***Circulation restricted*** *to the contracting authority and to the author of the document to protect the individual and to protect privacy, commercial and industrial secrecy*

Request to participate forM
service contract

Contract notice:

342-01-00539/2022-06

Contract title: Supervision of the phase reconstruction and extension of existing facilities and construction of new port capacities of the Port of Prahovo

**Please supply one signed** request to participate form (for each lot, if the tender procedure is divided into lots), together with **three copies.** For economic and ecological reasons, we strongly recommend that you submit your files on paper (no plastic folder or divider). We also suggest you use double-sided printing wherever possible.

Your request to participate form must include a signed declaration using the annexed format from each legal entity submitting the request to participate. **All data included in this request to participate form must concern only the legal entity or entities submitting the request to participate.**

Any additional documentation (brochures, letters etc.) sent with your request to participate form will not be taken into consideration.Requests to participate submitted by a **consortium** (i.e. either a permanent, legally-established grouping or a grouping set up informally for a specific tender procedure) must follow the instructions applicable to the consortium leader and its members.

Capacity-providing entities

An economic operator (i.e. candidate or 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 request to participate, 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 (i.e. the identity of the candidate)**

|  |  |  |
| --- | --- | --- |
|  | **Name(s) of legal entity or entities submitting this request to participate** | **Nationality[[1]](#endnote-1)** |
| **Leader[[2]](#endnote-2)** |  |  |
| **Member** |  |  |
| **Etc …**  |  |  |

**2 CONTACT PERSON (for this request to participate)**

|  |  |
| --- | --- |
| **Name** |  |
| **Organisation** |  |
| **Address** |  |
| **Telephone** |  |
| **Fax** |  |
| **e-mail** |  |

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

Please complete the following table of financial data[[4]](#endnote-4) based on your closed annual accounts and your latest projections. If annual accounts are not yet available for the current year or the last 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, please provide an explanation of the change as a footnote to the table). When the current ratio is set as selection criterion, for non-for-profit organisations the ratio has to be calculated without taking into account within the current liabilities the pre-financing received from donors for ongoing projects. Any other clarification or explanation which is judged necessary may also be provided. If the candidate is a public body, please provide equivalent information.

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Financial data** | **2 years before last year[[5]](#endnote-5)****EUR** | **Year before last year5****EUR** | **Last year5****EUR** | **Average[[6]](#endnote-6)EUR** | **Lastyear****EUR\*\***  | **Current****yearEUR\*\*** |
| Annual turnover[[7]](#endnote-7), excluding this contract |  |  |  |  |  |  |
| Current assets[[8]](#endnote-8)  |  |  |  |  |  |  |
| Current liabilities[[9]](#endnote-9)  |  |  |  |  |  |  |
| [Current ratio (current assets/current liabilities) | Not applicable | Not applicable |  | Not applicable | Not applicable | Not applicable] |

**4 PERSONNEL**

Please provide the following statistics on personnel for the current year and the two previous years.[[10]](#endnote-10)

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Annual manpower** | **Year before last year** | **Last year** | **Current year** | **Period average** |
|  | **Overall** | **Relevant fields[[11]](#endnote-11)** | **Overall** | **Relevant fields11** | **Overall** | **Relevant fields11** | **Overall** | **Relevant fields11** |
| Permanent personnel[[12]](#endnote-12) |  |  |  |  |  |  |  |  |
| Other personnel[[13]](#endnote-13) |  |  |  |  |  |  |  |  |
| Total |  |  |  |  |  |  |  |  |
| Permanent personnel as a proportion of total personnel (%) | % | % | % | % | % | % | % | % |

**5 AREAS OF SPECIALISATION**

Please fill in the table below to indicate any areas of specialist knowledge related to this contract for each legal entity submitting this request to participate. State the type of area of specialisation as the row heading and use the name of the legal entity as the column headings. Indicate the areas of specialist knowledge each legal entity has by placing a tick (✓) in the box corresponding to the specialisation in which it has significant experience. **Maximum 10 specialisations**.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | Leader | Member 2 | Member 3 | Etc … |
| Relevant specialisation 1 |  |  |  |  |
| Relevant specialisation 2 |  |  |  |  |
| Etc …[[14]](#endnote-14) |  |  |  |  |

**6 EXPERIENCE**

Please fill in the table below to summarise the main projects related to this contract carried out over the last 10 years[[15]](#endnote-15) by the legal entity or entities submitting this request to participate. The number of references to be provided must not exceed 15 for the entire request to participate.

