

**CALL FOR EXPRESSIONS OF INTEREST**

**(PRE-SELECTION for RESTRICTED TENDER)**

ENISA D-SRAD-16-T39

**Office refurbishment and related infrastructure works**

**ENISA Premises Maroussi**

**ANNEXES:**

Annex I Legal Entity Form

Annex II Financial Identification Form

Annex III Declaration of Honour for exclusion criteria & absence of conflict of interest

Annex IV Administrative ID and Declaration form

Annex V Consortium / Grouping Form

Annex VI Sub-Contractors Form

Annex VII Document Checklist

CONTENTS

[Office refurbishment and related infrastructure works 1](#_Toc470006575)

[INFORMATION FOR APPLICANTS 3](#_Toc470006576)

[1. Contracting authority 3](#_Toc470006577)

[2. Type of procedure 3](#_Toc470006578)

[3. Scope of the Works 3](#_Toc470006579)

[4. Time frame for completion of works 5](#_Toc470006580)

[5. Estimated contract value 5](#_Toc470006581)

[6. Time schedule and procedure 5](#_Toc470006582)

[7. Presentation of the Submission 6](#_Toc470006583)

[8. Identification of the Applicant 6](#_Toc470006584)

[9. Participation of consortia or group of service providers 7](#_Toc470006585)

[10. Subcontracting 7](#_Toc470006586)

[11. Language 8](#_Toc470006587)

[12. Opening of Submissions 8](#_Toc470006588)

[13. Grounds for exclusion of tenderers 8](#_Toc470006589)

[13.1 Reasons for Exclusion 8](#_Toc470006590)

[13.2 Other reasons for not awarding the Contract 9](#_Toc470006591)

[13.3 Confidentiality and Public Access to Documents 10](#_Toc470006592)

[14. Selection Criteria 10](#_Toc470006593)

[14.1 Professional Information 10](#_Toc470006594)

[14.2 Financial and Economic Capacity 10](#_Toc470006595)

[14.3 Technical and professional capacity 11](#_Toc470006596)

[15. Dispatch of invitations to tender 11](#_Toc470006597)

[16. Award criteria for 2nd stage 12](#_Toc470006598)

[17. Specific information 12](#_Toc470006599)

[17.1 Timetable 12](#_Toc470006600)

[ANNEX I 13](#_Toc470006601)

[ANNEX II 14](#_Toc470006602)

[ANNEX III 15](#_Toc470006603)

[ANNEX IV 20](#_Toc470006604)

[ANNEX V 21](#_Toc470006605)

[ANNEX VI 22](#_Toc470006606)

[ANNEX VII Document CHECKLIST 23](#_Toc470006607)

# INFORMATION FOR APPLICANTS

## Contracting authority

ENISA, the European Union Agency for Network and Information Security, with its head office in Heraklion Crete and an operational office in Marousi Attiki, was set up to strengthen the capacity of the European Union, its Member States and the business community to prevent, address and respond to network and information security threats.

The Agency assists the Commission and the EU Member States, and cooperates with the business community in order to help them to meet the requirements of network and information security. This work supports the smooth functioning of the EU’s internal market.

Further information about ENISA can be obtained on its website: [www.enisa.europa.eu](http://www.enisa.europa.eu)

## Type of procedure

The awarding of this contract will be achieved by using a two stage ‘Restricted’ tender procedure. Only the companies pre-selected from those having answered this Call for Expressions of Interest in the first stage, will be invited to submit an offer in the second stage of this procedure.

## Scope of the Works

The overall objective of this tender procedure is to conclude a works contract for ‘Office refurbishment and related Infrastructure Works’ for the Agency’s additional office space situated at:

* **Vasilissis Sofias 1, Marousi, Attiki, Greece**.

Construction and electromechanical works are envisaged to be carried out on the ground floor and basement of the abovementioned office building. The actual floor space to be refurbished is:

* Ground floor – 300 sq.m.
* Basement – 80 sq.m.

An abbreviated list of works to be performed is provided (see sub-articles 3.1 and 3.2 below) in order to give the potential applicant the information necessary to establish whether they are able to provide services in all areas mentioned. A detailed list of works will only be provided to the approved applicants at the second stage of this tender procedure.

