa.eu/eng/berec_office/tasks_and_role/

whether the draft is complete, clear, and feasible to evaluate. BEREC Office expects the contractor to review the draft with the viewpoint of a future candidate for the open tender procedure. This way BEREC Office can make sure that the requirements of the tender specifications of the open tender will be understandable for the industry and subsequently will lead to several competitive offers.

The second specific contract with a maximum value of 50 000 EUR is planned for 2018 or 2019, depending on the progress of the NN measurement tool (open tender) development progress. This second specific contract shall cover the technical and supporting contribution of the contractor to the implementation and acceptance tests of the NN measurement tool.

The selected contractor might be invited and shall participate in maximum three (3) physical meetings or via video conference sessions during 2017, 2018 and 2019.

Any intellectual property rights produced by this consultancy service should remain at BEREC office.

3. PROJECT MANAGEMENT

The contractor shall provide technical assistance to BEREC Office drafting the tender specifications of a subsequent open tender procurement procedure (NN measurement tool). In this case the contracting authority (BEREC Office) has to ensure equality of treatment between the contractor involved in the quality assurance of tender specifications of and the other economic operators interested in the subsequent open procedure. BEREC Office considers that the participation of the contractor in the subsequent open tender procurement procedure entails a distortion of competition and that this situation cannot be remedied otherwise. Therefore the contractor will not be allowed to participate to the open procedure. The special advantage of the information exchange between the contractor and BEREC Office cannot be transferred to other economic operators in the second open tender procurement procedure. The time limit for receipt of tenders of the NN measurement tool development open procedure will be long enough to ensure that all operators can absorb the relevant information.

PM² is a Project Management Methodology developed and supported by the European Commission. Its purpose is to enable project teams to manage their projects effectively and deliver solutions and benefits to their organisations and stakeholders. PM² has been custom developed to fit the specific needs, culture and constraints of EU Institutions, but also incorporates elements from globally accepted best practices, standards and methodologies. As an EU agency BEREC Office also applies PM² in project work and therefore expects the contractor to be familiar with and competent to follow this methodology during the contract's execution. PM² has also been recently extended (through Agile @ EC) to facilitate the management of project work in a more Agile way: https://ec.europa.eu/isa2/solutions/open-pm2_en

4. EVALUATION AND AWARD

The evaluation is based solely on the information provided in the submitted tender. It involves the following:

- Verification of non-exclusion of tenderers on the basis of the exclusion criteria
- Selection of tenderers on the basis of selection criteria
- Verification of compliance with the minimum requirements set out in these tender specifications
- Evaluation of tenders on the basis of the award criteria

The contracting authority may reject abnormally low tenders, in particular if it established that the tenderer or a subcontractor does not comply with applicable obligations in the fields of environmental, social and labour law.

The tenders will be assessed in the order indicated above. Only tenders meeting the requirements of one step will pass on to the next step.

4.1. Verification of non-exclusion

All tenderers must provide a declaration on honour (see Annex 1), signed and dated by an authorised representative, stating that they are not in one of the situations of exclusion listed in that declaration on honour.

In case of joint tender, each member of the group must provide a declaration on honour signed by an authorised representative.

In case of subcontracting, subcontractors must provide a declaration on honour signed by an authorised representative.

The Contracting Authority reserves the right to verify whether the successful tenderer is in one of the situations of exclusion by requiring the supporting documents listed in the declaration of honour.

The obligation to submit supporting evidence does not apply to international organisations.

A tenderer (or a member of the group in case of joint tender, or a subcontractor) is not required to submit the documentary evidence if it has already been submitted for another procurement procedure and provided the documents were issued not more than one year before the date of their request by the contracting authority and are still valid at that date. In such cases, the tenderer must declare on its honour that the documentary evidence has already been provided in a previous procurement procedure, indicate the reference of the procedure and confirm that that there has been no change in its situation.

A tenderer (or a member of the group in case of joint tender, or a subcontractor) is not required to submit a specific document if the contracting authority can access the document in question on a national database free of charge.

4.2. Selection criteria

Tenderers must prove their legal, regulatory, economic, financial, technical and professional capacity to carry out the work subject to this procurement procedure.

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.

The tender must include the proportion of the contract that the tenderer intends to subcontract.

