D. TENDER FORM FOR A SUPPLY CONTRACT

Publication reference: EC-NEAR/ANK/2024/EA-OP/0142

Title of contract: Post-Earthquake Transport Recovery Action (PETRA) in Kahramanmaraş

<Place and date>

A: <Name and address of contracting authority >.

[How to complete this tender submission form

Tenders submitted by **consortia** (i.e. either a permanent, legally-established grouping or a grouping constituted informally for a specific tender procedure) must follow the instructions applicable to the consortium leader and its members. In case of consortia, the tenderer's declaration should be submitted by the leader and by all members of the consortium.

In case the instructions to tenderers (see section 10) state that the tender should be submitted by post or courier or hand delivered (**paper submission**): the attachments to this submission form (i.e. declarations, statements, proofs) may be in original or copy. For economical and ecological reasons, it is recommend that paper files are used and that plastic folders or dividers are avoided. It is also recommended to use double-sided printing as much as possible.

In case the instructions to tenderers (see section 10) state that the tender should be submitted via **eSubmission**: declarations and statements shall be signed, scanned and uploaded in eSubmission. See further instructions below.

Originals documents that have not been submitted must be kept by the tenderer. If requested, these originals documents must be dispatched to the contracting authority.

Delete this section highlighted in yellow after having completed all instructions.]

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 instructions to tenderers**.** The form must include a signed declaration using the annexed format from each legal entity submitting this tender. Any additional documentation (brochure, letter, etc.) sent with the form will not be taken into consideration. Tenders 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. For economical and ecological reasons, we strongly recommend that you submit your files on paper-based materials (no plastic folder or divider). We also suggest you use double-sided print-outs as much as possible.

Capacity-providing entities

An economic operator (i.e. tenderer) 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. If the economic operator relies on other entities it must in that case prove to the contracting authority that it will have at its disposal the resources necessary for the performance of the contract by producing with the tender documents a commitment by 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 relying on them and must comply with the selection criteria for which the economic operator relies on them. **For the purpose of the present tender, the data for this third entity for the relevant selection criterion has to be included in a separate document**. Proof of the capacity will also have to be provided when requested by the contracting authority.

With regard to technical and professional criteria, an economic operator may only rely on the capacities of other entities where the latter will perform the tasks for which these capacities are required.

With regard to economic and financial criteria, the entities upon whose capacity the economic operator relies, become jointly and severally liable for the performance of the contract.

1 SUBMITTED BY

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

[1] Country in which the legal entity is registered.

[2] Add/delete additional lines for members as appropriate. Note that a capacity providing entity/ subcontractor is not considered to be a member for the purposes of this tender procedure. Subsequently, the data on capacity providing entities/ subcontractor must not appear in the data related to the economic, financial and professional capacity but on a separate document. 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).

2 CONTACT PERSON (for this tender)

Name	
Address	
Telephone	
Fax	
E-mail	

3 ECONOMIC AND FINANCIAL CAPACITY[3]

Please complete the following table of financial data[4] based on your annual accounts and your latest projections. If annual closed accounts are not yet available for the current year or past year, please provide your latest estimates in the columns marked with **. Figures in all columns must be calculated on the same basis to allow a direct, year-on-year comparison to be made (or, if the basis has changed, an explanation of the change must be provided as a footnote to the table). Any clarification or explanation which is judged necessary may also be provided.

Financial data Data requested in this table must be consistent with the selection criteria set in the additional information about the contract notice document	**2 years before last year[5]** <specify> **€**	**Year before last year** <specify> **€**	**Last year** <specify> **€**	**Average[6]** **€**	**[Past year** **€]****	**[Current year** **€]****
Annual turnover[7], excluding this contract						
Current assets[8]						
Current liabilities[9]						
[Current ratio (current assets/current liabilities)	Not applicable	Not applicable		Not applicable	Not applicable	Not applicable]

[3] Natural persons have to prove their capacity in accordance with the selection criteria and by the appropriate means.

[4] If this tender form 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.

[5] Last year=last accounting year for which the entity's accounts have been closed.

[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.

[7] The gross inflow of economic benefits (cash, receivables, other assets) arising from the ordinary operating activities of the enterprise (such as sales of goods, sales of services, interest, royalties, and dividends) during the year.