The services of an architect have been employed in order to produce the ‘study’ which includes plans and designs, the suggested type and quality of the fixtures and fittings to be provided, as well as the Bill of Quantities for the works project. This information will be provided to the candidates which are selected for the 2nd stage of this tender procedure.

It is clearly stated at this point that you may provide a submission on your own if your company can cover all of the list of works mentioned, otherwise you may apply together with partners in the form of an ad-hoc grouping, or consortium; which can either be legally constituted or just an informal consortium with one company as the lead partner.

Alternatively, you may nominate one or more subcontractors to carry out some of the works listed below. Please note that you will have to provide this information using the template forms in Annex to this document (Annex V – Power of Attorney and/or Annex VI - Subcontractors form). Further details can be found in Articles 9 and 10 later in this document.

**3.1 Civil Works**

|  |  |
| --- | --- |
|  | **CIVIL WORKS** |
| 1 | Demolition and removal of waste material |
| 2 | Interior Plasterboard Partitions |
| 3 | Wooden Doors |
| 4 | Interior Glass Partitions |
| 5 | Flooring |
| 6 | Suspended Ceiling - Sound Absorbent |
| 7 | Windows, doors, moving the revolving door to the main entrance, construction of a new fire exit |
| 8 | Rollers on windows both for sun shade and black-out. |
| 9 | Painting |

***General description:***

Complete dismantling of internal partitions, internal walls, lighting fixtures, glass partitions and doors on the ground floor, based on the study; dismantling the suspended plasterboard ceiling and the floor tiles on the ground floor. A new delineation of internal partitions based on the study, will be constructed with plasterboard and permanent partitions, with glass or wooden doors. Carpet floor covering on the ground floor over the marble tiles, as well as floor and walls covering with ceramic tiles in the new toilet areas on ground floor; Painting of all existing surfaces (walls-ceilings); In the basement, (80sq.m.) works are limited to a general freshening up with painting of walls and ceilings. A detailed description of works will be provided to the successful applicants in late January/early February.

**3.2 Electro-mechanical works**

|  |  |
| --- | --- |
|  | **ELECTRO-MECHANICAL and PLUMBING WORKS** |
| 10 | Lighting |
| 11 | Electrical and computer network cabling |
| 12 | Repair of Existing Air-conditioning units (fan coils) and ventilation system |
| 13 | Minor plumbing works |

***General description:***

Readjustment of electro-mechanical installations to cover the needs of the new layouts of the area as they are shaped by the needs of the Agency.

There are differing requirements for ventilation, cooling and heating due to closed offices as well as meeting rooms.

The new locations for electrical and data points will be shown in detail in the drawings and technical specifications of the study.

A detailed description of works will be provided to the successful applicants in late January/early February.

## Time frame for completion of works

It is envisaged that all works to be awarded to the successful contractor at the end of the 2nd stage of this tender procedure, shall be concluded within a period of 18 weeks from signature of contract.

## Estimated contract value

The contract value without this being binding for ENISA is estimated to be **up to one hundred and fifty-nine thousand Euros** **(€159,000.00)** for the completion of all works as listed in Article 3 above.

## Time schedule and procedure

Interested companies shall submit all documents requested in Article 14 of this document and in Annex VII – Document Checklist’ to the following restricted access email account **ONLY**:

[tenders-D.SRAD.16.T39@enisa.europa.eu](mailto:tenders-D.SRAD.16.T39@enisa.europa.eu)

Attention: The Procurement Officer

In order to ensure secure reception, the ‘Subject’ field of the email must contain the following text:

**CEI Application – D-SRAD-16-T39 ‘Office Refurbishment’**

\*\*\*If your email file is quite large due to the attachments, it is recommended to split any attachments into files no larger than **9 - 10MB** each and spread over more than one email. In this case please add the following text to the ‘Subject’ field of each email:

**CEI Application – D-SRAD-16-T39 ‘Office Refurbishment’ (*nn of Tnn)***

If you have any questions regarding this procedure or clarifications are required, then please send them to our general procurement section email account **only**:

[procurement@enisa.europa.eu](mailto:procurement@enisa.europa.eu)

The **last date & time** for acceptance of submissions is **strictly:**

**Wednesday 25th January 2017 at 17:00 CET +1 (Greek time zone).**

Please note that late despatch will lead to exclusion from the evaluation and award procedure for this Call for Expressions of Interest.

