

Service procurement notice

**for the production of design and planning documentation for road construction within the project
“Local Development and Preconditions for Border Pass Opening and Motorway Construction across the Ukrainian-Romanian State Border in Shybene Verkhovyna District Ivano-Frankivsk oblast of Ukraine and Poenile-de-su-Munte Maramures county of Romania”**

HUSKROUA/1001/072

Location:

Europe (non EU) - Ukraine

Common procurement vocabulary (CPV):

Main object:

71242000-6 Project and design preparation, estimation of costs.
IA39-3 For motorways.

1. Publication reference:

09072012

Internet address of Contracting Authority

www.arpi.org.ua

2. Procedure:

Restricted.

3. Programme: ENPI CBC Programme Hungary-Slovakia-Romania-Ukraine 2007-2013

4. Financing:

Budget line.

5. Contracting authority:

The Beneficiary - Public organization “Agency for Private Initiative development”, 26 Dnistrovska st., Ivano-Frankivsk, 76018, Ukraine in the partnership with Ivano-Frankivsk Regional State Administration.

6. Nature of the contract:

Fee-based.

7. Contract description:

Engineering survey works and preparation of design and estimate documentation for road construction: village Il'tsi-village Yavirnyk – State border with Romania (≈40 km, mountainous landscape) in Ivano-Frankivsk region, Ukraine. The design estimate documentation should be prepared according to the valid state building norms of Ukraine. State construction expertise confirms the execution of works under the contract.

8. Number and titles of lots:

1 lot

9. Budget:

Maximum budget 285 000 Euro.

10. Scope for additional services:

The Contractor with the approval from the Contracting Authority provides additional services to the services foreseen in the contract if the provision of additional services is necessary for the contract execution. The extension of the term of the contract and/or scope of services under the contract is based on the ultimate goals of the contract.

Conditions of Participation

11. Eligibility:

Participation in tender procedures administered by the Contracting Authority is open on equal terms to all natural and legal persons of the Member States and the countries foreseen in art. 21 of the ENPI regulation 1638/2006, which includes ENPI (European Neighbourhood Partnership Instrument), IPA (Instrument for pre-accession assistance) and EEA (European Economic Area) countries. The exact list of eligible countries can be found in Annex 3 to this procurement notice. It is also open for International organizations.

12. Candidature:

All eligible natural and legal persons (as per item 11 above) or groupings of such persons (consortia) may apply.

A consortium may be a permanent, legally-established grouping or a grouping which has been constituted informally for a specific tender procedure. All members of a consortium (ie, the leader and all other members) are jointly and severally liable to the Contracting Authority.

The participation of an ineligible natural or legal person (as per item 11) will result in the automatic exclusion of that person from the participation of the procurement procedure. In particular, if that ineligible person belongs to a consortium, the whole consortium will be excluded.

13. Number of applications:

No more than 1 application can be submitted by a natural or legal person whatever the form of participation is chosen (as an individual legal entity or as leader or member of a consortium submitting an application). In the event that a natural or legal person submits more than 1 application, all applications in which that person has participated will be excluded.

14. Shortlist Alliances Prohibited:

Any tenders received from tenderers having a different composition than the ones on the application forms will be excluded from this restricted tender procedure, unless prior approval from the Contracting Authority has been obtained.

Under the restricted procedure, the Contracting Authority invites a limited number of candidates to tender. Before launching a tender procedure, it will draw up a shortlist of candidates selected as a result of their qualifications. During the selection procedure all the responses to a procurement notice are examined and participants who are invited for the further participation in the procurement procedure are determined (selection of shortlisted candidates).