Candidates are allowed to refer either to projects completed within the reference period (although started earlier) or to projects not yet completed. Only the portion satisfactorily completed during the reference period will be taken into consideration. This portion will have to be supported by documentary evidence (statement or certificate from the entity which awarded the contract, proof of payment) also detailing its value. If a candidate has implemented the project in a consortium, the percentage that the candidate has successfully completed must be clear from the documentary evidence, together with a description of the nature of the services provided if the selection criteria relating to the pertinence of the experience have been used.

|  |  |  |
| --- | --- | --- |
| **Ref no (maximum 15)** | **Project title** |  |
| **Name of legal entity** | **Country** | **Overall contract value (EUR)[[16]](#endnote-16)** | **Proportion carried out by legal entity (%)[[17]](#endnote-17)** | **No of personnel provided** | **Name of client** | **Origin of funding** | **Dates (start/end)[[18]](#endnote-18)** | **Name of consortium members, if any** |
| … | … | … | … | … | … | … | … | … |
| **Detailed description of project** | **Type and scope of services provided[[19]](#endnote-19)** |
| … | … |

**7 DECLARATIONS**

As part of their requests to participate, each legal entity identified under point 1 of this request to participate form, including every consortium member, must submit a signed declaration using the attached format. The declaration may be in original or in copy. If copies are submitted, the originals must be sent to the contracting authority upon request.

Moreover, each legal entity identified under point 1 of this request to participate form, including every consortium member, and capacity-providing entities (if any) must submit a copy of signed declaration on honour on exclusion and selection criteria (form A14a available at the following link: https://wikis.ec.europa.eu/display/ExactExternalWiki/ePRAG).

**8 STATEMENT**

I, the undersigned, the authorised signatory of the above candidate (for a consortium, this includes all consortium members), hereby declare that we have examined the contract notice for the restricted tender procedure referred to above. If our request to participate is short-listed, we fully intend to submit a tender to provide the services requested in the tender dossier.

We understand that our tender may be excluded if we propose key or non-key experts who have been involved in preparing this project or employ them as advisers in the preparation of our tender. We also understand that this may mean exclusion from other tender procedures and contracts funded by the EU/EDF.

We are fully aware that, for a consortium, the composition of the consortium cannot be changed in the course of the tender procedure, with the exception of the specific cases provided for in Section 2.5.5 of the PRAG, for which the prior written authorisation of the contracting authority is required. We are also aware that the consortium members have joint and several liability towards the contracting authority concerning participation in the above tender procedure and any contract awarded to us as a result of it.

We confirm that any key or non-key expert proposed in this tender procedure will either be employed or otherwise legally contracted, directly or indirectly, by the candidate (or, for a consortium, by a member of the consortium). Where any key or non-key experts proposed in this tender procedure will not be directly contracted or employed by the candidate (or, for a consortium, by a member of the consortium) but through a third party, the latter is a subcontractor. As such, the latter will be subject to all sub-contracting conditions applicable to this tender procedure, including eligibility and non-exclusion situation. We undertake to declare all such cases of sub-contracting in the Organisation & Methodology and in the Tender submission form.

We understand that entities upon whose capacity we rely with regard to economic and financial criteria, become jointly and severally liable for the performance of the contract.

Signed on behalf of the candidate

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

FORMAT FOR THE DECLARATION REFERRED TO IN POINT 7
OF THE REQUEST TO PARTICIPATE FORM
To be submitted on the headed notepaper of the legal entity concerned.

<Date>

<Name and address of the contracting authority — see the contract notice >

**Your ref: < Publication reference >**

Dear Sir/Madam

In response to your contract notice < publication reference >, we, < name(s) of legal entity or entities>, confirm that we intend to submit a tender in the above mentioned tender procedure [for lot(s) n° <number> ]\* if we are invited to do so.

