



Annexes to Guide on procurement by private project beneficiaries in ENI CBC

**Simplified tender dossier and Declaration on honour**

**February 2020**

***DISCLAIMER***

This **non-binding document** has been developed by the TESIM project. It does not necessarily reflect the views of the European Commission on the topic, and is presented to programme and project practitioners **for** **illustrative purposes only.**

In case the document is endorsed by an ENI CBC programme and renders it compulsory for use by project beneficiaries, **neither TESIM experts nor the TESIM consortium members shall be held liable for its contents**, in particular as far as audit findings on the eligibility of expenditure are concerned.

**Table of contents**

[***Annex 1: simplified tender dossiers for service, supplies and works (single tender)*** 3](#_Toc33429449)

[**Annex 2: Declaration on honour** 15](#_Toc33429450)

# ***Annex 1: simplified tender dossiers for service, supplies and works (single tender)***

(PLEASE SELECT, REMOVE OR FILL-IN THE TEXT IN YELLOW, AS RELEVANT)

|  |
| --- |
| Name and address of the contracting authority: <XXX>Contact person: <XXX>Title of the tender: <XXX>Reference number: <XXX> |

|  |
| --- |
| **PART A: INFORMATION FOR THE TENDERER** |

1. **INFORMATION ON SUBMISSION OF TENDERS**

Subject of the contract:

The subject of this tender is (select as appropriate, depending on the nature of the contract):

* Provision of **services**, as indicated in the technical information in point 2 of this section
* Provision of **supplies**, as indicated in the technical information in point 2 of this section
* Performance of **works**, as indicated in the technical information in point 2 of this section

Deadline for submission of the tenders:

The deadline for submission of tenders is <day, month, year until XX:XXh>. Any tender received after this deadline will be automatically rejected.

Address and means of submission of the tenders:

The tenderers will submit their tenders using the **standard submission form available in Part B of this tender dossier**. The tender will be submitted in 1 (one) original. In case of e-mail submission, the tenderer may provide a scanned original. Ay tenders not using the prescribed form shall be rejected by the contracting authority.

**If delivery by post or courier**, the tenders will be submitted in two separate envelopes:

* **envelope** **one** for the tenderer’s information, the tenderer’s statement and the technical offer and
* **envelop two** for the financial information.

An envelop including both envelopes will contain the following information at the external part:

Name and address of the contracting authority

Contact person

Title of the tender

Reference number

Name and address of the tenderer

**If delivery by e-mail**, the message will clearly indicate:

Title of the tender

Reference number

Name and address of the tenderer

The tender submission form and any supporting documentation will be provided as attachment to the e-mail.

1. **TECHNICAL INFORMATION**

The tenderers are required to provide services/supplies/works as indicated below. In the technical offer, the tenderers will indicate more details on the deliveries, referring back to the below table (choose one of the tables, except for hybrid contracts).

In case of service tenders

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| No. | Title of item | Description | Required timeframe | Required inputs (if applicable) |
| 1 |  |  |  |  |
| 2 |  |  |  |  |
| n |  |  |  |  |

In case of supply tenders

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| No. | Number of items | Title of item | Technical specifications | Required timeframe |
| Supplies |
| 1.1 |  |  |  |  |
| 1.2 |  |  |  |  |
| n |  |  |  |  |
| Installation (use this section only when necessary) |
| 2.1. |  |  |  |  |
| n |  |  |  |  |
| Other (use this section only when necessary) |
| 3.1. |  |  |  |  |
| n |  |  |  |  |

In case of works tenders

|  |
| --- |
| Description of works |
| Description of the details of works: current situation on-field, works required, technical details, etc. |
| Designs and drawings |
| Description of applicable designs and drawings. The documents are to be attached to this tenderers’ information as annexes |
| Inputs required from the tenderer |
| Type of equipment, estimated labour input, type of expertise, vehicles, tools, etc. |
| Time frame for completion of works and implementation of phases |
| Timeframe for implementation of situations, completion of works, etc. |
| Bill of quantities |
| No. | **Number of items** | **Title of item** | **Technical specifications** |
| 1 |  |  |  |
| n |  |  |  |

1. **FINANCIAL INFORMATION**

The maximum available value of the contract is <XX.XXX,XX><EUR or <national currency>.