In the second stage of the procedure, the Contracting Authority invites the shortlisted candidates and sends them the tender dossier. In order to ensure fair competition, tenders must be submitted by the same service provider or consortium which has submitted the application form on the basis of which it was short-listed and to which the letter of the invitation to tender is addressed. Change of the participant or composition of the consortium are not permitted, unless duly justified and where the Contracting Authority has given its prior approval in writing, after having consulted the Procurement Committee of goods, works and services. Such approval could be given, based on an assessment of the specificities of the case and provided that the conditions of competition of the call are not altered. The examples of such approval are:

- where a merger has taken place between a shortlisted candidate/member of a consortium with another company and where the new company is found to meet the eligibility and exclusion criteria and does not give rise to any conflict of interest;
- swapping of positions within the consortium;

- a partner leaves the consortium but this does not alter the consortium to fulfill the selection criteria independently.

The successful tenderers chosen by the procurement procedure are not allowed to group.

15. Grounds for exclusion:

As part of the application form, candidates must submit a signed declaration, included in the standard application form, to the effect that they are not in any of the exclusion situations. If the applicant is in the exclusion situation he could be excluded from participation in procurement procedures. The declaration form is presented in the Annex 2 to this procurement notice.

16. Sub-Contracting:

Sub-contracting is allowed.

Maximum percentage of the contract value which may be sub-contracted must not exceed 50%.

17. Number of candidates to be short-listed:

On the basis of the applications received, at least 4 and at most 8 candidates will be invited to submit detailed tenders for this contract. If the number of eligible candidates meeting the selection criteria is less than the minimum of 4, the Contracting Authority may invite the candidates who satisfy the criteria to submit a tender.

Provisional Timetable

18. Provisional date of invitation to tender:

Date: 10/08/2012

19. Provisional commencement date of the contract:

Date: 10/09/2012

20. Initial period of implementation of tasks:

Duration in months: 10 months (from the award of the contract)

Selection and award criteria

21. Selection criteria:

In order to participate in the procurement procedure the candidates must comply with the selection criteria. The following selection criteria will be applied to candidates – natural person or consortium (in the case of applications submitted by a consortium, these selection criteria will be applied to the consortium as a whole).

1. Financial capacity of candidate:

- 1.1. The annual turnover of the candidate in 2011 exceeds 50% of the maximum contract budget (142 500 EUR) or availability of the bank guarantee equivalent or exceeding stated above amount.
- 1.2. No tax or budgetary payments debts.
- 1.3. No overdue bank loan debts.
- 1.4. The level of assets liquidity at the beginning and at the end of 2011 (the ratio of financial resources on the accounts and receivable to the assets) is equal to or greater than 1.

2. Professional capacity of candidate to execute the contract:

- 2.1 At least 5 employees with relevant qualification have necessary knowledge and experience appropriate to this contract.
- 2.2 The candidate should have had experience of at least 2 similar contracts in 2010-2012.

3. Technical capacity:

3.1 Availability of necessary equipment and material and technical resources for the fulfillment of works specified in the contract and paragraph 7 of this notice.

3.2 Availability of valid license issued under the legislation of Ukraine on business activity in construction related to the creation of architectural objects with the list of works mentioned - survey works for construction, development of urban planning, design of architecture objects (including engineering structures; hydrotechnical structures and facilities; transportation networks, facilities and systems; automobile roads; bridges, overpasses, passages: design of bearing and enclosing structures).

3.3 Compliance with the subject of the contract to the main activities of the participant.

The participant may, where appropriate and for a particular contract, rely on the capacities of other entities through the joint establishment of the companies, signing contracts etc. The above mentioned right is not applicable to the cases where other organizations are responsible for the execution of the main part of the contract or performance of the essential (core) parts of the contract. The candidate must prove that it will have at its disposal the resources necessary for performance of the contract provided by other participants (such evidence, in particular, are: statute or foundation agreement of the business partnership, a written guarantee from the organization, which holds the corporate rights on the registered capital). The involved by the participant persons, for instance the parent company, must respect the same rules of eligibility and nationality, as the candidate. Furthermore, the data for this third involved entity for the relevant selection criterion should be included in the tender in a separate document.

