ANNEX I - TENDER SUBMISSION FORM

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| 1. **SUBMITTED by (i.e. the identity of the tenderer)** | |
| **Tenderer** |  |
| **Legal Name** *(if different from above)* |  |
| **Legal Address** |  |
| **Postal Address for Tender** *(if different from above)* |  |
| **Nationality***(country of registration)* |  |
| **VAT Registration Number** |  |

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| 1. **CONTACT PERSON for this Tender (to act as focal point for all communication which may take place between the S2R JU and the tenderer)** | |
| **Name** |  |
| **Organisation** |  |
| **Address** |  |
| **Telephone** |  |
| **E-mail** |  |

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| 1. **AUTHORISED SIGNATORY for this Tender (i.e. legally authorised representative of the tenderer)** | |
| **Name** |  |
| **Position** |  |
| **Address** |  |
| **Documentary Evidence Attached** | Supporting documents providing evidence that above-mentioned signatory is legally empowered to represent / sign on behalf of the tenderer attached. |

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| 1. **INFORMATION ON JOINT TENDERS** | | |
| **Tender is submitted on behalf of a Consortium *(indicate as applicable)* YES**  **/ NO** | | |
| **Role** | **Name(s) of legal entity or entities submitting this tender** | **Nationality** |
| **Leader (as above)** |  |  |
| **Member 1** |  |  |
| **Member 2** |  |  |

*Add / delete additional lines for consortium members as appropriate.* ***Please note that a sub-contractor IS NOT considered to be a consortium member****.*

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| 1. **INFORMATION ON SUB-CONTRACTING** | | |
| **Tenderer shall make use of sub-contractors *(indicate as applicable)* YES  / NO** | | |
| In line with section 1.6 we/I undertake to guarantee the eligibility of the sub-contractor(s) for the parts of the contract for which we have stated our intention to sub-contract in the technical offer. | | |
| **Name** | **Nationality** | **% Sub-contracted** |
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*Add / delete additional lines for sub-contractors as appropriate.*

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| 1. **SUBMISSION CHECKLIST (i.e. content of the offer) -** Our tender is made up of the following documents, duly signed and dated: | | | |
| **ENVELOPE A – ADMINISTRATIVE DATA** | | | |
|  | **Single Tenderer / Consortium Leader** | **Consortium Members** | **Sub-contractors** |
| * **Tender Submission Form** (front page of administrative documents) – using template in **Annex I.** |  | N/A | N/A |
| * **Declaration of Honour** (section 3.1 Exclusion Criteria) – using template in **Annex II.** |  |  | N/A |
| * *In case of sub-contracting (section 1.6):*  **Sub-contractors** **Declaration** – **Annex III.** | N/A | N/A |  |
| * **Financial Identification Form –** using the template downloadable from here: <http://ec.europa.eu/budget/contracts_grants/info_contracts/financial_id/financial_id_en.cfm> |  | N/A | N/A |
| * **Legal Entity Form** (section 3.2.1 Selection Criteria - Legal Capacity) – using template from link below and the supporting documents requested in section 3.2.1: <http://ec.europa.eu/budget/contracts_grants/info_contracts/legal_entities/legal_entities_en.cfm> |  |  | N/A |
| * **Economic & Financial Capacity Documents** (section 3.2.2 Selection Criteria – Economic & Financial Capacity) – using template in **Annex IV.a** accompanied by the documents requested therein. |  |  | N/A[[1]](#footnote-1) |
| * *In case of consortia (section 1.5):* **Consortium agreement** (*if already available*), or, **powers of attorney** issued by the consortium members empowering the representative of the consortium leader (tenderer) to submit a tender on their behalf. |  |  | N/A |
| **ENVELOPE B – TECHNICAL DOCUMENTS** (one signed original & <number> copies) | | | |
| * **Technical & Professional Capacity Documents** (section 3.2.3 – evidence required). * **Technical Offer** (section 4.1 of the specifications). |  | | |
| **ENVELOPE C - FINANCIAL DOCUMENTS** (one signed original & <number> copies) | | | |
| * **Financial Offer** (section 4.2) - using the template in **Annex V** |  | | |

