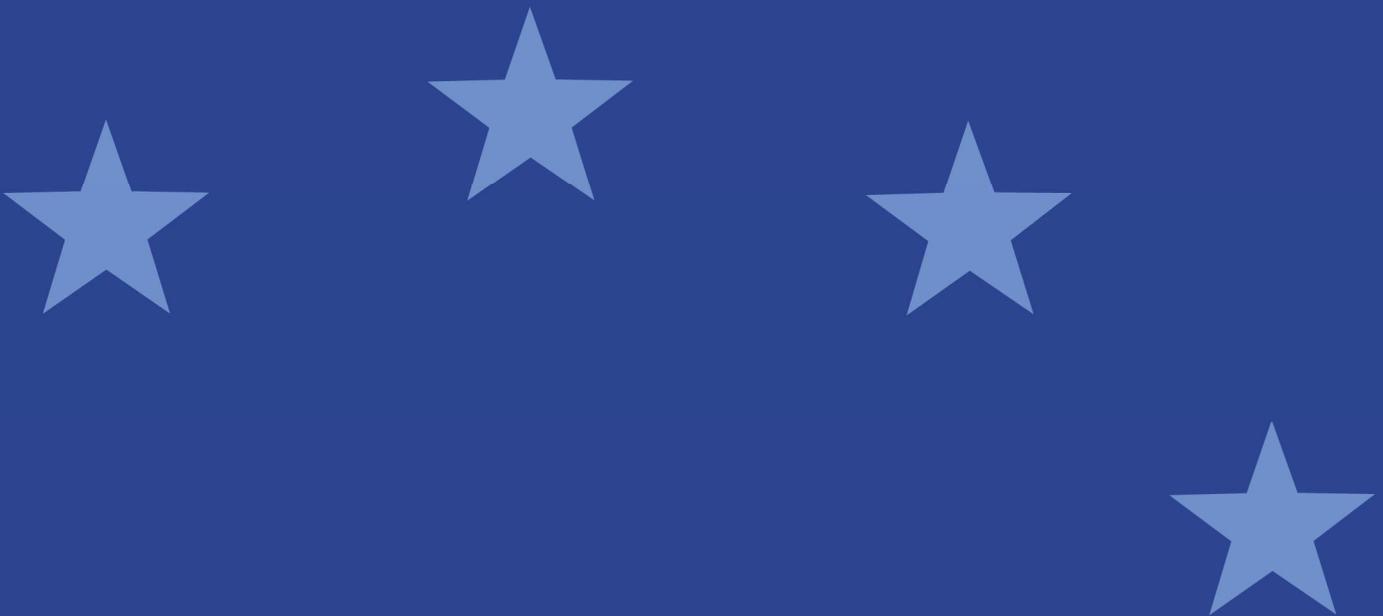




European Securities and  
Markets Authority

# Technical Specifications and monitoring

Drafting call for tenders for the logistics department of ESMA  
OJ/30/05/2012-PROC/2012/003



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## Introduction to ESMA

ESMA is an independent EU Authority that contributes to safeguarding the stability of the European Union's financial system by ensuring the integrity, transparency, efficiency and orderly functioning of securities markets, as well as enhancing investor protection. In particular, ESMA fosters supervisory convergence both amongst securities regulators, and across financial sectors by working closely with the other European Supervisory Authorities competent in the field of banking (EBA), and insurance and occupational pensions (EIOPA).

ESMA's work on securities legislation contributes to the development of a single rule book in Europe. This serves two purposes; firstly, it ensures the consistent treatment of investors across the Union, enabling an adequate level of protection of investors through effective regulation and supervision. Secondly, it promotes equal conditions of competition for financial service providers, as well as ensuring the effectiveness and cost efficiency of supervision for supervised companies. As part of its role in standard setting and reducing the scope of regulatory arbitrage, ESMA strengthens international supervisory co-operation. Where requested in European law, ESMA undertakes the supervision of certain entities with pan-European reach.

Further information about the Authority can be found on the ESMA website [www.esma.europa.eu](http://www.esma.europa.eu).

### The tender process

The purpose of competitive tendering for awarding contracts is two-fold:

- to ensure the transparency of operations;
- to obtain the desired quality of services, supplies and works at the best possible price.

The applicable regulations, namely directives **92/50/EEC**, **93/36/EEC** and **93/37/EEC**, oblige the ESMA to guarantee the widest possible participation, on equal terms in tender procedures and contracts

## 1. Overview of this tender

### 1.1 Description of the contract

The services required by ESMA are described in the terms of reference in [section 2](#) of the present tender specifications.

In drawing up a tender, tenderers should bear in mind the provisions of the draft contract in **Annex I**. In particular, the draft contract indicates the method and the conditions for payments to the contractor.