If more than 8 eligible candidates meet the above selection criteria, the Contracting authority examines the complex of characteristics of such candidates and identifies the eight best applications for the tender procedure. The only factors which will be taken into consideration during this examination are:

- economic and financial capacity - assessment of the financial capacity of the participants on the basis of the provided documentation;
- professional capacity - evaluation of existing experience, professional employees that are available to the participant, the complexity and scope of previously executed similar contracts, reference letters from customers;
- technical capacity - analysis of existing material and technical resources.

22. Award criteria:

Best value for money

Application

23. Deadline for receipt of applications:

09/08/2012 (4:00 p.m.) Local time.

Any application received after this deadline will not be considered.

24. Applications format and details to be provided:

Applications must be submitted using the standard application form and instructions of which must be observed. The application form is presented in the Annex 1 to this notice and available at the following Internet address: www.arpi.org.ua

Any additional documentation (brochures, letters, etc.) not required by this notice as compulsory for submission with the application, but sent with an application will not be taken into consideration.

25. How applications may be submitted:

Applications must be submitted to the Contracting Authority in the Ukrainian language:

- either by recorded delivery (official postal service) to the address:

Public organization "Agency for Private Initiative Development", 26 Dnistrovska St., Ivano-Frankivsk, 76018, Ukraine or

- hand delivered (including courier services) directly to the Contracting Authority in return for a signed and dated receipt to:

Contact person: Mrs. Lada Malaniy, 09:00-5:00 (GMT+02:00), Monday-Friday as in above-mentioned address.

The Contract title and the Publication reference (see item 1 above) must be clearly marked on the envelope containing the application and must always be mentioned in all subsequent correspondence with the Contracting Authority. Applications submitted by any other means will not be considered.

26. Alteration or withdrawal of applications:

Candidates may alter or withdraw their applications by written notification prior to the deadline for submission of applications. No applications may be altered after this deadline. Any such notification of alteration or withdrawal shall be prepared and submitted in accordance with paragraph 25 of this notice. The outer envelope (and the relevant inner envelope if used) must be marked "Alteration" or "Withdrawal" as appropriate.

27. Operational language:

All written communications for this tender procedure and contract must be in Ukrainian language.

28. Legal basis:

- The regulation (EC) No 1638/2006 of the European Parliament and of the Council of 24 October 2006 laying down general provisions establishing a European Neighbourhood and Partnership Instrument.
- Regulation (EC) No 951/2007 of 9 August 2007 laying down implementing rules for cross-border cooperation programmes financed under regulation (EC) No 1638/2006 of the European Parliament and of the Council of 24 October 2006 laying down the general provisions establishing a European Neighbourhood and Partnership Instrument (OJ L210, 10.8.2007)

29. Additional information obligatory for submission:

In order to participate in the restricted tender procedure the participants together with the standard application (Annex 1) shall submit the following documents:

The legal and natural candidates provide:

- Singed declaration (Annex 2).
- Certificate that the candidate was not prosecuted under the law to liability for a corruption in public procurement (in the free form).
- Information about the authorized persons (officials) of the participant, who have the right to represent the candidate's interests during the procurement procedure (in the free form).
- Certificate that the authorized persons (officials) of the participant, who have the right to represent the candidate's interests during the procurement procedure, have not been convicted of a crime involving a violation of the procurement procedure, or other offense committed for interested motives, of which no record is cleared or canceled in accordance with the law (in the free form).
- Copy of the document confirming the status and authority of the person to sign the contract after the completion of the procurement procedure (extract from the minutes of the founders' meeting on the director appointment, power of attorney for the person whose authorities are not defined by the foundation document of the participant).
- Original or notarized copy of the certificate from the Department of bankruptcy or its regional office that the candidate is not recognized as bankrupt and he is not under the liquidation procedure. (The certificate should be issued not later than one month from the date of this procurement notice publication. Applicable for the candidates from Ukraine only).
- Copy of the valid license issued under the legislation of Ukraine on business activity in construction related to the creation of architectural objects with the list of works mentioned - survey works for construction, development of urban planning, design of architecture objects (including engineering structures; hydrotechnical structures and facilities; transportation networks, facilities and systems; automobile roads; bridges, overpasses, passages: design of bearing and enclosing structures).
- Copies of all the contacts mentioned in section 6 "Experience" of the application.
- Copies of all the reference letters from the organizations which had signed contracts with the candidate listed in section 6 "Experience" proving the quality of the executed contracts signed by the senior official of these organizations.