We hereby declare that we:

1. are submitting this request to participate [on an individual basis] [as member of the consortium led by [< name of the leader>] [ourselves]\* for this contract. We confirm that we are not involved in any other request to participate for the same contract, in any form (as a member, leader, in a consortium or as an individual candidate);
2. agree to abide by the ethics clauses in Section 2.5.6. of the practical guide, have not been involved in the preparation of the project which is the subject of this tender procedure unless it is proved that the involvement in previous stages of the project does not constitute unfair competition, and have no professional conflicting interests and/or any relation with other candidates or other parties in the tender procedure or behaviour which may distort competition at the time of submission of this request to participate according to Section 2.5.4. of the practical guide;
3. [have attached a current list of the enterprises in the same group or network as ourselves] [are not part of a group or network]\* and have only included data in the request to participate form concerning the resources and experience of [our legal entity] [our legal entity and the entities for which we attach a written undertaking]\*;
4. will inform the contracting authority immediately if there is any change in the above circumstances at any stage during the implementation of the tasks;
5. 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;
6. 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 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

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 our financial and economic standing and our technical and professional capacity according to the selection criteria for this call for tender specified in the Additional information about the contract notice document. The list of documents required is given in Section 2.6.11. of the practical guide.

**DECLARATION ON HONOUR ON EXCLUSION AND SELECTION CRITERIA**

**[How to submit the Declaration on Honour:**

In case the additional information about the contract notice (a5f) states that the request for participation 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 (if any) signs and dates the declaration on honour
* when submitting a request for participation, 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 (if any)
* if shortlisted for the second stage of the procedure and invited to tender, 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 (if any)

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

**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’) |

The person is not required to submit the declaration on exclusion criteria if the same declaration has already been submitted for the purposes of another award procedure of the same contracting authority, provided the situation has not changed, and that the time that has elapsed since the issuing date of the declaration does not exceed one year.

In this case, the signatory declares that the person has already provided the same declaration on exclusion criteria for a previous procedure and confirms that there has been no change in its situation:

|  |  |
| --- | --- |
| **Date of the declaration** | **Full reference to previous procedure** |
|  |  |

I – Situations of exclusion concerning the person

|  |  |  |
| --- | --- | --- |
| 1. declares that the 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 Union or national law;
 | [ ]  | [ ]  |
| 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 applicable law;
 | [ ]  | [ ]  |
| 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 eligibility or selection criteria or in the performance of a contract or an agreement; | [ ]  | [ ]  |
| (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 any of the following:
 |  |
| (i) fraud, within the meaning of Article 3 of Directive (EU) 2017/1371 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; | [ ]  | [ ]  |
| (ii) corruption, as defined in Article 4(2) of Directive (EU) 2017/1371 or active corruption within the meaning of 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, or conduct referred to in Article 2(1) of Council Framework Decision 2003/568/JHA, or corruption as defined in other applicable laws; | [ ]  | [ ]  |
| (iii) conduct related to a criminal organisation, as referred to in Article 2 of Council Framework Decision 2008/841/JHA; | [ ]  | [ ]  |
| (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; | [ ]  | [ ]  |
| (v) terrorist offences or offences related to terrorist activities as well as of inciting, aiding, abetting or attempting to commit such offences as defined in Articles 3, 14 and Title III of Directive (EU) 2017/541 of the European Parliament and of the Council of 15 March 2017 on combating terrorism; | [ ]  | [ ]  |
| (vi) child labour or other offences concerning trafficking in human beings as referred to in Article 2 of Directive 2011/36/EU of the European Parliament and of the Council; | [ ]  | [ ]  |
| 1. it has shown significant deficiencies in complying with the main obligations in the performance of a contract or an agreement 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 a contracting authority, the European Anti-Fraud Office (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. it has been established by a final judgment or final administrative decision that the person has created an entity under a different jurisdiction with the intent to circumvent fiscal, social or any other legal obligations in the jurisdiction of its registered office, central administration or principal place of business.
 | [ ]  | [ ]  |
| 1. (*only for legal persons*) it has been established by a final judgment or final administrative decision that the person has been created with the intent provided for in point (g).
 | [ ]  | [ ]  |
| 1. declares that, for the situations referred to in points (1) (c) to (1) (h) above, in the absence of a final judgement or a final administrative decision, the person is[[20]](#footnote-1):
 | YES | NO |
| 1. subject to facts established in the context of audits or investigations carried out by the European Public Prosecutor's Office, the Court of Auditors, or the internal auditor, 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;
 | [ ]  | [ ]  |
| 1. subject to non-final judgments or 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;
 | [ ]  | [ ]  |
| 1. subject to facts referred to in decisions of entities or persons being entrusted with EU budget implementation tasks;
 | [ ]  | [ ]  |
| 1. subject to information transmitted by Member States implementing Union funds;
 | [ ]  | [ ]  |
| 1. subject to decisions of the Commission relating to the infringement of Union competition law or of a national competent authority relating to the infringement of Union or national competition law;
 | [ ]  | [ ]  |
| 1. informed, by any means, that it is subject to an investigation by the European Anti-Fraud office (OLAF): either because it has been given the opportunity to comment on facts concerning it by OLAF, or it has been subject to on-the-spot checks by OLAF in the course of an investigation, or it has been notified of the opening, the closure or of any circumstance related to an investigation of the OLAF concerning it.
 | [ ]  | [ ]  |

