# *TENDER FORM FOR A SUPPLY CONTRACT*

Publication reference: 05-4966/24

Title of contract: Supply of equipment for the monitoring of the water supply system of Herceg Novi

**<Place and date>**

**A: <Name and address of Contracting Authority >.**

**One signed** form must be supplied (for each lot, if the tender procedure is divided into lots), together with the number of copies specified in the Instruction to Tenderers**.** The form contains a declaration. Any additional documentation (brochure, letter, etc.) sent with the form will not be taken into consideration.

Applications being submitted by a consortium (i.e. either a permanent, legally-established grouping or a grouping which has been constituted informally for a specific tender procedure) must follow the instructions applicable to the consortium leader and its members.

The attachments to this submission form (i.e. declarations, statements, proofs) may be in original or copy. If copies are submitted, the originals must be dispatched to the Contracting Authority upon request.

An economic operator may, where appropriate and for a particular contract, 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 a commitment on the part of those entities to place those resources at its disposal. Such entities, for instance the parent company of the economic operator, must respect the same rules of eligibility and notably that of nationality, as the economic operator, as well as the relevant selection criteria. With regard to technical and professional criteria, an economic operator may only rely on the capacities of other entities where the latter will supply the supplies or perform the works or services for which these capacities are required. With regard to economic and financial criteria, the entities upon whose capacity the tenderer relies, become jointly and severally liable for the performance of the contract.

**1 SUBMITTED BY**

|  |  |  |
| --- | --- | --- |
|  | **Name(s) of tenderer(s)** | **Nationality[[1]](#footnote-1)** |
| **Leader[[2]](#footnote-2)** |  |  |
| **Member** |  |  |
| **Etc …** |  |  |

**2 CONTACT PERSON (for this tender)**

|  |  |
| --- | --- |
| **Name** |  |
| **Address** |  |
| **Telephone** |  |
| **Fax** |  |
| **E-mail** |  |

**3 ECONOMIC AND FINANCIAL CAPACITY[[3]](#footnote-3)**

Please complete the following table of financial data[[4]](#footnote-4) based on your annual accounts and your latest projections.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Financial data** | **2 years before last year[[5]](#footnote-5)**  **2021**  **EUR** | **Year before last year 2022**  **EUR** | **Last year**  **2023**  **EUR** | **Average[[6]](#footnote-6)**  **EUR** |
| Annual turnover |  |  |  |  |
| Current Assets |  |  |  |  |
| Current Liabilities |  |  |  |  |
| Current ratio (current assets/current liabilities) | Not applicable | Not applicable |  | Not applicable |

**4 STAFF RESOURCES**

Please provide the following personnel statistics for the current year and the two previous years.[[7]](#footnote-7)

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Annual manpower** | **Year before past year** | | **Past year** | | **Current year** | | **Period average** | |
|  | **Overall** | **Relevant fields[[8]](#footnote-8)** | **Overall** | **Relevant fields 11** | **Overall** | **Relevant fields11** | **Overall** | **Relevant fields11** |
| Permanent staff [[9]](#footnote-9) |  |  |  |  |  |  |  | |
| Other staff [[10]](#footnote-10) |  |  |  |  |  |  |  | |
| Total |  |  |  |  |  |  |  | |
| Permanent staff as a proportion of total staff (%) | % | % | % | % | % | % | % % | |

**5 FIELDS OF SPECIALISATION**

Please use the table below to indicate the **specialisms relevant to this contract** of each legal entity making this tender, by using the names of these specialisms as the row headings and the name of the legal entity as the column headings. Show the relevant specialism(s) of each legal entity by placing a tick (✓) in the box corresponding to those specialisms in which the legal entity has significant experience. [**Maximum 10 specialisms**]

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | Leader | Member 2 | Member 3 | Etc … |
| Relevant specialism 1 |  |  |  |  |
| Relevant specialism 2 |  |  |  |  |
| Etc …[[11]](#footnote-11) |  |  |  |  |

**6 EXPERIENCE**

Please complete a table using the format below to summarise the **major** **relevant supplies** carried out over the past 5 by the legal entity or entities making this tender. The number of references to be provided is not limited.