Additionally legal persons provide:

- Copy of the balance sheet for 2011.
- Copy of the profit and loss accounts for 2011.
- Copy of the cash flow statement for 2011.
- Original or notarized copy of the certificate issued by all banking institutions that provide financial services for the candidate on the absence of overdue loans regarding each established account separately. (The certificate should be issued in the current month of the application submission).
- Extract from the Unified State Register of Legal Entities and Individual Entrepreneurs or document confirming the registration of legal entity in the country of its location (an extract from the trade, bank or court register etc.) legalized in the established order.
- Copy of the statute or other foundation document.

Additionally natural persons provide:

- Extract from the Unified State Register of Legal Entities and Individual Entrepreneurs or document confirming the registration of legal entity in the country of its location (an extract from the trade, bank or court register etc.) legalized in the established order.
- Certificate that the participant has not been convicted of a crime involving a violation of the procurement procedure, or other offense committed for interested motives, of which no record is cleared or canceled in accordance with the law (in the free form).
- Copy of the passport.
- Copy of the identification/social security code.

- Copy of the taxpayer certificate (simplified taxation scheme certificate, value added tax certificate).

30. Date of dispatch of this notice:

09.07.2012

APPLICATION FOR SERVICE CONTRACT

Publication reference: < _____ >

Contract title: < _____ >

One signed original application must be supplied together with three copies by the participant.

The application must include a signed declaration using the annexed format from each legal entity making the application. All data included in this application must concern only the legal entity or entities making the application.

Any additional documentation (brochure, letter, etc) sent with an application will not be taken into consideration. Applications being submitted by a consortium (i.e., either a permanent, legally-established grouping or a grouping which has been constituted informally for a specific tender procedure) must follow the instructions applicable to the consortium leader and its members.

The participant may, where appropriate and for a particular contract, rely on the capacities of other entities through the joint establishment of the companies, signing contracts etc. The candidate must prove that it will have at its disposal the resources necessary for performance of the contract provided by other participants. The involved by the participant persons, for instance the parent company, must respect the same rules of eligibility and nationality, as the candidate.

For economical and ecological reasons, we strongly recommend that you submit your files on paper-based materials (no plastic folder or divider). We also suggest you use double-sided print-outs as much as possible.

1 SUBMITTED

	Name (s) of the legal entity or the participant that submit this application (full and short name)	Country	Legal and actual address	Telephone/fax	Management (position, full name, telephone for contacts) – for legal persons	Type of ownership and legal status, form of legal entity's incorporation (for legal persons)
Leading organization (leader of the consortium)¹						
Organization member of the consortium						
etc ...						

¹ Add / delete additional lines for consortium members as appropriate. Sub-contractor is not considered to be a consortium member for the purposes of this application form, subsequently information about subcontractors must not appear in section about the participants. If this application is being 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 applications indicated in the Procurement Notice and the award of the contract is not permitted without the prior written consent of the Contracting Authority.

2 CONTACT PERSON (for this application)

Name	
Organisation	
Position in the organization	
Address	
Telephone	
Fax	
e-mail	

3 ECONOMIC AND FINANCIAL CAPACITY²

Please complete the following tables of financial data³ based on your annual accounts and your latest projections. If annual accounts for 2012 are not yet available, please provide your latest estimates, clearly identifying estimated figures in italics. Figures in all columns must be presented in Euro. Any clarification or explanation which is judged necessary may also be provided.