4.2.1. Declaration and evidence

The tenderers (and each member of the group in case of joint tender) and subcontractors whose capacity is necessary to fulfil the selection criteria must provide the declaration on honour (see Annex 1), signed and dated by an authorised representative, stating that they fulfil the selection criteria applicable to them. In case of joint tender or subcontracting, the criteria applicable to the tenderer as a whole will be verified by combining the various declarations for a consolidated assessment.

This declaration is part of the declaration used for exclusion criteria (see section 4.1) so only one declaration covering both aspects should be provided by each concerned entity.

The Contracting Authority will evaluate selection criteria on the basis of the declarations on honour. Nevertheless, it reserves the right to require evidence of the legal and regulatory, financial and economic and technical and professional capacity of the tenderers at any time during the procurement procedure and contract performance. In such case the tenderer must provide the requested evidence without delay. The Contracting Authority may reject the tender if the requested evidence is not provided in due time.

A tenderer (or a member of the group in case of joint tender, or a subcontractor) is not required to submit the documentary evidence if it has already been submitted for another procurement procedure and provided the documents were issued not more than one year before the date of their request by the contracting authority and are still valid at that date. In such cases, the tenderer must declare on its honour that the documentary evidence has already been provided in a previous procurement procedure, indicate the reference of the procedure and confirm that that there has been no change in its situation.

A tenderer (or a member of the group in case of joint tender, or a subcontractor) is not required to submit a specific document if the contracting authority can access the document in question on a national database free of charge.

4.2.2. Legal and regulatory capacity

Tenderers must prove that they are allowed to pursue the professional activity necessary to carry out the work subject to this call for tenders. The tenderer (including each member of the group in case of joint tender) must provide the following information in its tender if it has not been provided with the Legal Entity Form:

- 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 applicable to the legal person requires such publication. Any delegation of this authorisation to another representative not indicated in the official appointment must be evidenced.
- For natural persons, if required under applicable law, a proof of registration on a professional or trade register or any other official document showing the registration number.

4.2.3. Economic and financial capacity criteria

The tenderer must have the necessary economic and financial capacity to perform this contract until its end. In order to prove their capacity, the tenderer must comply with the following selection criteria.

- **Criterion:** Turnover of the last two financial years above EUR 15 000; this criterion applies to the tenderer as a whole, i.e. the combined capacity of all members of a group in case of a joint tender.

Evidence (to be provided on request):

- Copy of the profit and loss accounts for the last two years for which accounts have been closed from each concerned legal entity;
- Failing that, appropriate statements from banks;

If, for some exceptional reason which the Contracting Authority considers justified, a tenderer is unable to provide one or other of the above documents, it may prove its 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. The Commission reserves the right to request any other document enabling it to verify the tenderer's economic and financial capacity.

4.2.4. Technical and professional capacity criteria and evidence

A. Criteria relating to tenderers

Tenderers (in case of a joint tender the combined capacity of all members of the group and identified subcontractors) must comply with the criteria listed below. The evidence must be provided only on request.

The project references indicated below consist in a list of relevant services provided in the past three years, with the sums, dates and clients, public or private, accompanied by statements issued by the clients.

- **Criterion A1:** The tenderer must prove experience in the field of measurement tools as well as their design, implementation, testing and maintenance. The tenderer must provide experience for network measurement tools or relevant IT Systems and portals performing quality measurements on telecom service characteristics and mapping results including

upload/download speed, latency, packet loss, port/application blocking/throttling, etc. in fixed and mobile networks.

Evidence A1: the tenderer must provide references for projects delivered in these fields in the last three years.

- **Criterion A2:** The tenderer must prove capacity to draft high quality technical reports in English.

Evidence A2: the tenderer must provide references to document of at least 10 pages (technical report, study, etc.) in this language that it has drafted and published or delivered to a client in the last two years.

B. Criteria relating to the team delivering the service:

Evidence will consist in CVs of the team responsible to deliver the service. Members of the team should have high level language skills in English as guaranteed by past relevant experience. The team delivering the service should include, as a minimum, the following profiles:

- Project management leader: at least one senior expert with ten years of experience in project management in a project of a similar size and coverage. Experience required especially in the field of network measurement tools or relevant IT Systems and portals performing quality measurements on telecom service characteristics and mapping results including upload/download speed, latency, packet loss, port/application blocking/throttling in fixed and mobile networks.
- Other experts: at least one junior expert with three years' of relevant professional experience in the field of network measurement tools or relevant IT Systems and portals performing quality measurements on telecom service characteristics and mapping results including upload/download speed, latency, packet loss, port/application blocking/throttling in fixed and mobile networks.