## Presentation of the Submission

Your application should contain all documentation referred to below and listed in the Document Checklist (see Annex VII)

## Identification of the Applicant

Applicants are required to complete the Legal Entity Form (Annex I) which must be signed by a representative of the applicant authorised to sign contracts with third parties. There is one form for ‘individuals’, one for ‘private entities’ and one for ‘public entities’. A standard form is provided for each category - please choose whichever is applicable. In addition to the above, a Financial Identification Form must be filled in and signed by an authorised representative of the applicant and his/her bank (or a copy of the bank account statement instead of bank’s signature). A specimen form is provided in Annex II. Finally a **Declaration by Authorised Representative (Annex VI)** must also be completed for internal administrative purposes.

The Legal Entity Form must be supported by the following documents relating to each applicant in order to show its name, address and official registration number:

a) For private entities:

* A legible copy of the instrument of incorporation or constitution, and a copy of the statutes, if they are contained in a separate instrument, or a copy of the notices of such constitution or incorporation published in the national or other official journal, if the legislation which applies to the applicant requires such publication.
* If the instruments mentioned in the above paragraph have been amended, a legible copy of the most recent amendment to the instruments mentioned in the previous indent, including that involving any transfer of the registered office of the legal entity, or a copy of the notice published in the relevant national or other official journal of such amendment, if the legislation which applies to the applicant requires such publication.
* If the instruments mentioned in the first paragraph have not been amended since incorporation and the applicant’s registered office has not been transferred since then, a written confirmation, signed by an authorised representative of the applicant, that there has been no such amendment or transfer.
* A legible copy of the notice of appointment of the persons authorised to represent the applicant in dealings with third parties and in legal proceedings, or a copy of the publication of such appointment if the legislation which applies to the legal entity concerned requires such publication.
* If the above documents do not show the registration number, a proof of registration, as prescribed in their country of establishment, on one of the professional or trade registers or any other official document showing the registration number.
* If the above documents do not show the VAT number, a copy of the VAT registration document, where applicable.

b) For Individuals:

* A legible copy of their identity card or passport.
* Where applicable, a proof of registration, as prescribed in their country of establishment, on one of the professional or trade registers or any other official document showing the registration number.
* If the above documents do not show the VAT number, please provide a copy of the VAT registration document.

c) For Public Entities:

* A copy of the resolution decree, law, or decision establishing the entity in question or failing that, any other official document attesting to the establishment of the entity.

All applicants must provide their Legal Entity Form (Annex I) as well as the evidence mentioned above.

In case of a joint submission, only the co-ordinator must return the Financial Identification form (Annex II).

The applicant must be clearly identified, and where the application is submitted by an organisation or a company, the following administrative information and documents must be provided:

Full name of organisation/company, copy of legal status, registration number, address, person to contact, person authorised to sign on behalf of the organisation (copy of the official mandate must be produced), telephone number, facsimile number, VAT number, banking details: bank name, account name and number, branch address, sort code, IBAN and SWIFT address of bank: a bank identification form must be filled in and signed by an authorised representative of each applicant and their bank (or by producing a recent bank statement which clearly shows the IBAN number).

## Participation of consortia or group of service providers

Consortia or groupings, may submit an application and subsequent tender on condition that it complies with the rules of competition. The ‘Power of Attorney/Consortium Form’ (Annex V) must be completed and submitted with your offer.

If a grouping is awarded the contract, it does not need to take a particular legal form for contract performance. However, all grouping members (i.e. lead company and all other partners) must be jointly and severally liable in relation to the contracting authority and undertake jointly to perform the contract.

Groupings must state the name of the lead company (joint representative) and the sole contact person, responsible for the follow-up of the procurement procedure. They must also submit a copy of the documents (proxy) authorising this company and its legal representative to submit a request to participate; to tender or to sign a contract on behalf of the grouping.

All members of the grouping must provide the documents indicated in articles 14.1 to 14.3 below.

## Subcontracting

Any intention to subcontract part of the contract must be clearly stated by the applicant in their submission and by completing Annex VI ‘Subcontractors form’. Applicants must indicate the maximum percentage of the contract they intend to subcontract and clearly state the nature of their links to those subcontractors.