Financial data	2009	2010	2011	Average 2009-2011⁴	Forecast 2012
Annual turnover (current assets) ⁵ , Euro					
Cash and cash equivalents ⁶ at the beginning of the year, Euro					
Net income, received from operating, investing and financing activities ⁷					
Net forecast income from future contracts (excluding the contract that will be signed as the results of this procurement procedure)					
Cash and cash equivalents ⁶ at the end of the year [i.e. the sum of the above three rows]					

² Natural persons have to prove their capacity in accordance with the selection criteria by the provision of the copies of the reports for 2009, 2010, 2011 and the first quarter of 2012 foreseen for the entities which carry out entrepreneurial activity - natural persons (Property and income declaration with the relevant annexes, Tax declaration of the simplified taxpayer with relevant annexes, report of the individual entrepreneur simplified taxpayer.

³ If this application is being 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.

⁴ Amounts entered in the 'Average' column must be the mathematical average of the amounts entered in the three preceding columns of the same row.

⁵ The current assets are cash, cash equivalents, receivables (with the repayment period up to 90 days), other assets (it is compulsory to provide their brief description in the notes under the tables), held for the usual operations of the enterprise during the year) arising from the ordinary operating activities of the enterprise during the year.

⁶ Cash and cash equivalents comprise cash on hand (1) and bank deposits (2), short-term, highly liquid investments that are readily convertible to a known amount of cash, and that are subject to an insignificant risk of changes in value (3), other investments when it has a maturity of three months or less from the date of acquisition (4), equity investments that have the in substance a cash equivalent (e.g. preferred shares acquired within three months of their specified redemption date) (5), bank overdrafts which are repayable on demand and which form an integral part of an enterprise's cash management (6). In case of the investments it is compulsory to provide it short description.

⁷ Operating activities are the main revenue-producing activities of the enterprise that are not investing or financing activities (cash flows include cash received from customers and cash paid to suppliers and employees, from period to period interest and dividends received and paid). Investing activities are the acquisition and disposal of long-term assets and other investments that are not considered to be cash equivalents. Financing activities are activities that alter the equity capital and borrowing structure of the enterprise.

Financial data	2009		2010		2011	
	at the beginning of the year	at the end of the year	at the beginning of the year	at the end of the year	at the beginning of the year	at the end of the year
Non-current Assets (incomplete capital investments, fixed assets, intangible assets etc.)						
Current assets						
Including						
Current accounts receivable for goods, works and services						
Other current accounts receivable						
Cash and cash equivalents						
Income (loss)						
Accounts payable for goods, works and services						
Current budget liabilities and single social contribution						
Current liabilities on salary payments						

Financial data	2009	2010	2011	1 st quarter of 2012
Net income (revenues) from the sale of goods, works and services				
Financial result before taxation				

4 STAFF RESOURCES

Please provide the following personnel information for 2010-2012⁸.

Average manpower	Year before last		Last year		This year	
	Overall	Total for fields related to this contract ⁹	Overall	Total for fields related to this contract ⁹	Overall	Total for fields related to this contract ⁹
Permanent staff						
Staff involved on the part time basis or employed under the civil contracts						
Total						
Permanent staff as a proportion of total staff (%)	%	%	%	%	%	%

⁸ if this application is being 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 together with this application form.

⁹ corresponding to the relevant specialisms identified in point 5 below.

Please provide sufficient information about all employees with relevant specialisms, who have the necessary knowledge and experience to ensure the contract execution in the form given below.

No	Full name	Number of the diploma, issue date and body	Specialism (major)	Work experience within participant company	Position

5 FIELDS OF SPECIALISATION

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

	Leader	Member 2	Member 3	Etc ...
Relevant specialism 1				
Relevant specialism 2				
Etc ... ¹⁰				

Description of technical capacity (Information on the availability of appropriate equipment and material and technical resources for contract execution stating own and leased assets (in the free form).