4.3. Award criteria

The contract will be awarded based on the most economically advantageous tender, according to the 'best price-quality ratio' award method. The quality of the tender will be evaluated based on the following criteria. The maximum total quality score is 100 points.

| <i>Award criteria</i> | Maximum score/weighting | Threshold |
|-----------------------|--------------------------------|------------------|
|-----------------------|--------------------------------|------------------|

| | | |
|--|------------|-----------|
| <p>1. Quality and relevance of the methodology proposed</p> <p>1.1. Quality and insight of context, objectives and the different tasks to be performed, demonstrated by explanations and elaborations on the way in which the tenderer intends to handle the various requirements.</p> <p>1.2. Value added in respect of information included in the tender specification</p> <p><i>(All the sub-criteria above are of equal relative importance)</i></p> | (60) | (30) |
| <p>2. Scope and relevance of the offered service</p> <p>2.1. Scope of the offer and relevance of the information, provision of extra information and variables.</p> <p>2.2. Soundness and appropriateness of the proposed approach and information gathering techniques.</p> <p><i>(All the sub-criteria above are of equal relative importance)</i></p> | (20) | (10) |
| <p>3. Management and coordination of the deliverables</p> <p>3.1. Feasibility of meeting the objectives specified in the tender specifications (outlined e.g. by a workplan or timetable).</p> <p>3.2. Sound and realistic allocation of:</p> <ul style="list-style-type: none"> - financial and - human resources, including allocation of expertise - organisation of the work <p>3.3. Adequacy of the quality control system applied to the service foreseen in the tender specifications (the quality of all information supplied to the contracting authority, the deliverables, the language quality check, and continuity of the service in case of absence of a member of the team).</p> <p><i>(All the sub-criteria above are of equal relative importance)</i></p> | (20) | (10) |
| TOTAL | 100 | 50 |

Tenders must score minimum 50% for each criterion and sub-criterion, and minimum 50 % in total. Tenders that do not reach the minimum quality levels will be rejected and will not be ranked.

4.4. Ranking of tenders

The contract will be awarded to the most economically advantageous tender, i.e. the tender offering the best price-quality ratio determined in accordance with the formula below. A weight of 60 (for quality)/40 (for price) is given to quality and price.

| | | | | | | | | | | |
|--------------------|---|-------------------|---|-----|---|---------------------------|---|--|---|--------------------------------------|
| score for tender X | = | cheapest price | * | 100 | * | price weighting (in %) | + | total quality score (out of 100) for all award criteria of tender X | * | quality criteria weighting (in %) |
| | | price of tender X | | | | | | | | |

The tender ranked first after applying the formula will be awarded the contract.

ANNEX 1

Declaration on honour on exclusion criteria and selection criteria

The undersigned [*insert name of the signatory of this form*], representing:

| | |
|---|---|
| <i>(only for natural persons)</i> himself or herself | <i>(only for legal persons)</i> the following legal person: |
| ID or passport number: ('the person') | Full official name: Official legal form: Statutory registration number: Full official address: VAT registration number: ('the person') |

I – Situation of exclusion concerning the person

| | YES | NO |
|--|--------------------------|--------------------------|
| (1) declares that the above-mentioned person is in one of the following situations: | <input type="checkbox"/> | <input type="checkbox"/> |
| (a) it is bankrupt, subject to insolvency or winding up procedures, its assets are being administered by a liquidator or by a court, it is in an arrangement with creditors, its business activities are suspended or it is in any analogous situation arising from a similar procedure provided for under national legislation or regulations; | <input type="checkbox"/> | <input type="checkbox"/> |
| (b) it has been established by a final judgement or a final administrative decision that the person is in breach of its obligations relating to the payment of taxes or social security contributions in accordance with the law of the country in which it is established, with those of the country in which the contracting authority is located or those of the country of the performance of the contract; | <input type="checkbox"/> | <input type="checkbox"/> |
| (c) it has been established by a final judgement or a final administrative decision that the person is guilty of grave professional misconduct by having violated applicable laws or regulations or ethical standards of the profession to which the person belongs, or by having engaged in any wrongful conduct which has an impact on its professional credibility where such conduct denotes wrongful intent or gross negligence, including, in particular, any of the following: | | |