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

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

|  |  |  |  |
| --- | --- | --- | --- |
| 1. declares that a natural or legal 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 e.g. company directors, members of management or supervisory bodies, and cases where one natural or legal person holds a majority of shares), or a beneficial owner of the person (as referred to in point 6 of article 3 of Directive (EU) No 2015/849) is in one of the following situations:
 | YES | NO | N/A |
| Situation (1)(c) above (grave professional misconduct) | [ ]  | [ ]  | [ ]  |
| Situation (1)(d) above (fraud, corruption or other criminal offence) | [ ]  | [ ]  | [ ]  |
| Situation (1)(e) above (significant deficiencies in performance of a contract ) | [ ]  | [ ]  | [ ]  |
| Situation (1)(f) above (irregularity) | [ ]  | [ ]  | [ ]  |
| Situation (1)(g) above (creation of an entity with the intent to circumvent legal obligations) | [ ]  | [ ]  | [ ]  |
| Situation (1)(h) above (person created with the intent to circumvent legal obligations) | [ ]  | [ ]  | [ ]  |

III – Situations of exclusion concerning natural or legal persons assuming unlimited liability for the debts of the legal person

|  |  |  |  |
| --- | --- | --- | --- |
| 1. 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 [***If yes, please indicate in annex to this declaration which situation and the name(s) of the concerned person(s) with a brief explanation***]:
 | YES | NO | N/A |
| Situation (a) above (bankruptcy) | [ ]  | [ ]  | [ ]  |
| Situation (b) above (breach in payment of taxes or social security contributions) | [ ]  | [ ]  | [ ]  |

IV – Other Grounds for rejection from this procedure

|  |  |  |
| --- | --- | --- |
| 1. declares that the above-mentioned person:
 | YES | NO |
| Was previously involved in the preparation of the procurement documents used in this award procedure, where this entailed a breach of the principle of equality of treatment including distortion of competition that cannot be remedied otherwise.  | [ ]  | [ ]  |

V – Remedial measures

If the person declares one of the situations of exclusion listed above, it may indicate remedial measures it has taken to remedy the exclusion situation, in order to allow the authorising officer to determine whether such measures are sufficient to demonstrate its reliability. This may include e.g. technical, organisational and personnel measures to prevent further occurrence, compensation of damage or payment of fines or of any taxes or social security contributions. 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 (1)(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 natural or legal persons that are members of the administrative, management or supervisory body or that have powers of representation, decision or control, including legal and natural persons within the ownership and control structure and beneficial owners and appropriate evidence that none of those persons are in one of the exclusion situations referred to in (1) (c) to (f).

It must also provide the following evidence concerning the person itself and the natural or legal persons on whose capacity the person intends to rely, or a subcontractor and concerning the natural or legal persons which assume unlimited liability for the debts of the person:

For situations described in (1): (a), (c), (d), (f), (g) and (h) above, 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 (1) (a), (b), production of recent certificates issued by the competent authorities of the country of establishment. 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 award procedure of the same contracting authority. 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.* |  |

The person is not required to submit the evidence if it can be accessed on a national database free of charge.

The signatory declares that the following internet address of the database/identification data provide access to the evidence required.

|  |  |
| --- | --- |
| Internet address of the database | Identification data of the document  |
| *Insert as many lines as necessary.* |  |

VII – Selection criteria

**Selection criteria applicable toall consortium members/subcontractors/capacity providing entities**

|  |  |  |  |
| --- | --- | --- | --- |
| 1. declares that the above-mentioned person complies with the selection criteria applicable to it individually as provided in the tender documents:
 | 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 [*insert*] of the contract notice/Instructions to tenderers;
 | [ ]  | [ ]  | [ ]  |
| 1. It fulfills the applicable economic and financial criteria indicated in section [*insert*] of the contract notice/additional information about the contract notice/Instructions to tenderers;
 | [ ]  | [ ]  | [ ]  |
| 1. It fulfills the applicable technical criteria indicated in section [*insert*] of the contract notice/additional information about the contract notice /Instructions to tenderers.
 | [ ]  | [ ]  | [ ]  |
| 1. It fulfills the applicable professional criteria indicated in section [*insert*] of the contract notice/additional information about the contract notice/Instructions to tenderers.
 | [ ]  | [ ]  | [ ]  |
| 1. is not subject to conflicting interests which may negatively affect the contract performance.
 | [ ]  | [ ]  | [ ]  |