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| 1. **DECLARATION** |
| I, the undersigned, **being** **the authorised signatory** of the above tenderer (including all consortium members, in the case of a consortium), hereby declare that we have examined and accept without reserve or restriction the entire contents of the tender specifications for the tender procedure referred to above.  Furthermore we/I hereby solemnly declare that:   * In the case of consortium: We/I are fully aware that, in the case of a consortium, the composition of the consortium cannot be modified in the course of the tender procedure except with the prior written authorisation of the Shift2Rail Joint Undertaking. We are also aware that the consortium members would have joint and several liability towards the Shift2Rail Joint Undertaking concerning participation in both the above procedure and any contract awarded to us as a result of it. * We/I accept the validity period stipulated in section **1.9** of the Tender Specifications. * We declare and confirm our/my unconditional and irrevocable **acceptance of all the terms and conditions** set out in the tender documents (Part I - invitation to tender, Part II - tender specifications and Part III - draft contract) and, where appropriate, waiver of our/my own general or specific terms and conditions. *Please note that this acceptance shall be fully binding on the tenderer as of submission of the tender and, in case of successful contract award, for the entire duration of the contract.* * We/I are aware that there is no possibility of negotiating the contract and, should the contract be awarded to us/me I hereby undertake to duly sign it with the same terms and conditions and substantially in the form enclosed in the tender documents. * We/I are also aware and agree that non-acceptance of terms and/or conditions as cited above **may lead to the exclusion of our/my tender** for non-compliance with the tender conditions. |

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| **Name** |  |
| **Date & Signature** |  |

ANNEX II - DECLARATION OF HONOUR (ON EXCLUSION CRITERIA & ABSENCE OF CONFLICT OF INTEREST)

*(To be completed by tenderer and any consortium members)*

|  |  |
| --- | --- |
| **Name of the individual** |  |
| representing the following legal person: *(only if the economic operator is a legal person)* | |
| **Name of Company / Organisation:** |  |
| **Legal address:** |  |
| **Registration number/ID Card No.:** |  |
| **VAT number:** |  |

Declares on oath that the above-mentioned natural/legal person is not in one of the following situations:

(a) the economic operator is bankrupt, subject to insolvency or winding-up procedures, where its assets are being administered by a liquidator or by a court, where it is in an arrangement with creditors, where its business activities are suspended, or where it is in any analogous situation arising from a similar procedure provided for under national laws or regulations;

(b) it has been established by a final judgment or a final administrative decision that the economic operator 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;

(c) it has been established by a final judgment or a final administrative decision that the economic operator is guilty of grave professional misconduct by having violated applicable laws or regulations or ethical standards of the profession to which the economic operator 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;

(ii) entering into agreement with other economic operators 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 procurement procedure;

(v) attempting to obtain confidential information that may confer upon it undue advantages in the procurement procedure;

(d) it has been established by a final judgment that the economic operator is guilty of any 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 Member States of the European Union, 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 law of the country where the contracting authority is located, the country in which the economic operator is established or the country of the performance of the contract;

(iii) participation in a criminal organisation, as defined in Article 2 of Council Framework Decision 2008/841/JHA; (iv) money laundering or terrorist financing, as defined in Article 1 of Directive 2005/60/EC of the European Parliament and of the Council;

(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;

(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;

(e) the economic operator has shown significant deficiencies in complying with main obligations in the performance of a contract financed by the 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; (f) it has been established by a final judgment or final administrative decision that the economic operator has committed an irregularity within the meaning of Article 1(2) of Council Regulation (EC, Euratom) No 2988/95.

* declares that the natural persons with power of representation, decision-making or control[[2]](#footnote-2) over the above-mentioned legal entity are not in the situations referred to in b) and e) above;
* declares that the above-mentioned legal/natural person:

1. 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;
2. 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;
3. 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;
4. provided accurate, sincere and complete information to the Contracting Authority within the context of this procurement procedure;

* acknowledges that the above-mentioned legal/natural person may be subject to administrative penalties[[3]](#footnote-3) if any of the declarations or information provided prove to be false.