Tenderers are expected to examine carefully and respect all instructions and standard formats contained in these specifications and the invitation to tender. An offer which does not contain all the required information and documentation may be rejected.

### 1.2 Timetable

Activity	Date	Comments
Launching of tender	30/05/2012	Dispatch of contract notice to the OJ
Deadline for request of clarifications from ESMA	02/07/2012	
Site visit or clarification meeting (if any)	-	Not applicable to this tender
Last date on which clarifications are issued by ESMA	09/07/2012	
Deadline for submission of offers	<b>16/07/2012</b>	At 16:00 (Local time Paris 12.00h, GMT + 1)
Interviews (if any)	-	Not applicable to this tender
Opening session	<b>23/07/2012</b>	At 10:00 Local time Paris 12.00h, GMT + 1
Date for evaluation of offers	<i>[Opening date plus 1 week]</i>	Estimated
Notification of award to the selected Tenderer	<i>[Evaluation date plus 3 weeks]</i>	Estimated
Contract signature	<i>[Notification date plus 2 weeks]</i>	Estimated

### 1.3 Participation in the tender procedure

This procurement procedure is open to the natural or legal person wishing to bid for the assignment and established in the EU, the EEA or any other country covered by the WTO Government Procurement Agreement.<sup>1</sup>

Tenderers must not be in any situation of exclusion under the exclusion criteria indicated in section [3.1](#) of these tender specifications and must have the legal capacity to allow them to participate in this tender procedure (see section [3.2.1](#)).

Please note that any attempt by a tenderer to obtain confidential information, enter into unlawful agreements with competitors or influence the evaluation committee or ESMA during the process of examining, clarifying, evaluating and comparing tenders will lead to the rejection of his tender and may result in administrative penalties.

### 1.4 Participation of consortia

A consortium may submit a tender on condition that it complies with the rules of competition.

A consortium may be a permanent, legally-established grouping or a grouping which has been constituted informally for a specific tender procedure. Such grouping (or consortium) must specify the company or person heading the project (the leader) and must also submit a copy of the document authorising this company or person to submit a tender. All members of a consortium (i.e., the leader and all other members) are jointly and severally liable to the Contracting Authority.

In addition, each member of the consortium must provide the required evidence for the exclusion and selection criteria (see section [3](#) of these tender specifications). Concerning the selection criteria ‘technical and professional capacity’, the evidence provided by each member of the consortium will be checked to ensure that the consortium **as a whole** fulfils the criteria.

The participation of an ineligible person will result in the automatic exclusion of that person. In particular, if that ineligible person belongs to a consortium, the whole consortium will be excluded.

### 1.5 Subcontracting

If subcontracting is envisaged, the tenderer must clearly indicate in the tender which parts of the work will be subcontracted. The total value of the subcontracted part of the services cannot represent the total value of the contract value.

Subcontractors must satisfy the eligibility criteria applicable to the award of the contract. If the identity of the intended subcontractor(s) is already known at the time of submitting the tender, all subcontractors must provide the required evidence for the exclusion and selection criteria.

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<sup>1</sup> More information can be found at the following link: [http://www.wto.org/english/docs\\_e/legal\\_e/legal\\_e.htm#procurement](http://www.wto.org/english/docs_e/legal_e/legal_e.htm#procurement)

If the identity of the subcontractor is not known at the time of submitting the tender, the tenderer who is awarded the contract will have to seek ESMA's prior written authorisation before entering into a subcontract.

Where no subcontractor is given, the work will be assumed to be carried out directly by the tenderer.

## 1.6 Presentation of the tender

Tenders must comply with the following conditions:

### a) Double envelope system

Offers must be submitted in accordance with the **double envelope system**:

The outer envelope or parcel should be sealed with adhesive tape and signed across the seal and carry the following information:

- the project title: Drafting call for tenders for the logistics department of ESMA;
- the name of the tenderer;
- the indication "**Offer - Not to be opened by the internal mail service**";
- the address for submission of offers (as indicated in the invitation to tender letter)
- the date of posting (if applicable) should be legible on the outer envelope

The outer envelope must contain three inner envelopes, namely, Envelopes A, B and C.

The content of each of these envelopes shall be as follows:

#### 1. Envelope A – Administrative documents

- The signed, dated and duly completed **Tender Submission Checklist** using the template in **Annex IX**;
- The duly filled in, signed and dated **Exclusion Criteria and Non-Conflict of Interest Declaration(s)** as requested in section [3.1](#) and using the standard template in **Annex II**;
- The duly filled in, signed and dated **Legal Entity Form(s)** as requested in section [3.2.1](#) and using the standard template in **Annex III** as well as the requested accompanying documents;
- The duly filled in, signed and dated **Financial Identification Form** using the template in **Annex IV**;
- Financial and economic capacity documents as requested in section [3.2.2](#);
- The technical and professional capacity documents as requested in section [3.2.3](#);
- A statement containing the name and position of the tenderer's **authorised signatory**; and
- In case of consortia, a **consortium agreement** duly signed and dated by each of the consortium members specifying the company or person heading the project and authorised to submit a tender on behalf of the consortium (please see section [1.4](#) of these tender specifications).