***Please adapt the table above to the criteria indicated in the tender documents (i.e. insert extra rows for each criterion or delete irrelevant rows).***

**Selection criteria applicable to the tenderer as a whole-consolidated assessment**

***(to be filled ONLY by the sole tenderer or the leader in case of consortium)***

|  |  |  |  |
| --- | --- | --- | --- |
| 1. if the above-mentioned person is the **sole tenderer** or the **leader in case of consortium**, declares that:
 | YES | NO | N/A |
| 1. the tenderer, including all members of the group in case of consortium and including subcontractors and entities on whose capacity the tenderer intends to rely if applicable, fulfils all the selection criteria for which a consolidated assessment will be made as provided in the tender documents.
 | [ ]  | [ ]  | [ ]  |
| 1. is not subject to conflicting interests which may negatively affect the contract performance.
 | [ ]  | [ ]  | [ ]  |

In case of a procedure with lots the above statements apply to the lot(s) for which the request to participate/tender is submitted.

VIII – 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 documents and which are not available electronically upon request and without delay.

Where the evidence is not required to be provided with the request to participate/tender, the person is invited to prepare in advance the documents related to the evidence, since the contracting authority may request to provide these in a short deadline.

The person is not required to submit the evidence if it has already been submitted for another procurement procedure of the same contracting authority. 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.* |  |

The person is not required to submit the evidence if it can be accessed on a national database free of charge.

The signatory declares that the following internet address of the database/identification data provide access to the evidence required.

|  |  |
| --- | --- |
| Internet address of the database | Identification data of the document  |
| *Insert as many lines as necessary.* |  |

**IX - Declaration on honour on established debt to the union**

***(to be filled ONLY by the sole tenderer or the leader in case of consortium)***

The person, being a sole tenderer/the leader in case of consortium, submitting a request to participate/tender for the above procedure, declares that:

|  |  |  |
| --- | --- | --- |
| the tenderer, including each member of the group in case of consortium, subcontractors, | YES | NO |
| does not have an established debt to the Union. | [ ]  | [ ]  |

***The above-mentioned person must immediately inform the contracting authority of any changes in the situations as declared.***

***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[[21]](#footnote-2)

If this declaration is completed by a consortium member:

The following table contains our financial data as included in the consortium’s request to participate 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 the columns marked with \*\*. Figures in all columns are 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). When the current ratio is set as selection criterion, for non-for-profit organisations the ratio has to be calculated without taking into account within the current liabilities the pre-financing received from donors for ongoing projects. Any clarification or explanation which is judged necessary may also be provided.

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Financial data** | **2 years before last5****EUR** | **Year before last year5****EUR** | **Last year5****EUR** | **Average6 EUR** | **[Last year****EUR]\*\*** | **[Current year****EUR]\*\*** |
| Annual turnover7, excluding this contract |  |  |  |  |  |  |
| Current assets8  |  |  |  |  |  |  |
| Current liabilities9  |  |  |  |  |  |  |
| [Current ratio (current assets/current liabilities) | Not applicable | Not applicable |  | Not applicable | Not applicable | Not applicable] |

The following table contains statistics on our personnel, as included in the consortium’s request to participate form:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Average manpower** | **Year before last year** | **Last year** | **Current year** | **Period average** |
|  | **Overall** | **Relevant fields**11 | **Overall** | **Relevant fields**11 | **Overall** | **Relevant fields**11 | **Overall** | **Relevant fields**11 |
| Permanent personnel12 |  |  |  |  |  |  |  |  |
| Other personnel13 |  |  |  |  |  |  |  |  |

Yours faithfully,

<Signature of authorised representative>

<Name and position of authorised representative>

**TO BE COMPLETED INDIVIDUALLY BY LEAD MEMBER AND ALL PARTNERS,**

**COVENANT OF INTEGRITY[[22]](#footnote-3)**

“We declare and covenant that neither we nor anyone, including any of our directors, employees, agents, joint venture partners or sub-contractors, where these exist, acting on our behalf with due authority or with our knowledge or consent, or facilitated by us, has engaged, or will engage, in any Prohibited Conduct (as defined below) in connection with the tendering process or in the execution or supply of any works, goods or services Title Supervision of the phase reconstruction and extension of existing facilities and construction of new port capacities of the Port of Prahovo – No. 342-01-00539/2022-06, (the “**Contract**”) and covenant to so inform you if any instance of any such Prohibited Conduct shall come to the attention of any person in our organisation having responsibility for ensuring compliance with this Covenant.