[8] A balance sheet account that represents the value of all assets that are reasonably expected to be converted into cash within one year in the normal course of business. Current assets include cash, accounts receivable, inventory, marketable securities, prepaid expenses and other liquid assets that can be readily converted to cash.

[9] A company's debts or obligations that are due within one year. Current liabilities appear on the company's balance sheet and include short term debt, accounts payable, accrued liabilities and other debts.

4 PERSONNEL

Please provide the following personnel statistics for the current year and the two previous years[10].

Annual manpower	Year before past year		Past year		Current year		Period average	
	Overall	Relevant fields[11]	Overall	Relevant fields[11]	Overall	Relevant fields[11]	Overall	Relevant fields[11]
Permanent personnel[12]								
Other personnel[13]								
Total								
Permanent personnel as a proportion of total personnel (%)	%	%	%	%	%	%	%	%

[10] 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.

[11] Corresponding to the relevant specialisms identified in point 5 below.

[12] Personnel directly employed or contracted by the tenderer on a permanent basis (i.e. under indefinite contracts).

[13] Other personnel directly employed or contracted by the tenderer on a non-permanent basis (i.e. under fixed-term contracts).

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 …[14]				

[14] 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).

6 EXPERIENCE

Please complete a table using the format below to summarise the **major relevant supplies** carried out over the past 3 years[15] by the legal entity or entities making this tender. The number of references to be provided must not exceed **15** for the entire tender

Ref # (maximum 15)	**Project title**		…					
Name of legal entity	**Country**	**Overall supply value (EUR)[16]**	**Proportion supplied by legal entity (%)**	**No of personnel provided**	**Name of client**	**Origin of funding**	**Dates**	**Name of members if any**
…	…	…	…	…	…	…	…	…
Detailed description of supply						**Related services provided**		
…						…		

[15] References must be contracts implemented by the legal entity (or legal entities) submitting the-tender form (with the exception of documented cases of company buyout or universal succession). In the case of framework contracts (without contractual value), only specific contracts corresponding to assignments implemented under such framework contracts will be considered.

[16] Amounts actually paid, without the effect of inflation.

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 a signed declaration using this format, together with the declaration on honour on exclusion and selection criteria (Annex 1) (insert Form a.14a).

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 <…….> of <date>. We hereby accept its provisions in their entirety, without reservation or restriction.

2 [If the contract is financed by a basic act under the multiannual financial framework for the years 2014-2020 and by the INSC Regulation 2021/948 of 27 May 2021 under the multiannual financial framework 2021-2027] 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:

Lot 1: <description of supplies with indication of quantities and origin>

Lot 2: <description of supplies with indication of quantities and origin>

[If the contract is financed by a basic act under the multiannual financial framework for the years 2021-2027, with the exception of the INSC Regulation 2021/948 of 27 May 2021] 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:

Lot 1: <description of supplies with indication of quantities>

Lot 2: <description of supplies with indication of quantities>

3 The price of our tender **excluding** spare parts and consumables, if applicable (excluding the discounts described under point 4) is:

Lot 1: <insert price>

Lot 2: <insert price and currency>

Lot 3: <insert price>

4 We will grant a discount of [<…>%], or [<…….>] [in the event of our being awarded lot … and lot … ……].

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 as required by Article 11 of the special conditions.

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

<……>

8 We are making this tender in our own right [as member in the consortium led by [< name of the leader >] [ourselves]*. 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 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, 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 additional information about the contract notice. The documentary proofs required are listed in Section 2.6.11. of the practical guide.

10 We agree to abide by the ethics clauses in Clause 24 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 form.

We confirm that we, including all consortium members, if any, and subcontractors are not in the lists of EU restrictive measures (www.sanctionsmap.eu) and we understand that our tender may be rejected, if proved the contrary.

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. We also fully recognise and accept that any inaccurate or incomplete information deliberately provided in this tender may result in our exclusion from this and other contracts funded by the EU/EDF.

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 and to administrative sanctions in the form of exclusion and financial penalties up to 10% of the total estimated value of the contract being awarded and that this information may be published on the Commission website in accordance with the Financial Regulation in force.

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, to the European Anti-Fraud Office or to the European Public Prosecutor's Office.