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| **Ref #** | **Project title** | **Country** | **Overall supply value**  **EUR** | **Proportion supplied by legal entity (%)** | **Name of client** | **Dates** | **Detailed description of supply** |
| 1 | … | … | … | … | … | … | … |
| 2 | … | … | … | … | … | … | … |
| 3… | … | … | … | … | … | … | … |

**7 TENDERER’S DECLARATION(S)**

**As part of their tender, each legal entity identified under point 1 of this form, including every consortium member, as well as each capacity-providing entity and each subcontractor, must submit this declaration and the Declaration of honour on exclusion and selection criteria (Annex 1). Signed originals of mentioned documents must be dispatched to the Contracting Authority upon request.**

In response to your letter of invitation to tender for the above contract,

we, the undersigned, hereby declare that:

**1** We have examined and accept in full the content of the dossier for invitation to tender No <…fill in tender name and reference number………………………….> of <date>. We hereby accept its provisions in their entirety, without reservation or restriction.

**2** We offer to deliver, in accordance with the terms of the tender dossier and the conditions and time limits laid down, without reserve or restriction:

**a Water tanker truck with a capacity of minimum 10 cubic meters, 1-pcs**

**3** The price of our tender **excluding** spare parts and consumables, if applicable is:

**<insert price. >.**

**4** We will grant a discount of [<…>%], or [<…………..>]

**5** This tender is valid for a period of 90 days from the final date for submission of tenders.

**6** If our tender is accepted, we undertake to provide a performance guarantee if required by Article 11 of the Special Conditions.

**7** Our firm/company [and our subcontractors] has/have the following nationality:

**<**……………………………………………………………………**>**

**8** <In case of individual tender:>

We are making this tender in our own right ourselves. We confirm that we are not tendering for the same contract in any other form.

<In case of consortium:>

We are making this tender in our own right as member in the consortium led by < name of the leader >. We confirm that we are not tendering for the same contract in any other form. We confirm, as a member in the consortium, that all members are jointly and severally liable by law for the execution of the contract, that the lead member is authorised to bind, and receive instructions for and on behalf of, each member, that the execution of the contract, including payments, is the responsibility of the lead member, and that all members in the joint venture/consortium are bound to remain in the joint venture/consortium for the entire period of the contract’s execution]. [We confirm, as capacity-providing entity to be jointly and severally bound in respect of the obligations under the contract, including for any recoverable amount.

**9** In the event that our tender is successful, we undertake, if required, to provide the proof usual under the law of the country in which we are effectively established that we do not fall into any of the exclusion situations. The date on the evidence or documents provided will be no earlier than 1 year before the date of submission of the tender and, in addition, if required, we will provide a statement that our situation has not altered in the period which has elapsed since the evidence in question was drawn up.

We also undertake, if required, to provide evidence of financial and economic standing and technical and professional capacity according to the selection criteria for this call for tender specified in the contract notice, point 16.

We also understand that if we fail to provide the proof/evidence required, within provided deadline after receiving the notification of award, or if the information provided is proved false, the award may be considered null and void.

**10** We agree to abide by the ethics clauses in Clause 23 of the instructions to tenderers and, in particular, have no conflict of interests or any equivalent relation which may distort competition with other tenderers or other parties in the tender procedure at the time of the submission of this application.

**11** We will inform the Contracting Authority immediately if there is any change in the above circumstances at any stage during the implementation of the tasks.

**12** We note that the Contracting Authority is not bound to proceed with this invitation to tender and that it reserves the right to award only part of the contract. It will incur no liability towards us should it do so.

**13** We fully recognise and accept that if the above-mentioned persons participate in spite of being in any of the situations listed in Section 2.6.10.1.1. of the Practical Guide or if the declarations or information provided prove to be false, they may be subject to rejection from this procedure.

**14** We are aware that, for the purposes of safeguarding the EU's financial interests, our personal data may be transferred to internal audit services, to the Early Detection and Exclusion System, to the European Court of Auditors, to the Financial Irregularities Panel or to the European Anti-Fraud Office.