We shall, for the duration of the tender process and, if we are successful in our tender, for the duration of the Contract, appoint and maintain in office an officer, who shall be a person reasonably satisfactory to you and to whom you shall have full and immediate access, having the duty, and the necessary powers, to ensure compliance with this Covenant.

We declare and covenant that neither we nor anyone, including any of our directors, employees, agents, joint venture partners or sub-contractors, where these exist, acting on our behalf with due authority or with our knowledge or consent, or facilitated by us, (i) is listed or otherwise subject to EU/UN Sanctions and (ii) in connection with the execution or supply of any works, goods or services for the Contract, will act in contravention of EU/UN Sanctions. We covenant to so inform you if any instance shall come to the attention of any person in our organisation having responsibility for ensuring compliance with this Covenant.

If (i) we have been, or any such director, employee, agent or joint venture partner, where this exists, acting as aforesaid has been, convicted in any court or sanctioned by any authority of any offence involving a Prohibited Conduct in connection with any tendering process or provision of works, goods or services during the five years immediately preceding the date of this Covenant, or (ii) any such director, employee, agent or a representative of a joint venture partner, where this exists, has been dismissed or has resigned from any employment on the grounds of being implicated in any Prohibited Conduct, or (iii) we have been, or any of our directors, employees, agents or joint venture partners, where these exist, acting as aforesaid has been excluded or otherwise sanctioned by the EU Institutions or any major Multi-lateral Development Bank (including World Bank Group, African Development Bank, Asian Development Bank, European Bank for Reconstruction and Development, European Investment Bank or Inter-American Development Bank) from participation in a tendering procedure on the grounds of Prohibited Conduct, we give details of that conviction, dismissal or resignation, or exclusion below, together with details of the measures that we have taken, or shall take, to ensure that neither this company nor any of our directors, employees or agents commits any Prohibited Conduct in connection with the Contract [*give details if necessary*].

We acknowledge that if we are subject to an exclusion decision by the European Investment Bank (EIB), we will not be eligible to be awarded a contract to be financed by the EIB.

We grant the Ministry of Construction, Transport and Infrastructure, the European Investment Bank and auditors appointed by either of them, as well as any authority or European Union institution or body having competence under European Union law, the right to inspect and copy our books and records and those of all our sub-contractors under the Contract. We accept to preserve these books and records generally in accordance with applicable law but in any case for at least six years from the date of tender submission and in the event we are awarded the Contract, at least six years from the date of substantial performance of the Contract.”

For the purpose of this Covenant, Prohibited Conduct has the meaning provided in the EIB’s Anti-Fraud Policy**[[23]](#footnote-4)**.

[[24]](#footnote-5)Name

In the capacity of:

Signed

Duly authorised to sign the contract for and on behalf of:

Date

**Note:** This Covenant must be sent to the Bank together with the contract in the case of an international procurement procedure (as defined in article 3.3.2). In other cases, it must be kept by the promoter and available upon request from the Bank.

**TO BE COMPLETED INDIVIDUALLY BY LEAD MEMBER AND ALL PARTNERS,**

**Annex 7 - ENVIRONMENTAL AND SOCIAL COVENANT**

We, the undersigned, commit to comply with – and ensuring that all of our sub-contractors comply with – all labour laws and regulations applicable in the country of implementation of the contract, as well as all national legislation and regulations and any obligation in the relevant international conventions and multilateral agreements on environment applicable in the country of implementation of the contract.

*Labour standards*. We further commit to the principles of the eight Core ILO standards[[25]](#footnote-6) pertaining to: child labour, forced labour, non-discrimination and freedom of association and the right to collective bargaining. We will (i) pay rates of wages and benefits and observe conditions of work (including hours of work and days of rest) which are not lower than those established for the trade or industry where the work is carried out; and (ii) keep complete and accurate records of employment of workers at the site.

*Workers relations.* We therefore commit to developing and implementing a Human Resources Policy and Procedures applicable to all workers employed for the project in line with Standard 8 of the EIB’s Environmental and Social Handbook. We will regularly monitor and report on its application to the Ministry of Construction, Transport and Infrastructure, as well as on any corrective measures periodically deemed necessary.