#### 2. Envelope B – Technical proposal

- One original (unbound, signed and clearly marked as “Original”) and four copies (bound and each marked as “Copy”) of the Technical Proposal, providing all information requested in section 4.
3. Envelope C – Financial proposal
- One signed original and four copies of the Financial Proposal, based on the format in found in **Annex VII**.

## **b) Language**

Offers must be submitted in one of the official languages of the European Union. ESMA prefers, however, to receive documentation in English. Nonetheless, the choice of language will be not play any role in the consideration of the tender.

### **1.7 Confirmation of offer submission**

In order to keep track of offers due to arrive, tenderers who do not hand deliver their offers are requested to complete and return the form found **Annex VIII**.

### **1.8 Contacts between ESMA and the tenderers**

Contacts between ESMA and tenderers are prohibited throughout the procedure, except in the following circumstances:

#### **1.8.1 Written clarification before the deadline for submission of offers**

Requests for clarification regarding this procurement procedure or the nature of the contract should be done **in writing only** and should be sent by mail, fax or email to:

ESMA  
Attn: Procurement Office  
103, Rue de Grenelle 103  
75007 Paris, France  
email: [procurement@esma.europa.eu](mailto:procurement@esma.europa.eu)

Each request for clarification sent to ESMA should indicate the publication reference and the title of the tender.

The deadline for clarification requests is indicated in the timetable under section [1.2](#). Requests for clarification received after the deadline will not be processed.

At the request of the tenderer, ESMA may provide any additional information or clarification resulting from the request for a clarification on the ESMA Procurement webpage:

ESMA may, on its own initiative, inform interested parties of any error, inaccuracy, omission or other clerical error in the text of the contract notice or in the tender specifications by publishing a corrigendum on its website.

Tenderers should regularly check the ESMA website for updates.

### **1.8.2 After the closing date for submission of tenders**

If, after the tenders have been opened, some clarification is required in connection with a tender, or if obvious clerical errors in the submitted tender must be corrected, the ESMA may contact the tenderer, although such contact may not lead to any alternation of the terms of the submitted tender.

### **1.9 Division into Lots**

Not applicable.

### **1.10 Variants**

No variant are accepted.

### **1.11 Confidentiality and public access to documents**

All documents presented by the tenderer become the property of the ESMA and are deemed confidential.

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

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

The tender process will involve the recording and processing of personal data (such as a tenderer's name, address and CV). Such data will be processed pursuant to Regulation (EC) No. 45/2001.

Unless indicated otherwise, a tenderer's replies to questions and any personal data requested by ESMA are required to evaluate the tender in accordance with the tender specifications and will be processed solely for that purpose by ESMA. A tenderer is entitled to obtain access to their personal data on request and to rectify any such data that is inaccurate or incomplete.

### **1.12 Contractual details**

A draft framework contract is attached to these technical specifications as **Annex I**.

ESMA wishes to conclude a framework service contract, as and when required, for a period of two years renewable twice for one year period (four years in total).

A framework contract will establish the terms governing specific contracts to be awarded during a given period; in particular, with regard to price.

Signature of the framework contract imposes no obligation on the Authority to order services. Only the implementation of the framework contract through specific contracts is binding for ESMA.

Each specific contract will contain details of deliverables and timelines for particular services to be provided.



## **2. Terms of reference**

The terms of reference will become an integral part of the contract that may be awarded as a result of this tender procedure.

### **2.1 Introduction: Background to the invitation to tender**

The European Securities and Markets Authority has been created in January 2011. As an EU agency, it is required to apply the EU directive EC 2004/18 on public procurement to all its contract. In order to align its contracts with the new size of ESMA (that as grown from 30+ employees to 100+ employees by the end of 2012) and to the procurement rules, ESMA may launch several call for tenders in the following fields (non exhaustive list):

- Catering
- Cell and land line phones
- Travel agency
- Telephone conference facility
- Maintenance of the premises

### **2.2 Description of the services & scope of the contract**

The objective of the call for tender is to sign a contract with a company that would support ESMA in the drafting of calls for tenders in the logistics department.

The tasks of the awarded company will be:

- Understanding of the procurement rules of ESMA (EU rules) and templates
- Study of the market: possible services, major actors
- Study eventual equivalent contracts from other EU agencies
- Drafting of the call of tender:
  - o Terms of reference
  - o Award / evaluation criteria
  - o Contract (based on the ESMA template)
  - o Letters to candidates if required

Templates for calls for tender are attached to this document.