1. **ADDITIONAL INFORMATION**

The selection criteria are:

* <add the selection criteria, such as explained in section 3.2.2.>

The award criterion is:

* <lowest price of technically compliant offers (select in case of supplies and works)>
* <best value for money, weighting 80% technical quality and 20% price (select in case of services)>

The successful and unsuccessful tenderers will be informed of the results of the evaluation procedure in written.

The estimated time of response to the tenderers is <XX> working days from the deadline for submission of the tenders.

1. **FORMAT OF CONTRACT**

**CONTRACT TITLE**: <title of the contract>

**REFERENCE**: <reference number>

Concluded between:

<Name of the contracting authority>

<Address of the contracting authority>

Represented by: < name of legal representative><position>

AND

<Name of the contractor>

<Address of the contractor>

 Represented by: <name of legal representative><position>

**Article 1: Subject of the contract**

The subject of the contract are the services/supplies/works as indicated in the contractor’s offer.

**Article 2: Contract value**

The total contract value for implementation of services/delivery of supplies /execution of works indicated in the Article 1 is: <XXX EUR/national currency> (in case of fee-based service contracts, indicate a maximum amount and a breakdown of daily fees, number of days and maximum amount of incidental expenditure)

**Article 3: Contracting documents**

The documents which form the part of this contract are (by the order of precedence):

* + Contract agreement
	+ Contractor’s offer as provided in the tendering phase (see documents in “Part B: Format of offer to be provided by the tenderer’’)
	+ Any other supporting documentation if applicable (in case of request for registration of company, compliance with tax obligations or other documentation)

**Article 4: Deliveries and payments**

The contractor will deliver without reservation the services/supplies/works indicated in the contractor’s offer. The deliveries will be implemented within the indicated dates.

The contracting authority will pay to the contractor the services/supplies/works in the amount indicated in the Article 2 of this contract document. The payments will be issued by the following time schedule.

|  |  |  |
| --- | --- | --- |
| Month |  | <EUR/UAH/BYN> |
| 1 | Initial pre-financing payment | <XX% of the contract value> |
| <Month> | Interim payment | <XX% of the contract value> |
| <Month> | Balance payment | <XX% of the contract value> |
| **Total** | <Total contract value> |

(in the case of service contracts) The contractor will provide contracting authority with the report on execution of the services. (in case of fee-based service contracts). The report will include in attachment the summary of time devoted, the list of incidental expenditure and the signed timesheets.

**Article 5: Duration of the contract**

The duration of the contract is <XX> months.

**Article 6: Cancellation of the contract**

The contract can be suspended by the Contractor if the contracting authority does not fulfil payment and other obligations.

The contract can be terminated by the contracting authority due to one of the following reasons:

* + The Contractor is in serious breach of the contract, failing to meet contractual obligations
	+ The Contractor is bankrupted or being wound up, is having its affairs administrated by courts, has entered into arrangements with creditors, has suspended business activities, is the subject of proceedings concerning those matters, or is in any analogous situations arising from a similar situation provided for in national legislation or regulations.

**Article 7: Resolving of disputes**

Any disputes arising out of or relating to this Contract which cannot be settled otherwise shall be referred to the exclusive jurisdiction of (specify responsible court or arbiter body in accordance with the national legislation of the state of the contracting authority).