¹⁰ Add / delete additional lines and/or rows as appropriate. If this application is being submitted by an individual legal entity, the name of the legal entity should be entered as 'Leader' (and all other columns should be deleted).

6 EXPERIENCE

Please complete a table using the format below to summarise the major relevant projects related to this contract carried out in 2010-2012¹¹ by the legal entity or entities making this application.

Name of the client-company	Full name and contact details of the person responsible for the contract execution form the side of the client	Subject of the contract and country of implementation	Contract value	Part of the contract executed by the participant	Contract duration

7 DECLARATION

As part of this application, each legal entity identified under point 1 of this application, including every consortium member, must submit a signed an original of the declaration using the attached format (Annex 2).

8 STATEMENT

I, the undersigned, being the authorized signatory of the above Candidate (including all consortium members, in the case of a consortium), hereby declare that we have examined the procurement notice for the restricted tender procedure referred to above. If our application is short-listed, we fully intend to submit a tender to provide the services requested in the tender dossier.

We recognise that our tender may be excluded if we propose key experts who have been involved in preparing this project or engage such personnel as advisers in the preparation of our tender and that we may also be subject to exclusion from other tender procedures and contracts funded by the EU/EDF.

We are fully aware that, in the case of a consortium, the composition of the consortium cannot be modified in the course of the tender procedure, unless the Contracting Authority has given its prior approval in writing. We are also aware that the consortium members would have joint and several liability towards the Contracting Authority concerning participation in both the above tender procedure and any contract awarded to us as a result of it.

Signed on behalf of the Candidate

Full name	
Signature and stamp	
Date	

¹¹ In the case of framework contracts (without contractual value), only specific contracts corresponding to assignments implemented under such framework contracts shall be considered

FORMAT OF THE DECLARATION

(to be submitted on the headed notepaper of the legal entity concerned)

Date: <_____>

Public organization “Agency for Private Initiative Development”

Your ref: < Publication reference >

Dear Sir/Madam

In response to your procurement notice <Publication reference>, we¹, < full name of the natural person, name of legal entity>, confirm that we intend in case we will be short listed to submit a tender and award a contract as a result of it.

We hereby declare that we:

1. are making this application [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 participating in any other application for the same contract, whatever the form of the application (as a member - including leader - in a consortium or as an individual candidate);

2. are not in any of the situations excluding us from participating in procurement procedure which are listed below:

- we are bankrupt or being wound up, are having affairs administered by the courts, have entered into an arrangement with creditors, have suspended business activities, are the subject of proceedings concerning those matters, or are in any analogous situation arising from a similar procedure provided for in national legislation or regulations;
- we have been convicted of an offence concerning professional conduct by a judgment which has the force of res judicata; (i.e. against which no appeal is possible);
- we have been guilty of grave professional misconduct proven by any means which the Contracting Authority can justify;
- we have been the subject of a judgment which has the force of res judicata for fraud, corruption, involvement in a criminal organisation or any other illegal activity detrimental to the EU's financial interests;
- we are currently subject to an administrative penalty referred to Section 2.3.3 of the Practical Guide to contract procedures for EU external actions.

3. We agree to abide by the ethics clauses in Section 2.4.14 of the Practical Guide to contract procedures for EU external actions listed below.

- Any attempt by a candidate, applicant or tenderer to obtain confidential information, enter into unlawful agreements with competitors or influence the committee or the Contracting Authority during the process of examining, clarifying, evaluating and comparing tenders and applications will lead to the rejection of its candidacy, proposal or tender.
- Without the Contracting Authority's written authorization, a contractor and its staff or any other company with which the contractor is associated or linked may not, even on an ancillary or subcontracting basis, supply other services, carry out works or supply equipment for the project. This prohibition also applies to any other projects that could give rise to a conflict of interest for the candidate, owing to the nature of the contract.
- The contractor must at all time act impartially and as a faithful adviser in accordance with the code of conduct of its profession. It must refrain from making public statements about the project or services without the Contracting Authority's prior approval. It may not commit the Contracting Authority in any way without its prior written consent.
- For the duration of the contract, the contractor and its staff must respect human rights and undertake not to offend

¹ The natural person hereinafter changes “we” (plural) to “I” (singular)

the political, cultural and religious mores of the Contracting Authority. In particular and in accordance with the legal basic act concerned, tenderers who have been awarded contracts shall respect core labour standards as defined in the relevant International Labour Organisation conventions (such as the Conventions on freedom of association and collective bargaining; Elimination of forced and compulsory labour; Abolition of child labour).

