Ref. Ares(2022)4166283 - 04/06/2022

VOLUME 1

SECTION 3
TENDER GUARANTEE FORM

TENDER GUARANTEE FORM

Works contract

(To be completed on paper bearing the letterhead of the financial institution)

For the attention of
Ministry of Transport and Infrastructure, Directorate General for European Union Affairs and Foreign Relations, Department of European Union Investments, with its office at Hakkı Turayliç Cad. No.5, B Blok, Kat: 10, Emek 06490 Ankara, Türkiye represented for its part by Mr. Burak AYKAN, Head of Operating Structure referred to below as the 'contracting authority'
referred to below as the 'contracting authority'

Title of contract: Construction of Çerkezköy Intermodal Terminal (IMT)
Identification number: NEAR/ANK/2022/EA-OP/0057

We, the undersigned, [name and address of financial institution], hereby irrevocably declare that we will guarantee, as primary obligor, and not merely as a surety on behalf of <tenderer's name and address>, payment to the contracting authority of <amount of the tender guarantee>, this amount representing the guarantee referred to in Article 15 of the instructions to tenderers.

Payment shall be made without objection or legal proceedings of any kind, upon receipt of your first written claim (sent by registered letter with confirmation of receipt) if the tenderer does not fulfil all obligations stated in its tender. We shall not delay the payment, nor shall we oppose it for any reason whatsoever. We shall not under any circumstances benefit from the defences of the security. We shall inform you in writing as soon as payment has been made.

We note that the guarantee will be released at the latest within 45 days of expiry of the tender validity period, including any extensions, in accordance with Article 15 of the instructions to tenderers [and in any case at the latest on (one year after the deadline for submitting tenders)].[1]

The law applicable to this guarantee shall be that of < the country in which the financial institution issuing the guarantee is established>. Any dispute arising out of or in connection with this guarantee shall be referred to the courts of <the country in which the financial institution issuing the guarantee is established>.

The guarantee will enter into force and take effect from the submission deadline of the tender.

Done at …….., ../../..

Name and first name: …… On behalf of: ……

Signature[2]: ……..

[*stamp of the body providing the guarantee*]

[1] This mention has to be inserted only where required, for example where the law applicable to the guarantee stipulates a precise expiry date or where the guarantor can justify that he is unable to provide such a guarantee without expiry date.
[2] Can be signed using a qualified electronic signature (QES). Please note that only the qualified electronic signature (QES) within the meaning of Regulation (EU) No 910/2014 (eIDAS Regulation) will be accepted.