[* Delete as applicable]

[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. These data are based on our annual closed accounts and our latest projections. Estimated figures (i.e. those not included in annual closed accounts) are given in italics. Figures in all columns have been provided on the same basis to allow a direct, year-on-year comparison to be made <except as explained in the footnote to the table>.

Financial data Data requested in this table must be consistent with the selection criteria set in the additional information about the contract notice document	**2 years before last**[5] <specify> **EUR**	**Year before last year** <specify> **EUR**	**Last year** <specify> **EUR**	**Average**[6] **EUR**	**Past year** **EUR]**	**[Current year** **EUR]**
Annual turnover [7], excluding this contract						
Current assets[8]						
Current liabilities[9]						
[Current ratio (current assets/current liabilities)	Not applicable	Not applicable		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 fields**[11]	**Overall**	**Relevant fields** [11]	**Overall**	**Relevant fields** [11]
Permanent personnel [12]								
Other personnel [13]								
Total								
Permanent personnel as a proportion of total personnel (%)	%	%	%	%	%	%	%	%

Yours faithfully

Name and first name: <……>

Duly authorised to sign this tender on behalf of:

<……>

Place and date: <……>

Stamp of the firm/company:

This tender includes the following annexes:

<Numbered list of annexes with titles>

ANNEX 1
DECLARATION ON HONOUR ON EXCLUSION AND SELECTION CRITERIA

[How to submit the Declaration on Honour:

Insert here form A14a, available at the following link:
https://wikis.ec.europa.eu/display/ExactExternalWiki/Annexes#Annexes-AnnexesA(Ch.2):General

For the Declaration on Honour, different steps are applicable depending on the type of procedure. The applicable procedure can be verified in your letter of invitation.

Open tender procedure

For supply tenders where the instructions to tenderers (see section 10) state that the tender should be submitted by post or courier or hand delivered (**paper submission**):

- each legal entity identified under point 1, including every consortium member, and capacity-providing entities or subcontractor (if any) signs and dates the Declaration on Honour
- when submitting the tender, copies of the Declaration on Honour are provided
- the leader of the consortium keeps the original Declarations on Honour, including the Declarations on Honour of every consortium member, and capacity-providing entities or subcontractor (if any)
- during the evaluation, the evaluation committee might request the submission of the original Declarations on Honour, including the Declarations on Honour of every consortium member, and capacity-providing entities or subcontractor (if any)

For supply tenders where the instructions to tenderers (see section 10) state that the tender should be submitted via **eSubmission**:

- each legal entity identified under point 1, including every consortium member, and capacity-providing entities or subcontractor (if any) sign and date the Declaration on Honour
- the Declarations on Honour are scanned and submitted via eSubmission through the section "Declaration on Honour" under "Attachments".
- the leader of the consortium keeps the original Declarations on Honour, including the Declarations on Honour of every consortium member, and capacity-providing entities or subcontractor (if any)
- during the evaluation, the evaluation committee might request the submission of the original Declarations on Honour, including the Declarations on Honour of every consortium member, and capacity-providing entities or subcontractor (if any)

Negotiated procedure managed directly managed by the European Union

- each legal entity identified under point 1, including every consortium member, and capacity-providing entities or subcontractor (if any) signs and dates the Declaration on Honour
- the Declaration on Honour is scanned and submitted via eSubmission through the section "Declaration on Honour" under "Attachments".
- In case the Declaration on Honour is signed with a Qualified Electronic Signature (QES), submit the QES-signed Declaration on Honour via eSubmission through the section "Declaration on Honour" under "Attachments".
- In case the Declaration(s) on Honour is signed with a blue ink signature, the original should

be kept by the tenderer on file for control and have to be provided upon request to the contracting authority.

Simplified procedure, local open procedure and negotiated procedure indirectly managed by an EU partner country

- each legal entity identified under point 1, including every consortium member, and capacity-providing entities or subcontractor (if any) signs and dates the declaration on honour
- when submitting the tender, the signed and dated original declaration on honour shall be included
- In case the Qualified Electronic Signature (QES) is used for the signing of the Declaration(s) on honour, submit the QES-signed Declaration on Honour by email.

Delete this section highlighted in yellow after having completed all instructions.]