In the case of contract award we/I undertake to submit without delay and certainly by no later than 15 days following notification of award and prior to the signature of the contract all the documents requested by the S2R JU in accordance with the tender specifications, including in particular:

* **consortium agreement (in case of a consortium); and**
* the following **documentary proofs** expected from the successful tenderer (and in case of a consortium **from each of the partners to the consortium**) to confirm the declaration on exclusion criteria:
* for points a), b) and e) from the list of exclusion criteria in section 3.1 of the tender specifications a **recent extract from** the judicial record or, failing that, an equivalent document recently issued by a judicial or administrative authority in the country of origin or provenance showing that the requirements are satisfied; and
* for point d) from the list of exclusion criteria in section 3.1 of the tender specifications a **recent certificate issued by** the competent authority of the State concerned; on the understanding that **where** the extract/document or certificate referred to above is not issued in the country concerned, it **may be replaced by** a sworn or, failing that, a solemn statement **made** by the interested party **before** a judicial or administrative authority, a notary or a qualified professional body in his country of origin or provenance.

|  |  |
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| **Name** |  |
| **Date & Signature** |  |

ANNEX III – SUB-CONTRACTORS DECLARATION

*(To be completed by each sub-contractor including freelance consultants)*

**<*Letterhead of the sub-contractor or other entity on whose resources to rely>***

|  |  |
| --- | --- |
| **Name of Tenderer:** |  |
| **Name of the individual** *(authorised signatory)* |  |
| representing the following legal person: *(only if the economic operator is a legal person)* | |
| **Name of Company / Organisation:** |  |
| **Legal address:** |  |
| **Registration number/ID Card No.:** |  |
| **VAT number:** |  |

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| --- |
| **DECLARATION OF INTENT** |
| I, the undersigned, being the authorised signatory of the above company hereby solemnly declare and confirm our irrevocable undertaking to collaborate with the above named tenderer should they win the contract and that all appropriate and necessary resources from our part shall be put at the tenderer’s disposal for the performance of the contract. |
| **DECLARATION OF HONOUR (ON EXCLUSION CRITERIA & ABSENCE OF CONFLICT OF INTEREST)** |
| Furthermore, declares on oath that the above-mentioned natural/legal person is not in one of the following situations:   1. 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; 2. has been convicted of an offence concerning their professional conduct by a judgement of a competent authority of a Member State which has the force of res judicata; 3. has been guilty of grave professional misconduct proven by any means which the Shift2Rail Joint Undertaking can justify including by decisions of the European Investment Bank and international organisations; 4. is not in compliance with all its obligations relating to the payment of social security contributions or the payment of taxes in accordance with the legal provisions of the country in which they is established or with those of the country of the Contracting Authority or those of the country where the contract is to be performed; 5. 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 detrimental to the European Union’s financial interests; 6. 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 European Union's budget.  * declares that the natural persons with power of representation, decision-making or control[[4]](#footnote-4) over the above-mentioned legal entity are not in the situations referred to in b) and e) above; * declares that the above-mentioned legal/natural person:  1. 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; 2. 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; 3. 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; 4. provided accurate, sincere and complete information to the Contracting Authority within the context of this procurement procedure;   acknowledges that the above-mentioned legal/natural person may be subject to administrative and financial penalties[[5]](#footnote-5) if any of the declarations or information provided proves to be false. |

|  |  |
| --- | --- |
| **Name** |  |
| **Date & Signature** |  |

ANNEX IV.a – SELECTION CRITERIA – 3.2.2 ECONOMIC & FINANCIAL CAPACITY

|  |  |
| --- | --- |
| **Name of Tenderer:** |  |
| **(***In case of consortia:* **Name of Consortium Member: )** |  |

In line with section 3.2.2 – Economic & Financial Capacity (Selection Criteria) please complete the table below with the information and supporting documents requested.

|  |  |  |
| --- | --- | --- |
| **Statement of Annual Turnover [concerning the services/supplies covered by the contract]** | | |
| **Year** | **Annual Turnover [concerning the services/supplies covered by the contract] *(indicating currency)*** | **Balance Sheets or Extracts from Balance Sheets Provided / Attached to Offer** |
| 20XX Yr N-1 | <complete> |  |
| 20XXYr Yr N-2 | <complete> |  |
| 20XX Yr N-3 | <complete> | N/A |

|  |  |
| --- | --- |
| **Name** |  |
| **Date & Signature** |  |

ANNEX IV.b – SELECTION CRITERIA – 3.2.3 TECHNICAL & PROFESSIONAL CAPACITY – EXPERIENCE OF THE TENDERER

|  |  |
| --- | --- |
| **Name of Tenderer:** |  |

In line with section 3.2.3 – Technical & Professional Capacity (Selection Criteria) please complete the table below with the information and supporting documents requested.