[If this declaration is being completed by a consortium member:

The following table contains our financial data as included in the consortium’s tender form.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Financial data** | **2 years before last year[[12]](#footnote-12)**  2021 | **Year before last year**  2022 | **Last year**  2023 | **Average6**  **EUR** |
| Annual turnover, excluding this contract |  |  |  |  |
| Current Assets |  |  |  |  |
| Current Liabilities |  |  |  |  |
| Current ratio (current assets/current liabilities) | Not applicable | Not applicable |  | Not applicable |

The following table contains our personnel statistics as included in the consortium’s tender form:

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Annual manpower** | **Year before past year** | | **Past year** | | **Current year** | | **Period average** | |
|  | **Overall** | **Relevant fields**11 | **Overall** | **Relevant fields11** | **Overall** | **Relevant fields** 11 | **Overall** | **Relevant fields** 11 |
| Permanent staff 12 |  |  |  |  |  |  |  |  |
| Other staff 13 |  |  |  |  |  |  |  |  |
| Total |  |  |  |  |  |  |  |  |
| Permanent staff as a proportion of total staff (%) | % | % | % | % | % | % | % | % |

**ANNEX 1 – DECLARATION OF HONOUR ON EXCLUSION AND SELECTION CRITERIA**

**Declaration** **on honour on  
exclusion criteria and selection criteria[[13]](#footnote-13)**

The undersigned, representing:

|  |
| --- |
| The following legal person: insert |
| Full official name: insert  Official legal form: insert  Statutory registration number**:** insert  Full official address: insert  VAT registration number: insert |

|  |  |  |
| --- | --- | --- |
| 1. declares whether the above-mentioned person is in one of the following situations or not: | | |
| **Situation of exclusion concerning the person** | YES | NO |
| 1. 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; |  | X |
| 1. 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; |  | X |
| 1. 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; |  | X |
| (ii) entering into agreement with other persons with the aim of distorting competition; |  | X |
| (iii) violating intellectual property rights; |  | X |
| (iv) attempting to influence the decision-making process of the contracting authority during the award procedure; |  | X |
| (v) attempting to obtain confidential information that may confer upon it undue advantages in the award procedure***;*** |  | X |
| 1. it has been established by a final judgement that the person is guilty of any of the following: |  | |
| (i) fraud, within the meaning of Article 3 of Directive (EU) 2017/1371 of the European Parliament and of the Council of 5 July 2017 on the fight against fraud to the Union's financial interests by means of criminal law and Article 1 of the Convention on the protection of the European Communities’ financial interests drawn up by the Council Act of 26 July 1995 |  | X |
| (ii) corruption, as defined in Article 4(2) of Directive (EU) 2017/1371 and 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 of 22 July 2003 on combating corruption in the private sector, 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 |  | X |
| (iii) conduct related to a criminal organisation referred to in Article 2 of Council Framework Decision 2008/841/JHA of 24 October 2008 on the fight against organised crime; |  | X |
| (iv) money laundering or terrorist financing within the meaning of Article 1(3), (4) and (5) of Directive (EU) 2015/849 of the European Parliament and of the Council of 20 May 2015 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, amending Regulation (EU) No 648/2012 of the European Parliament and of the Council, and repealing Directive 2005/60/EC of the European Parliament and of the Council and Commission Directive 2006/70/EC (Text with EEA relevance) of the European Parliament and of the Council; |  | X |
| (v) terrorist-related offences or offences linked to terrorist activities, as defined in Articles 1 and 3 of Council Framework Decision of 13 June 2002 on combating terrorism [89], respectively, or inciting or aiding or abetting or attempting to commit such offences, as referred to in Article 4 of that Framework Decision; |  | X |
| (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 of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA; |  | X |
| 1. 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; |  | X |
| 1. 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; |  | X |
| 1. 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: 2. 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 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; 3. 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; 4. decisions of the ECB, the EIB, the European Investment Fund or international organisations; 5. 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 6. decisions of exclusion by an authorising officer of an EU institution, of a European office or of an EU agency or body. |  | X |

|  |  |  |
| --- | --- | --- |
| 1. declares whether a natural person who is a member of the administrative, management or supervisory body of the above-mentioned legal person, or who haspowers of representation, decision or control with regard to the above-mentioned legal person (this covers the company directors, members of the management or supervisory bodies, and cases where one natural person holds a majority of shares) is in one of the following situations or not: | | |
| **Situations of exclusion concerning natural persons with power of representation, decision-making or control over the legal person** | YES | NO |
| Situation (c) above (grave professional misconduct) |  | X |
| Situation (d) above (fraud, corruption or other criminal offence) |  | X |
| Situation (e) above (significant deficiencies in performance of a contract ) |  | X |
| Situation (f) above (irregularity) |  | X |