- The contractor may accept no payment connected with the contract other than that provided for therein. The contractor and its staff must not exercise any activity or receive any advantage inconsistent with their obligations to the Contracting Authority.
- The contractor and its staff are bound to maintain professional secrecy for the entire duration of the contract and after its completion. All reports and documents drawn up or received by the contractor during the performance of the contract are confidential.
- The contract governs the contracting parties' use of all reports and documents drawn up, received or presented by them during the performance of the contract.
- The contractor must refrain from any relationship likely to compromise its independence or that of its staff. If the contractor ceases to be independent, the Contracting Authority may, regardless of injury, terminate the contract without further notice and without the contractor having any claim to compensation.
- The Commission reserves the right to suspend or cancel project financing if corrupt practices of any kind are discovered at any stage of the award process and if the Contracting Authority fails to take all appropriate measures to remedy the situation. For the purposes of this provision, "corrupt practices" are the offer of a bribe, gift, gratuity or commission to any person as an inducement or reward for performing or refraining from any act relating to the award of a contract or implementation of a contract already concluded with the Contracting Authority.
- The contractor undertakes to supply the Commission on request with all supporting documents relating to the conditions of the contract's execution. The Commission may carry out whatever documentary or on-the-spot checks it deems necessary to find evidence in cases of suspected unusual commercial expenses.
- Contractors found to have paid unusual commercial expenses on projects funded by the EU are liable, depending on the seriousness of the facts observed, to have their contracts terminated or to be permanently excluded from receiving EU funds.
- Failure to comply with one or more of the ethics clauses may result in the exclusion of the candidate, applicant, tenderer or contractor from other EU contracts and in penalties. The individual or company/entity in question must be informed of the fact in writing. It is the obligation of the Contracting Authority to ensure that the procurement procedure is concluded in a transparent manner, based on objective criteria and disregarding any possible external influences.
- Where fraud, corruption or other irregularities concerning EU funds is suspected, the anti-fraud office of the European Commission (i.e. OLAF) should be duly informed.

4. We have not been involved in the preparation of the project which is the subject of this tender procedure unless we prove that the involvement in previous stages of the project does not constitute unfair competition, and, in particular, have no conflict of interests or any equivalent in the tender procedure at the time of the submission of this application.

5. [We are the part of the group or network with other entities (provide their list)] / [we are not included into any group or network with other entities and we are not part of a group or network]* and have only included data in the application form concerning the resources and experience of our legal entity / [and have included data in the application form concerning our legal entity resources and experience and the entities for which we attach a written undertaking]*.

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

7. We fully recognise and accept that if we participate in spite of being in any of the situations listed in section 2 of this declaration, we may be excluded from tender procedures. Furthermore, we acknowledge that, should we provide false declarations, make substantial errors or commit irregularities and fraud we may also be subject to financial penalties representing 2% to 10% of the total value of the contract being awarded. This rate may be increased to 4% to 20% in the event of a repeat offence within five years of the first infringement;

8. We are aware that, for the purposes of safeguarding the financial interests of the Communities, our personal data may be transferred to internal audit services, to the European Court of Auditors, to the Financial Irregularities Panel or to the European Anti-Fraud Office.

We also undertake, if required, to provide evidence of the financial and economic standing and the technical and professional capacity according to the selection criteria for this call for tender specified in the procurement notice, point 21.