*Occupational and Public Health, Safety and Security.* We commit to (i) complying with all applicable health and safety at work laws in the country of implementation of the contract; (ii) developing and implementing the necessary health and safety management plans and systems, in accordance with the measures defined in the Project’s Environmental and Social Management Plan (ESMP) and the ILO Guidelines on occupational safety and management systems[[26]](#footnote-7); (iii) providing workers employed for the project access to adequate, safe and hygienic facilities as well as living quarters in line with the provisions of Standard 9 of the EIB’s Environmental and Social Handbook for workers living on-site; and (iv) using security management arrangements that are consistent with international human rights standards and principles, if such arrangements are required for the project.

*Protection of the Environment.* We commit to taking all reasonable steps to protect the environment on and off the site and to limit the nuisance to people and property resulting from pollution, noise, traffic and other outcomes of the operations. To this end, emissions, surface discharges and effluent from our activities will comply with the limits, specifications or stipulations as defined in the international and national environmental and waste legislation and regulations applicable in the country of implementation of the contract.

*Environmental and social performance.* We commit to (i) submitting quarterly environmental and social monitoring reports to the Ministry of Construction, Transport and Infrastructure and (ii) complying with the measures assigned to us as set forth in any of the environmental permits issued and any corrective or preventative actions arising from or set forth in the annual environmental and social monitoring reports. To this end, we will develop and implement an Environmental and Social Management System commensurate to the size and complexity of the Contract and provide the Ministry of Construction, Transport and Infrastructure with the details of the (i) plans and procedures, (ii) roles and responsibilities and (iii) relevant monitoring and review reports.

We hereby declare that our tender price as offered for this contract includes all costs related to our environmental and social performance obligations as part of this contract. We commit to

(i) reassessing, in consultation with the Ministry of Construction, Transport and Infrastructure*,* any changes to the project design that may potentially cause negative environmental or social impacts;

(ii) providing the Ministry of Construction, Transport and Infrastructure with a written notice and in a timely manner of any unanticipated environmental or social risks or impacts that arise during the execution of the contract and the implementation of the project previously not taken into account; and

(iii) in consultation with the Ministry of Construction, Transport and Infrastructure*,* adjusting environmental and social monitoring and mitigation measures as necessary to assure compliance with our environmental and social obligations.

*Environmental and social staff*. We shall facilitate the Ministry of Construction, Transport and Infrastructure’s ongoing monitoring and supervision of our compliance with the environmental and social obligations described above. For this purpose, we shall appoint and maintain in office until the completion of the contract an Environmental and Social Management Team (scaled to the size and complexity of the Contract) that shall be reasonably satisfactory to the Ministry of Construction, Transport and Infrastructure and to whom the Ministry of Construction, Transport and Infrastructure shall have full and immediate access, having the duty and the necessary powers to ensure compliance with this Environmental and Social Covenant.

We accord the Ministry of Construction, Transport and Infrastructure and the EIB and auditors appointed by either of them, the right of inspection of all our accounts, records, electronic data and documents related to the environmental and social aspects of the current contract, as well as all those of our subcontractors.

Name[[27]](#footnote-8)

In the capacity of:

Signed

Duly authorised to sign the contract for and on behalf of:

Date

**Note to the Promoter:** This Environmental and Social Covenant must be sent to the Bank together with the contract in the case of an International Procurement Procedure (as defined in Article 3.3.2). In other cases, it must be kept by the Promoter and made available, upon request, to the Bank