Offers involving subcontracting will be assessed as follows:

* The exclusion criteria will be assessed (see article 13.1 below) for all identified subcontractors whose intended share of the contract is above 10%. The ‘*Declaration of Honour with respect to the Exclusion Criteria and Absence of Conflict of Interest’* included as Annex III, duly signed and dated, stating that the subcontractor is not in one of the exclusion situations, must be provided by each identified subcontractor.
* Where the tenderer relies on the economic, financial, technical and professional capacity of the identified subcontractor(s) to meet the selection criteria, subcontractors shall be treated as if they were partners in a consortium or a group of companies for the purposes of the evaluation of the selection criteria, and therefore, they shall provide proof of economic, financial, technical and professional capacity as well (see articles 14.1 to 14.3 below).

The sub-contractor must not sub-contract further. Where no subcontractor is declared, the work will be assumed to be carried out directly by the bidder.

## Language

Offers shall be submitted in one of the official languages of the European Union (preferably in English). Official documents may be submitted in their original language without translation.

## Opening of Submissions

The opening of received submissions (in closed session) will take place on 26th January 2017 at 10:30am at ENISA Building, 1 Vasilissis Sofias Str. Marousi 15124, Greece.

## Grounds for exclusion of tenderers

### 13.1 Reasons for Exclusion

In line with Articles No.106, 107, 109(1) of the European Parliament and of the Council Regulation No 966/2012 of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002; candidates or tenderers shall be excluded from participation in a procurement procedure if:

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 professional conduct by a judgment 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 contracting authorities 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 and the payment of taxes in accordance with the legal provisions of the country in which it is established, with those of the country of the contracting authority and 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, where such activity is detrimental to the Union's financial interests;
6. is subject to an administrative penalty for being guilty of misrepresenting the information required by the contracting authority as a condition of participation in a grant award procedure or another procurement procedure or failing to supply this information, or having been declared to be in serious breach of its obligations under contracts or grants covered by the Union's budget.

Candidates must certify that they are not in one of the situations listed in article 13.1 (see Annex III: Exclusion criteria and non-conflict of interest form). If the tender is proposed by a consortium this form must be submitted by each partner.

#### (i) At the ‘Call for Expressions of Interest’ stage:

Applicants must certify that they are not in one of the situations listed above, by submitting a solemn declaration, duly signed and dated by a legal representative of the company, using the form in *Annex III (Declaration on Exclusion Criteria)*.

#### (ii) At the ‘award’ stage:

The tenderer to whom the contract will be awarded must provide the means of proof as listed below in support of his solemn declaration at the end of the award procedure (within 10 working days of notification of contract award and before contract signature).

The Agency will accept, as sufficient proof that the tenderer and the persons with powers of representation or decision-making are not in any of the situations specified in points (a), (b) or (e); an extract from the judicial record or, failing this, an equivalent document issued by a judicial or administrative body in the country of origin or provenance, showing that these requirements have been met. The Agency will accept, as sufficient proof that the tenderer is not in the situation specified in point (d), a certificate issued by the appropriate body in the country concerned.

### 13.2 Other reasons for not awarding the Contract

Contracts may not be awarded to Candidates or Tenderers who, during the procurement procedure:

1. Are subject to a conflict of interest;
2. Are guilty of misrepresentation in supplying the information required by the contracting authority as a condition of participation in the contract procedure or fail to supply this information;
3. Any attempt by a Tenderer to obtain confidential information, enter into unlawful agreements with competitors or influence the evaluation committee or ENISA during the process of examining, clarifying, evaluating and comparing tenders will lead to the rejection of his offer and may result in administrative penalties.

### 13.3 Confidentiality and Public Access to Documents

In the general implementation of its activities and for the processing of tendering procedures in particular, ENISA observes the following EU regulations:

* Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data;
* Regulation (EC) No. 45/2001 of the European Parliament and of the Council of   
  18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data;
* Regulation (EC) No. 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents.

## Selection Criteria

The following criteria will be used to select the candidates. If the submission is proposed by a consortium or ad hoc grouping these criteria must be fulfilled by each partner.