[* Delete as applicable]

If this declaration is being completed by a consortium member:

The following table contains our financial data as included in the consortium's application form. These data are based on our annual audited accounts and our latest projections. Estimated figures (i.e., those not included in annual audited accounts) are given in italics. Data is provided in Euro.

Financial data	2009	2010	2011	Average 2009-2011²	Forecast 2012
Annual turnover (current assets) ³ , Euro					
Cash and cash equivalents ⁴ at the beginning of the year, Euro					
Net income, received from operating, investing and financing activities ⁵					
Net forecast income from future contracts (excluding the contract that will be signed as the results of this procurement procedure)					
Cash and cash equivalents ⁴ at the end of the year [i.e. the sum of the above three rows]					

² Amounts entered in the 'Average' column must be the mathematical average of the amounts entered in the three preceding columns of the same row.

³ The current assets are cash, cash equivalents, receivables (with the repayment period up to 90 days), other assets (it is compulsory to provide their brief description in the notes under the tables), held for the usual operations of the enterprise during the year) arising from the ordinary operating activities of the enterprise during the year.

⁴ Cash and cash equivalents comprise cash on hand (1) and bank deposits (2), short-term, highly liquid investments that are readily convertible to a known amount of cash, and that are subject to an insignificant risk of changes in value (3), other investments when it has a maturity of three months or less from the date of acquisition (4), equity investments that have the in substance a cash equivalent (e.g. preferred shares acquired within three months of their specified redemption date) (5), bank overdrafts which are repayable on demand and which form an integral part of an enterprise's cash management (6). In case of the investments it is compulsory to provide it short description.

⁵ Operating activities are the main revenue-producing activities of the enterprise that are not investing or financing activities (cash flows include cash received from customers and cash paid to suppliers and employees, from period to period interest and dividends received and paid). Investing activities are the acquisition and disposal of long-term assets and other investments that are not considered to be cash equivalents. Financing activities are activities that alter the equity capital and borrowing structure of the enterprise.

Financial data	2009		2010		2011	
	at the beginning of the year	at the end of the year	at the beginning of the year	at the end of the year	at the beginning of the year	at the end of the year
Non-current Assets (incomplete capital investments, fixed assets, intangible assets etc.)						
Current assets						
Including						
Current accounts receivable for goods, works and services						
Other current accounts receivable						
Cash and cash equivalents						
Income (loss)						
Accounts payable for goods, works and services						
Current budget liabilities and single social contribution						
Current liabilities on salary payments						

Financial data	2009	2010	2011	1 st quarter of 2012
Net income (revenues) from the sale of goods, works and services				
Financial result before taxation				

The following table contains information about our staff included in the consortium application:

Average manpower	Year before last		Last year		This year	
	Overall	Total for fields related to this contract ⁶	Overall	Total for fields related to this contract ⁶	Overall	Total for fields related to this contract ⁶
Permanent staff						
Staff involved on the part time basis and employed under the civil contracts						
Total						
Permanent staff as a proportion of total staff (%)	%	%	%	%	%	%

⁶ corresponding to the relevant specialisms identified in point 5 below.

No	Full name	Number of the diploma, issue date and body	Specialism (major)	Work experience within participant company	Position

Yours faithfully,

<Signature of authorized representative>

Name and position of authorized representative

Annex 1
to the Service procurement notice

List of eligible countries
(foreseen in article 21 of the ENPI regulation 1638/2006)

- European Neighbourhood Partnership Instrument countries: Russia, Belarus, Ukraine, Moldova, Georgia, Armenia, Azerbaijan, Algeria, Egypt, Israel, Jordan, Lebanon, Morocco, Occupied Palestinian Territories, Syria and Tunisia.
- Instrument for pre-accession assistance countries: Croatia, Turkey, Albania, Bosnia, Montenegro, Serbia, Kosovo and FYROM.
- European Economic Area countries: Norway, Iceland and Liechtenstein.
- International organizations.