| | | |
|---|--------------------------|--------------------------|
| (i) fraudulently or negligently misrepresenting information required for the verification of the absence of grounds for exclusion or the fulfilment of selection criteria or in the performance of a contract; | <input type="checkbox"/> | <input type="checkbox"/> |
| (ii) entering into agreement with other persons with the aim of distorting competition; | <input type="checkbox"/> | <input type="checkbox"/> |
| (iii) violating intellectual property rights; | <input type="checkbox"/> | <input type="checkbox"/> |
| (iv) attempting to influence the decision-making process of the contracting authority during the award procedure; | <input type="checkbox"/> | <input type="checkbox"/> |
| (v) attempting to obtain confidential information that may confer upon it undue advantages in the award procedure; | <input type="checkbox"/> | <input type="checkbox"/> |
| (d) it has been established by a final judgement that the person is guilty of the following: | | |
| (i) fraud, within the meaning of Article 1 of the Convention on the protection of the European Communities' financial interests, drawn up by the Council Act of 26 July 1995; | <input type="checkbox"/> | <input type="checkbox"/> |
| (ii) corruption, as defined in Article 3 of the Convention on the fight against corruption involving officials of the European Communities or officials of EU Member States, drawn up by the Council Act of 26 May 1997, and in Article 2(1) of Council Framework Decision 2003/568/JHA, as well as corruption as defined in the legal provisions of the country where the contracting authority is located, the country in which the person is established or the country of the performance of the contract; | <input type="checkbox"/> | <input type="checkbox"/> |
| (iii) participation in a criminal organisation, as defined in Article 2 of Council Framework Decision 2008/841/JHA; | <input type="checkbox"/> | <input type="checkbox"/> |
| (iv) money laundering or terrorist financing, as defined in Article 1 of Directive 2005/60/EC of the European Parliament and of the Council; | <input type="checkbox"/> | <input type="checkbox"/> |
| (v) terrorist-related offences or offences linked to terrorist activities, as defined in Articles 1 and 3 of Council Framework Decision 2002/475/JHA, respectively, or inciting, aiding, abetting or attempting to commit such offences, as referred to in Article 4 of that Decision; | <input type="checkbox"/> | <input type="checkbox"/> |
| (vi) child labour or other forms of trafficking in human beings as defined in Article 2 of Directive 2011/36/EU of the European Parliament and of the Council; | <input type="checkbox"/> | <input type="checkbox"/> |
| (e) the person has shown significant deficiencies in complying with the main obligations in the performance of a contract financed by the Union's budget, which has led to its early termination or to the application of liquidated damages or other contractual penalties, or which has been discovered following checks, audits or investigations by an Authorising Officer, OLAF or the Court of Auditors; | <input type="checkbox"/> | <input type="checkbox"/> |
| (f) it has been established by a final judgment or final administrative decision that the person has committed an irregularity within the meaning of Article 1(2) of Council Regulation (EC, Euratom) No 2988/95; | <input type="checkbox"/> | <input type="checkbox"/> |
| (g) for the situations of grave professional misconduct, fraud, corruption, other criminal offences, significant deficiencies in the performance of the contract or irregularity, the applicant is subject to: i. facts established in the context of audits or investigations carried out by the Court of Auditors, OLAF or internal audit, or any other check, audit | <input type="checkbox"/> | <input type="checkbox"/> |

| | | |
|--|--|--|
| <p>or control performed under the responsibility of an authorising officer of an EU institution, of a European office or of an EU agency or body;</p> <p>ii.non-final administrative decisions which may include disciplinary measures taken by the competent supervisory body responsible for the verification of the application of standards of professional ethics;</p> <p>iii.decisions of the ECB, the EIB, the European Investment Fund or international organisations;</p> <p>iv.decisions of the Commission relating to the infringement of the Union's competition rules or of a national competent authority relating to the infringement of Union or national competition law; or</p> <p>v.decisions of exclusion by an authorising officer of an EU institution, of a European office or of an EU agency or body.</p> | | |
|--|--|--|

II – Situations of exclusion concerning natural persons with power of representation, decision-making or control over the legal person

Not applicable to natural persons, Member States and local authorities

| | | | |
|---|--------------------------|--------------------------|--------------------------|
| (2) declares that a natural person who is a member of the administrative, management or supervisory body of the above-mentioned legal person, or who has powers of representation, decision or control with regard to the above-mentioned legal person (this covers company directors, members of management or supervisory bodies, and cases where one natural person holds a majority of shares) is in one of the following situations: | YES | NO | N/A |
| Situation (c) above (grave professional misconduct) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Situation (d) above (fraud, corruption or other criminal offence) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Situation (e) above (significant deficiencies in performance of a contract) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Situation (f) above (irregularity) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