Documentary evidence of the candidate’s claims in respect of the below-mentioned criteria is required.

### 14.1 Professional Information

1. Copy of the certificate of enrolment on the relevant professional or trade register or a statement under oath or a certificate in accordance with the conditions laid down in the Member State in which they reside.
2. A recent document from a bank stating that the applicant is not bankrupt or being wound up, having their affairs administered by the courts, entered into an arrangement with creditors, suspended business activities, are not the subject of proceedings concerning those matters;
3. Copy of the current insurance certificate covering the risks of its activities;
4. A certificate issued by the competent authority or solemn declarations attesting that taxes, duties and social security contributions have been paid;
5. Indication of the permanent number of employees of the company and of the average number of the employees over the past three years.

### 14.2 Financial and Economic Capacity

Proof of financial and economic standing shall be furnished by the following documents and minimum requirements:

(a) Copy of the financial statements (balance sheets and profit and loss accounts) for the last three (3) financial years for which accounts have been closed, where publication of the accounts is required under the company law of the country in which the economic operator is established. In case of a consortium, each consortium member shall present their financial statements.

If the applicant is not obliged to publish its accounts under the law of the state in which it is established, a copy of audited accounts for the last three (3) financial years should be presented. In case of a consortium, audited accounts for each consortium partner shall be presented.

(b) A statement of the average turnover of the last three (3) financial years for which accounts have been closed. The minimum annual average turnover of the applicant shall be of **150,000.00** EUR. In case of a consortium, the annual average turnover for each of the partners shall be presented. The total sum of the annual average turnovers of each partner will be taken into account to reach the annual average turnover of **150,000.00** EUR.

If for some exceptional reason which the Contracting Authority considers justified, the applicant is unable to provide the documentary evidence requested above, he may prove his economic and financial capacity by any other means which the Contracting Authority considers appropriate, but only following a written request for clarification before the submission expiry date.

### 14.3 Technical and professional capacity

The proof provided of the relevant background and technical capacity of the candidate shall cover the following aspects:

1. Report presenting the company and describing its activities, including a description of the organisational structure of the company. A statement on the candidate's average annual manpower and the number of managerial staff over the past 3 years;
2. Information about tools, methodologies, quality assurance procedures and standards which prove their capacity and professionalism in the area covered by this contract;
3. A list of at least 5 of the most important contracts, each with a minimum value of **40,000.00** EUR performed in the past five years, with the values, recipients; whether public, private or governmental projects, especially those works and services provided to international or foreign companies, diplomatic missions or representations of international organisations;
4. Management capability (including, but not limited to, project management in a European context and quality assurance).

**Please note that applicants must include in their submission all of the information and documents listed above, or face the risk of being ruled ineligible to participate.**

## Dispatch of invitations to tender

Following the opening and evaluation of all submissions to this Call for Expressions of Interest, invitations to take part in the restricted tender together with the technical specifications will only be sent to the pre-selected companies.

## Award criteria for 2nd stage

The technical specifications are expected to be sent to the pre-selected companies in early February 2017.

The contract will be awarded to the company offering the most economically advantageous tender in terms of the award criteria stated in the specifications, in the invitation to tender or in the descriptive document.

## Specific information

### 17.1 Timetable

The timetable for the Restricted Tender, comprising this Call for Expressions of Interest and subsequent tender is as follows:

Title: ***“*Office Refurbishment and related Infrastructure Works*”***

**ENISA D-SRAD-16-T39**

**Summary timetable comments**

|  |  |  |
| --- | --- | --- |
| Launch of tender Notice to the Official Journal of the European Union (OJEU) | **8th December 2016** | Date sent to the OJEU |
| Deadline for request of information from ENISA | 19th January 2017 |  |
| Last date on which clarifications are issued by ENISA | 20th January 2017 |  |
| Deadline for submission of applications | **25th January 2017** | **By 17:00 Greek local time**. |
| Opening of applications | **26th January 2017** | At 10:00 Greek time |
| Date for evaluation of applications | End January 2017 | At 11:00 Greek time |
| Notification to selected candidates eligible to receive tender documents | Early February 2017 | Estimated |

# ANNEX I

**Legal Entity Form**

The specific form for;