1. Country in which the legal entity is registered. [↑](#endnote-ref-1)
2. Add / delete additional lines for consortium members as appropriate. **Note** that a capacity providing entity/subcontractor is not considered to be a consortium member for the purposes of this request to participate form. Subsequently, data on capacity providing entities/subcontractors must not appear in the data related to the economic, financial and professional capacity but on a separate document. If this request to participate form is submitted by an individual legal entity, the name of that legal entity should be entered as ‘leader’ (and all other lines should be deleted). Any change in the identity of the leader and/or any consortium members between the deadline for receipt of requests to participate indicated in the contract notice and the award of the contract is not permitted without the prior written consent of the contracting authority. [↑](#endnote-ref-2)
3. Natural persons must prove their capacity in accordance with the selection criteria and by the appropriate means. [↑](#endnote-ref-3)
4. If this request to participate is submitted by a consortium, the data in the table must be the sum of the data in the corresponding tables in the declarations provided by the consortium members — see point 7 of this request to participate form. Consolidated data are not allowed for financial ratios. [↑](#endnote-ref-4)
5. Last year = last accounting year for which the entity's accounts have been closed. [↑](#endnote-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. [↑](#endnote-ref-6)
7. The gross inflow of economic benefits (cash, receivables, other assets) generated from the ordinary operating activities of the enterprise (such as sales of goods, sales of services, interest, royalties, and dividends) during the year. [↑](#endnote-ref-7)
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. [↑](#endnote-ref-8)
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. [↑](#endnote-ref-9)
10. If this request to participate 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 request to participate form. [↑](#endnote-ref-10)
11. Manpower in fields related to this contract, corresponding to the specialisations identified in point 5. [↑](#endnote-ref-11)
12. Personnel directly employed or contracted by the candidate on a permanent basis (i.e. under indefinite contracts). [↑](#endnote-ref-12)
13. Other personnel directly employed or contracted by the candidate on a non-permanent basis (i.e. under fixed-term contracts). [↑](#endnote-ref-13)
14. Add /delete additional lines and/or rows as appropriate. If this request to participate is submitted by an individual legal entity, the name of the legal entity should be entered as ‘Leader’ (and all other columns should be deleted). [↑](#endnote-ref-14)
15. References must be contracts implemented by the legal entity (or legal entities) submitting the request to participate (with the exception of documented cases of company buyout or universal succession). For framework contracts, only specific contracts corresponding to assignments implemented under such framework contracts shall be considered. [↑](#endnote-ref-15)
16. The effect of inflation will not be taken into account. [↑](#endnote-ref-16)
17. Only the proportion carried out by the legal entity may be used as reference. [↑](#endnote-ref-17)
18. If the reference contract is only partially completed, please quote the percentage and value which has been completed. [↑](#endnote-ref-18)
19. Please also indicate the function of key experts provided, whether belonging or not to permanent personnel, and the number of months each of them worked on the project. [↑](#endnote-ref-19)
20. The declaration under this point (2) is voluntary and it cannot have adverse legal effect on the economic operator until the conditions of Article 141(1) (a) FR are met. [↑](#footnote-ref-1)
21. *The declaration is to be signed with:*

	1. *Electronic signature (recommended option):**In case you have the possibility to sign the declaration using a qualified electronic signature (QES), please have it signed electronically by your authorised representative(s). Please note that only the qualified electronic signature (QES) within the meaning of Regulation (EU) No 910/2014 (eIDAS Regulation) will be accepted.*

*Before sending back your electronically signed document, please check the signature and validity of the certificate with one of the following tools:*

	* *DSS Demonstration validation tool available at* <https://ec.europa.eu/cefdigital/DSS/webapp-demo/validation>*can help you check the validity of a certificate by indicating the number and type of valid signatures in a document.*
	* *EU Trusted List Browser can be consulted in order to check whether the electronic signature provider and the trust service it provides are part of European Union Trusted List:* [https://webgate.ec.europa.eu/tl-browser/#](https://webgate.ec.europa.eu/tl-browser/#/)*To make sure you use a QES compliant to eIDAS Regulation, you need to check that both the service provider and the qualified certificate generation service used are included in the EU Trusted List Browser.*

	1. *Handwritten signature:**In case you do not have the possibility to sign the declaration using a qualified electronic signature (QES), please fill it in electronically, then print it and have it signed and dated by your authorised representative(s) using a hand-written signature.* [↑](#footnote-ref-2)
22. to the Promoter from a Tenderer, Contractor, Supplier or Consultant to be attached to its Tender (or to the Contract in the case of a negotiated procedure) [↑](#footnote-ref-3)
23. EIB’s Anti-Fraud Policy for definitions ([http://www.eib.org/infocentre/publications/all/anti-fraud-policy.htm)](http://www.eib.org/infocentre/publications/all/anti-fraud-policy.htm).  [↑](#footnote-ref-4)
24. In capitals [↑](#footnote-ref-5)
25. [http://www.ilo.org/global/standards/introduction-to-international-labour-standards/conventions-and-recommendations/lang-en/index.htm](http://www.ilo.org/global/standards/introduction-to-international-labour-standards/conventions-and-recommendations/lang--en/index.htm)  [↑](#footnote-ref-6)
26. <http://www.ilo.org/safework/info/standards-and-instruments/WCMS_107727/lang--en/index.htm> [↑](#footnote-ref-7)
27. In capitals [↑](#footnote-ref-8)