For the Contractor For the contracting authority

Name: Name:

Position: Position:

Signature: Signature:

Date: Date :

|  |
| --- |
| **PART B: FORMAT OF OFFER TO BE PROVIDED BY THE TENDERER** |

1. **TENDERER’S INFORMATION**

**Offer submitted by**:

|  |  |
| --- | --- |
| Name of legal entity or entities submitting the tender |  |
| Address |  |
| Legal registration number |  |

**Contact person**:

|  |  |
| --- | --- |
| Name  |  |
| Telephone |  |
| e-mail address |  |

1. **TENDERER’S STATEMENT**

I undersigned hereby confirm that the services/supplies/works offered in this tender are in full conformity with the specifications submitted to us by the contracting authority. The detailed description of the offered services/supplies/works is provided in the technical offer.

In addition, I confirm that our entity is fully eligible for providing services/supplies/works under a contract financed by the EU and it is not in any of the situations that would mean an exclusion from a tender.

Finally, I declare to have no conflict of interest with any other concerned party in the tender procedure at the moment of submitting this tender.

1. **TECHNICAL OFFER**

Please provide details on the offered services/supplies/works by using the standard tables below (choose one of the tables, except for hybrid contracts) and by adding any other relevant information and/or documentation.

In case of service tenders

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| No. | Title of item | Description of services offered | Proposed timeframe | Proposed inputs |
| 1 |  |  |  |  |
| n |  |  |  |  |

In case of supply tenders

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| No. | Number of items | Title of item | Technical specifications of proposed items | Proposed timeframe |
| Supplies |
| 1.1 |  |  |  |  |
| n |  |  |  |  |
| Installation (use this section only when necessary) |
| 2.1. |  |  |  |  |
| n |  |  |  |  |
| Other (use this section only when necessary) |
| 3.1. |  |  |  |  |
| n |  |  |  |  |

In case of works tenders

|  |
| --- |
| Description of works |
| Description of the details of works offered: current situation on-field, works required, technical details, etc. |
| Designs and drawings |
| Description of applicable designs and drawings. The documents are to be attached to this tenderers’ information as annexes |
| Inputs offered |
| Type of equipment, estimated labour input, type of expertise, vehicles, tools, etc. |
| Proposed time frame for completion of works and implementation of phases |
| Timeframe for implementation of situations, completion of works, etc. |
| Bill of quantities |
| No. | **Number of items** | **Title of item** | **Technical specifications** |
| 1 |  |  |  |
| n |  |  |  |

1. **FINANCIAL OFFER**

The total price for the offered services/supplies/works is <XX.XXX,XX><EUR/UAH/BYN>. This price does not include VAT[[1]](#footnote-1).

The offered price includes the execution/delivery of the items described in the technical offer, as well as all the related incidental costs, such as transport, logistics, etc., when required.

Please include a detailed breakdown, in accordance with the items in the technical offer. For fee-based service contracts, include the number of expert days and the daily fees, as well as the breakdown of the incidental costs.

|  |  |
| --- | --- |
| Name  |  |
| Signature |  |
| Date |  |

# **Annex 2: Declaration on honour**

**DECLARATION ON HONOUR ON EXCLUSION CRITERIA AND SELECTION CRITERIA**

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

|  |  |
| --- | --- |
| (*only for natural persons*) himself or herself | (*only for legal persons*) 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