1. public entity,
2. private entity or
3. individual entity,

is available for download in each of the 24 official languages at the following address:

<http://ec.europa.eu/budget/contracts_grants/info_contracts/legal_entities/legal_entities_en.cfm>

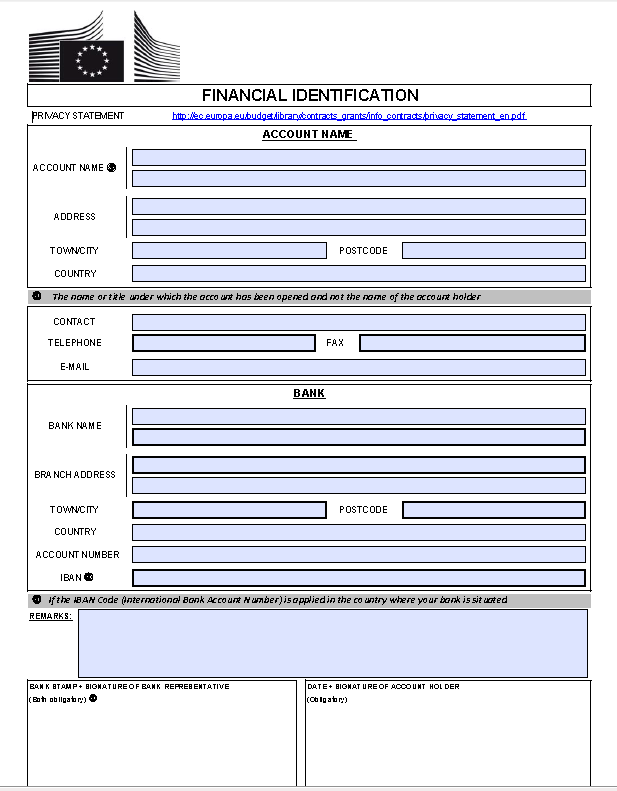
*Please download the appropriate from, complete the details requested and include in your submission documentation.*

# ANNEX II

|  |
| --- |
| **FINANCIAL IDENTIFICATION FORM**  **-**  **EXAMPLE FOR THE APPLICANT -**  (to be completed by the applicant and his financial institution if applicable) |

The Candidate’s attention is drawn to the fact that the document below is a sample only. A specific form in each of the 24 official languages is available for download at the following web address:

<http://ec.europa.eu/budget/contracts_grants/info_contracts/financial_id/financial_id_en.cfm>



*Please download the appropriate from, complete the details requested and include in your submission documentation*

# 

# ANNEX III

**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 |
| 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; |  |  |
| 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; |  |  |
| 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; |  |  |
| (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***;*** |  |  |
| 1. 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 corruption as defined in the legal provisions of the country where the contracting authority is located, the country in which the person 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; |  |  |
| 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; |  |  |
| 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; |  |  |
| 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. |  |  |

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

***Not applicable to natural persons, Member States and local authorities***

|  |  |  |  |
| --- | --- | --- | --- |
| * 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 | N/A |
| 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 | N/A |
| 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 |
| 1. 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 | N/A |
| 1. It has the legal and regulatory capacity to pursue the professional activity needed for performing the contract as required in section 3.2.1 of the tender specifications; |  |  |  |
| 1. It fulfills the applicable economic and financial criteria indicated in section 3.2.2 of the tender specifications; |  |  |  |
| 1. It fulfills the applicable technical and professional criteria indicated in section 3.2.3 of the tender specifications. |  |  |  |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| * if the above-mentioned person is the **sole tenderer** or the **leader in case of joint tender**, declares that: | YES | NO | N/A | |
| 1. 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 tender 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

# ANNEX IV

**ADMINISTRATIVE IDENTIFICATION AND DECLARATION FORM:**

|  |  |
| --- | --- |
| **IDENTIFICATION OF THE TENDERER** | |
| Name of Tenderer *(in full)* |  |
|  |
| Legal form of Tenderer *(e.g. SA)* |  |
| Date and country of registration |  |
| Registration number |  |
| VAT number |  |
| Registered office address |  |
|  |
|  |
| Administrative address  (if different to above) |  |
|  |
|  |
| Name of contact person |  |
| Position *(e.g. Manager)* |  |
| Telephone number |  |
| e-mail address |  |
| Website |  |
|  | |
| **DECLARATION BY AUTHORISED REPRESENTATIVE OF TENDERER[[1]](#footnote-1)** | |
| *I, the undersigned, certify that the information given in this tender is correct & that the tender is valid.* | |
| First name |  |
| Last name |  |
| Title *(e.g. Mr, Mrs, Dr, Professor.)* |  |
| Position (e.g. Director) |  |
| Telephone number |  |
| e-mail address |  |