|  |  |  |  |
| --- | --- | --- | --- |
| 1. declares whether 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 or not: | | | |
| **Situations of exclusion concerning natural or legal persons assuming unlimited liability for the debts of the legal person** | YES | NO | N/A |
| Situation (a) above (bankruptcy) |  | X |  |
| Situation (b) above (breach in payment of taxes or social security contributions) |  | X |  |

|  |  |  |
| --- | --- | --- |
| 1. declares whether the above-mentioned person is in one of the following situations or not: | | |
| Grounds for rejection from this procedure | YES | NO |
| 1. has distorted competition by being previously involved in the preparation of procurement documents for this procurement procedure; |  | X |
| 1. has provided accurate, sincere and complete information to the contracting authority within the context of this procurement procedure; | X |  |
| 1. acknowledges that 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. | X | |

**Remedial measures**

If the person declares one of the situations of exclusion listed above, it should indicate the measures it has taken to remedy the exclusion situation, thus demonstrating its reliability. They 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 appropriately illustrates the remedial measures taken should be provided in annex to this declaration. This does not apply for the situations referred in point (d) of this declaration.

**Evidence upon request**

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

|  |  |  |
| --- | --- | --- |
| 1. declares whether the above-mentioned person complies with the selection criteria as provided in the tender specifications: | | |
| **Selection criteria** | YES | NO |
| 1. It has the legal and regulatory capacity to pursue the professional activity needed for performing the contract as required in the tender dossier; | X |  |
| 1. It fulfills the applicable economic and financial criteria indicated in the tender dossier; | X |  |
| 1. It fulfills the applicable technical and professional criteria indicated in the tender dossier. | X |  |
| 1. declares that the above-mentioned person will be 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, if required. | X | |

**Signature of authorised representative of the legal entity: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Name and position of authorised representative of the legal entity: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Date: \_\_\_\_\_\_\_\_\_\_\_**

1. Country in which the legal entity is registered. [↑](#footnote-ref-1)
2. add/delete additional lines for members as appropriate. Note that a subcontractor is not considered to be a member for the purposes of this tender procedure. Subsequently, the data of the subcontractor must not appear in the data related to the economic, financial and professional capacity. If this tender is being submitted by an individual tenderer, the name of the tenderer should be entered as ‘**leader**’ (and all other lines should be deleted). [↑](#footnote-ref-2)
3. Natural persons have to prove their capacity in accordance with the selection criteria and by the appropriate means. [↑](#footnote-ref-3)
4. If this application is submitted by a consortium, the data in the table above must be the sum of the data in the corresponding tables in the declarations provided by the consortium members — see point 7 of this tender form. Consolidated data are not requested for financial ratios. [↑](#footnote-ref-4)
5. Last year=last accounting year for which the entity's accounts have been closed. [↑](#footnote-ref-5)
6. Amounts entered in the ‘Average’ column must be the mathematical average of the amounts entered in the three preceding columns of the same row. [↑](#footnote-ref-6)
7. If this tender is submitted by a consortium, the data in the table above must be the sum of the data in the corresponding tables in the declarations provided by the consortium members — see point 7 of this tender form. Consolidated data are not requested for financial ratios. [↑](#footnote-ref-7)
8. Corresponding to the relevant specialisms identified in point 5 below. [↑](#footnote-ref-8)
9. Staff directlyemployed by the Tenderer on a permanent basis (i.e. under indefinite contracts). [↑](#footnote-ref-9)
10. Other staff not directlyemployed by the Tenderer on a permanent basis (i.e. under fixed-term contracts). [↑](#footnote-ref-10)
11. add/delete additional lines and/or rows as appropriate. If this tender is being submitted by an individual legal entity, the name of the legal entity should be entered as ‘Leader’ (and all other columns should be deleted). [↑](#footnote-ref-11)
12. [↑](#footnote-ref-12)
13. If tenderer is a consortium, Declaration on honour on exclusion criteria and selection criteria must be signed by all members of the consortium. [↑](#footnote-ref-13)