|  |  |  |
| --- | --- | --- |
| declares that the above-mentioned person is in one of the following situations: | YES | NO |
| 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; | [ ]  | [ ]  |
| 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; | [ ]  | [ ]  |
| 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 credibity 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; | [ ]  | [ ]  |
| (ii) entering into agreement with other persons with the aim of distorting competition; | [ ]  | [ ]  |
| (iii) violating intellectual property rights; | [ ]  | [ ]  |
| (iv) attempting to influence the decision-making process of the contracting authority during the award procedure; | [ ]  | [ ]  |
| (v) attempting to obtain confidential information that may confer upon it undue advantages in the award procedure*;*  | [ ]  | [ ]  |
| 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; | [ ]  | [ ]  |
| (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 defined in Article 14 of the General Conditions of the Financing Agreement for ENI CBC between <name of country> and the European Commission in the legal provisions of <name of country>; | [ ]  | [ ]  |
| (iii) participation in a criminal organisation, as defined in Article 2 of Council Framework Decision 2008/841/JHA; | [ ]  | [ ]  |
| (iv) money laundering or other financing, as defined in Article 1 of Directive 2005/60/EC of the European Parliament and of the Council; | [ ]  | [ ]  |
| (v) 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; | [ ]  | [ ]  |
| (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; | [ ]  | [ ]  |
| the person has shown significant deficiencies in complying with the main obligations in the performance of a contract financed by the Union’s budget or by the public budget of <name of country>, 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 the national competent authorities, the Delegation of the European Union in <name of country>, any Managing Authority of ENPI CBC or ENI CBC, Audit Authorities of ENI CBC, the European Commission, OLAF or the European Court of Auditors;  | [ ]  | [ ]  |
| 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; | [ ]  | [ ]  |
| for the situations of grave professional misconduct, fraud, corruption, other criminal offences, significant deficiencies in the performance of the contract or irregularity, the applicant accepts to be subject to:facts established in the context of audits or investigations carried out by the European Court of Auditors, OLAF, or any other check, audit or control performed under the responsibility of an authorising officer of the European Commission, Managing Authority or Audit Authority, the competent national authorities or any other competent body;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;decisions of the Managing Authority, the National Authority (identified in the Financing Agreement for ENI CBC programmes between the European Commission and <name of country>) or the European Commission relating to the infringement of the competition rules stipulated in the Association Agreement between the European Union and <name of country> and the Framework Agreement between the European Union and Belarus or of a national competent authority relating to the infringement of national competition law; ordecisions of exclusion by an authorising officer of the contracting authority.  | [ ]  | [ ]  |

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

|  |  |  |
| --- | --- | --- |
| 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 |
| Situation (c) above (grave professional misconduct) | [ ]  | [ ]  |
| Situation (d) above (fraud, corruption or other criminal offence) | [ ]  | [ ]  |
| Situation (e) above (significant deficiencies in performance of a contract ) | [ ]  | [ ]  |
| Situation (f) above (irregularity) | [ ]  | [ ]  |

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

|  |  |  |
| --- | --- | --- |
| 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 |
| Situation (a) above (bankruptcy) | [ ]  | [ ]  |
| Situation (b) above (breach in payment of taxes or social security contributions) | [ ]  | [ ]  |

IV – Grounds for rejection from this procedure

|  |  |  |
| --- | --- | --- |
|  declares that the above-mentioned person: | YES | NO |
| has distorted competition by being previously involved in the preparation of procurement documents for this procurement procedure.  | [ ]  | [ ]  |

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 |
| *Insert as many lines as necessary.* |  |

VII – Selection criteria

|  |  |  |
| --- | --- | --- |
| declares that the above-mentioned person complies with the selection criteria applicable to it individually as provided in the tender specifications: | YES | NO |
| It has the legal and regulatory capacity to pursue the professional activity needed for performing the contract as required in section [*insert*] of the tender specifications; | [ ]  | [ ]  |
| It fulfills the applicable economic and financial criteria indicated in section [*insert*] of the tender specifications; | [ ]  | [ ]  |
| It fulfills the applicable technical and professional criteria indicated in section [*insert*] of the tender specifications. | [ ]  | [ ]  |

*The contracting authority must adapt the table above to the criteria indicated in the tender specifications (i.e. insert extra rows for each criterion or delete irrelevant rows).*

|  |  |  |
| --- | --- | --- |
| if the above-mentioned person is the sole tenderer or the leader in case of joint tender, declares that: | YES | NO |
| 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 asseessment will be made as provided in the tender specifications. | [ ]  | [ ]  |

VII – 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 |
| *Insert as many lines as necessary.* |  |

*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

1. Beneficiaries of ENI CBC grants in Mediterranean Partner Countries may be tax exempted, so the contractors must issue the invoices without VAT [↑](#footnote-ref-1)