III – Situations of exclusion concerning natural or legal persons assuming unlimited liability for the debts of the legal person

| | | | |
|---|--------------------------|--------------------------|--------------------------|
| (3) declares that a natural or legal person that assumes unlimited liability for the debts of the above-mentioned legal person is in one of the following situations: | YES | NO | N/A |
| Situation (a) above (bankruptcy) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Situation (b) above (breach in payment of taxes or social security contributions) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

IV – Grounds for rejection from this procedure

| | | |
|---|--------------------------|--------------------------|
| (4) declares that the above-mentioned person: | YES | NO |
| (h) has distorted competition by being previously involved in the preparation of procurement documents for this procurement procedure. | <input type="checkbox"/> | <input type="checkbox"/> |

V – Remedial measures

If the person declares one of the situations of exclusion listed above, it must indicate measures it has taken to remedy the exclusion situation, thus demonstrating its reliability. This may include e.g. technical, organisational and personnel measures to prevent further occurrence, compensation of damage or payment of fines. The relevant documentary evidence which illustrates the remedial measures taken must be provided in annex to this declaration. This does not apply for situations referred in point (d) of this declaration.

VI – Evidence upon request

Upon request and within the time limit set by the contracting authority the person must provide information on the persons that are members of the administrative, management or supervisory body. It must also provide the following evidence concerning the person itself and concerning the natural or legal persons which assume unlimited liability for the debt of the person:

For situations described in (a), (c), (d) or (f), production of a recent extract from the judicial record is required or, failing that, an equivalent document recently issued by a judicial or administrative authority in the country of establishment of the person showing that those requirements are satisfied.

For the situation described in point (a) or (b), production of recent certificates 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 person is liable, including for example, VAT, income tax (natural persons only), company tax (legal persons only) and social security contributions. Where any document described above is not issued in the country concerned, it may be replaced by a sworn statement made before a judicial authority or notary or, failing that, a solemn statement made before an administrative authority or a qualified professional body in its country of establishment.

The person is not required to submit the evidence if it has already been submitted for another procurement procedure. The documents must have been issued no more than one year before the date of their request by the contracting authority and must still be valid at that date.

The signatory declares that the person has already provided the documentary evidence for a previous procedure and confirms that there has been no change in its situation:

| Document | Full reference to previous procedure |
|---|--------------------------------------|
| <i>Insert as many lines as necessary.</i> | |

VII – Selection criteria

| | YES | NO | N/A |
|--|--------------------------|--------------------------|--------------------------|
| (5) declares that the above-mentioned person complies with the selection criteria applicable to it individually as provided in the tender specifications: | | | |
| (a) It has the legal and regulatory capacity to pursue the professional activity needed for performing the contract as required in section 4.2.2. of the tender specifications; | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| (b) It fulfills the applicable economic and financial criteria indicated in section 4.2.3. of the tender specifications; | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

| | | | |
|---|--------------------------|--------------------------|--------------------------|
| (c) It fulfills the applicable technical and professional criteria indicated in section 4.2.4. of the tender specifications. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|

| | | | |
|---|--------------------------|--------------------------|--------------------------|
| (6) if the above-mentioned person is the sole tenderer or the leader in case of joint tender , declares that: | YES | NO | N/A |
| (d) the tenderer, including all members of the group in case of joint tender and including subcontractors if applicable, complies with all the selection criteria for which a consolidated assessment will be made as provided in the tender specifications. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

VIII – Evidence for selection

The signatory declares that the above-mentioned person is able to provide the necessary supporting documents listed in the relevant sections of the tender specifications and which are not available electronically upon request and without delay.

The person is not required to submit the evidence if it has already been submitted for another procurement procedure. The documents must have been issued no more than one year before the date of their request by the contracting authority and must still be valid at that date.

The signatory declares that the person has already provided the documentary evidence for a previous procedure and confirms that there has been no change in its situation:

| Document | Full reference to previous procedure |
|---|--------------------------------------|
| <i>Insert as many lines as necessary.</i> | |

The above-mentioned person may be subject to rejection from this procedure and to administrative sanctions (exclusion or financial penalty) if any of the declarations or information provided as a condition for participating in this procedure prove to be false.

Full name

Date

Signature