**SIGNATURE:** ……………....……….........……. **DATE:** ...................................................

# ANNEX V

**Consortium/Grouping form**

**Name of applicant:**

**X**

**Type of Consortium or Grouping:** (Please cross the relevant box)

Permanent: Legally established: Specifically for this tender:

|  |  |  |
| --- | --- | --- |
|  | **Name(s)** | **Address** |
| **Leader of the Consortium** *(person authorised to conclude contract)* |  |  |
| **Partner 1\*** |  |  |
| **Partner 2\*** |  |  |

\* add additional lines for partners if required. **Note that a subcontractor is not considered to be a partner.**

We confirm, as a partner in the consortium, that all partners are jointly and severally liable by law for the performance of the contract, that the leader is authorised to bind, and receive instructions for and on behalf of, each partner, that the performance of the contract, including payments, is the responsibility of the leader, and that all partners in the consortium are bound to remain in the consortia for the entire period of the contract's performance.

|  |  |
| --- | --- |
| **Signature:**  *Leader of consortium* |  |
| **Date:** |  |
| **Signature:**  *Partner 1* |  |
| **Date:** |  |
| **Signature:**  *Partner 2…etc* |  |
| **Date:** |  |

# ANNEX VI

**Sub-contractors form**

|  |  |  |
| --- | --- | --- |
|  | **Name(s)** | **Address** |
| **Applicant**  (person authorised to sign contract) |  |  |
| **Sub-contractor 1\*** |  |  |
| **Sub-contractor 2\*** |  |  |

\* add additional lines for subcontractors if required.

As subcontractors for the tender, we confirm that we are willing to perform the tasks as specified in the Call for Expressions of Interest documentation and subsequent tender specification.

|  |  |
| --- | --- |
| **Signature:**  *Applicant* |  |
| **Date:** |  |
| **Signature:**  *Subcontractor 1* |  |
| **Date:** |  |
| **Signature:**  *Subcontractor 2 etc* |  |
| **Date:** |  |

# ANNEX VII Document CHECKLIST

|  |
| --- |
| **WHAT MUST BE INCLUDED IN YOUR SUBMISSION:**  **✓**  PLEASE TICK EACH BOX AND **RETURN THIS CHECKLIST**  TOGETHER WITH YOUR OFFER   * 1. **Professional information** *(see Article 14.1)*   2. **Proof of financial and economic capacity** *(see Article 14.2)*   3. **Proof of technical and professional capacity** *(see Article 14.3)*   4. **Legal Entity Form**[[2]](#footnote-2) *(see Annex I)* *signed and dated*   5. **Financial Identification Form**[[3]](#footnote-3) *(see Annex II) signed and dated*   6. **Declaration on Honour on exclusion criteria** *(Annex III)* *signed and dated*   7. **Administrative ID and Declaration form** *(Annex IV)* *signed and dated*   8. **Consortium/Grouping form** *(Annex V) signed and dated* - *if applicable*   9. **Sub-Contractors form** (*Annex VI) signed* *and dated - if applicable*     *\*The applicant’s attention is drawn to the fact that any total or partial omission of documentation requested may lead the Contracting Authority to exclude the application from the rest of the procedure.* |

**Print name: Signature: Date:**

***(of the applicant or authorised representative)***

1. Must be a legally constituted representative of the tendering entity otherwise the tender signature is invalid [↑](#footnote-ref-1)
2. If you have provided a Legal Entity form to ENISA within the previous 12 months maximum and no details have changed in the meantime, then you may provide a photocopy of this previous form. [↑](#footnote-ref-2)
3. If you have provided a Financial Identification form to ENISA within the previous 12 months maximum and no details have changed in the meantime, then you may provide a photocopy of this previous form. [↑](#footnote-ref-3)