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
|  | **Client /Company Name\*\*** | **Project / Contract Start – End Date** | **Description of Services** | **Financial Volume of Services** (EUR)\*\*\* | **Reference Included in Tender** (minimum <X>) |
| 1. |  |  |  |  |  |
| 2. |  |  |  |  |  |
| 3. | \* |  |  |  |  |

*\*More rows/columns can be added by the tenderer where necessary*

*\*\* Where this cannot be disclosed, please indicate company type or equivalent*

*\*\*\* Where this cannot be disclosed other means to verify the scope/volume shall be presented i.e. range*

|  |  |
| --- | --- |
| **Name** |  |
| **Date & Signature** |  |

ANNEX IV.c – TECHNICAL & PROFESSIONAL CAPACITY - OVERVIEW OF [PROJECT TEAM / PROPOSED PERSONNEL

|  |  |
| --- | --- |
| **Name of Tenderer:** |  |

In line with section 3.2.3 – Technical & Professional Capacity (Selection Criteria) please complete the table below with the information and supporting documents requested.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | **Name** | **Role / Main Responsibilities in [Project Team/Contract Implementation]** | **Employment Status *(i.e. employed, sub-contracted, staff member of consortium partner etc.)*** | **CV included in offer[[6]](#footnote-6)** |
| 1. |  |  |  |  |
| 2. |  |  |  |  |
| 3. |  |  |  |  |
| 4. |  |  |  |  |
| 5. |  |  |  |  |

*\*More rows/columns can be added by the tenderer where necessary*

|  |  |
| --- | --- |
| **Name** |  |
| **Date & Signature** |  |

**]**

ANNEX V - MODEL FINANCIAL OFFER

|  |  |
| --- | --- |
| **Name of Tenderer:** |  |

**GLOBAL PRICE**

|  |  |  |  |
| --- | --- | --- | --- |
| **Phase** | **Task** | **Work (in days)** | **Cost (in euros)** |
| ANA\_1 | Critical analyses of the existing parameters in the TSIs and EN standards for the OCL and pantograph dynamic interaction defining quality of the current collection and safety. |  |  |
| Define new/adapted parameters or reference systems for the dynamic behaviour and quality of the current collection and demonstrate that parameters not included are not relevant for the results. |  |  |
| **Total** |  |  |
| ANA\_2 | Define new methods of assessment for previously defined parameters or reference systems. |  |  |
| Tests (equipment + organisational arrangements) in euros |  |  |
| TOTAL | Total number of days of staff |  |  |
| **Total cost of staff ANA\_1 and ANA\_2** |  |  |
| **Total cost of equipment and tests expenses ANA2** |  |  |
| **Total price ANA\_1 + ANA\_2 (without VAT)** |  |  |

**Note:**

* Prices must be quoted in EURO and include all expenses necessary to perform the contract. **No further reimbursements shall be made whatsoever.**
* The price quoted is fixed and shall be subject to NO revision.

|  |  |
| --- | --- |
| **Name** |  |
| **Date & Signature** |  |

1. Unless the tenderer relies on the sub-contractor(s) to meet the minimum requirements set in section 3.2.2 [↑](#footnote-ref-1)
2. This covers the company directors, members of the management or supervisory bodies, and cases where one natural person holds a majority of shares. [↑](#footnote-ref-2)
3. 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. [↑](#footnote-ref-3)
4. This covers the company directors, members of the management or supervisory bodies, and cases where one natural person holds a majority of shares. [↑](#footnote-ref-4)
5. 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 [↑](#footnote-ref-5)
6. To be decided based on the procedure &/ contract to be concluded whether some/all CVs from the project team are needed – in some cases it may be found appropriate to have only the CV of the project manager and simply an overview of the project team as provided above. [↑](#footnote-ref-6)