In addition to the above task, ESMA may propose to the company to:

- Participate to the evaluation of the offers
- Draft the evaluation report and award notice

The company may also been asked specific missions related to such services as for example study of a specific market offers or outsourcing strategy planning.

All deliverables shall be in English.

#### **2.2.1 Deliverables, reporting and project schedule**



The requested deliverables will be the call for tender and supporting documents.

### **2.3 Duration of the contract**

The contract is for one year.

### **2.4 Reference documents**

Enclosed to this document will be attached the templates for contracts and terms of reference at ESMA.

### **2.5 Prices**

The estimated volume for the contract is between 150 000€ and 450 000€.

Candidates are asked to state a total fixed price in Euro per Call for Tender for the drafting part and a total fixed price for the evaluation. Prices quoted must be exclusive of all taxes<sup>2</sup>, shall be firm and not subject to revision.

On top, a price per man/day to provide consultancy services such as market analysis or outsourcing strategy implementation should be provided by the Candidates.

The total fixed price must include professional fees (i.e. the daily fee per consultant/s), travel and any subsistence costs (subsistence costs include accommodation, meals, local transport, insurance and sundries). No additional amount will be paid by ESMA.

ESMA will then order the drafting of call for tenders via Specific Contracts – one per call for tender, evaluation or consultancy missions.

#### **2.5.1 Currency of tender**

Prices must be quoted in Euro.

The Financial Proposal Form in **Annex VII** must be used to submit a tender.

#### **2.5.2 All-inclusive prices**

Prices submitted in response to this tender must be inclusive of all costs involved in the performance of the contract (e.g. to include delivery, supply and installation, maintenance, travel, subsistence, etc). No expenses incurred in the performance of the services will be reimbursed separately by ESMA.

#### **2.5.3 Price revision**

Prices will not be revised during the contract.

#### **2.5.4 Costs involved in preparing and submitting a tender**

ESMA will not reimburse any costs incurred in the preparation and submission of a tender. Any such costs must be paid by the tenderer.

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<sup>2</sup> ESMA is exempt from all duties, taxes and dues.



### **2.5.5 Protocol on the Privileges and Immunities of the European Union**

ESMA is, as a rule, exempt from all taxes and duties, and in certain circumstances is entitled to a refund for indirect tax incurred, such as value added tax (VAT), pursuant to the provisions of articles 3 and 4 of the Protocol on Privileges and Immunities of the European Union. Tenderers must therefore quote prices which are exclusive of any taxes and duties and must indicate the amount of VAT separately.

### **2.5.6 Payments**

Payment will be executed at the end of each mission upon reception and approval of the deliverables.

### **2.5.7 Financial guarantees**

ESMA may require a pre-financing guarantee or a performance guarantee from the Contractor chosen as a result of this tendering procedure. When such guarantee is requested, the specific conditions related to the provision of a guarantee are included in the draft contract (**Annex I**). The costs for the guarantee shall be borne by the Contractor.

### **3. *Exclusion and selection criteria***

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#### **3.1 Exclusion criteria**

Tenderers shall be excluded from participation in procurement procedure if they are in any of the following situations:

- a) are bankrupt or being wound up, are having their 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;
- b) have been convicted of an offence concerning their professional conduct by a judgment which has the force of *res judicata*;
- c) have been guilty of grave professional misconduct proven by any means which ESMA can justify;
- d) have not fulfilled obligations relating to the payment of social security contributions or the payment of taxes in accordance with the legal provisions of the country in which they are established or with those of France or those of the country where the contract is to be performed;
- e) they 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 Communities' financial interests;
- f) following another procurement procedure or grant award procedure financed by the Community budget, they have been declared to be in serious breach of contract for failure to comply with their contractual obligations.

In addition to the above, contracts may not be awarded to tenderers who, during the procurement procedure for this contract:

- are subject to a conflict of interest;
- are guilty of misrepresentation in supplying the information required by ESMA as a condition of participation in the procurement procedure or fail to supply this information.

#### **Declaration and means of proof**

All tenderers must certify that they are not in any of the situations listed above by completing and signing the attached Exclusion Criteria & Non-Conflict of Interest Declaration in **Annex II**.

The tenderer to whom the contract is to be awarded shall provide in addition, within 15 days following the notification of award and preceding the signature of the contract, the following documentary proofs to confirm the declaration referred to above:

- For points a), b) and e), a recent extract from the judicial record or, failing that, an equivalent document recently issued by a judicial or administrative authority in the country of origin or provenance showing that those requirements are satisfied.
- For point d) a recent certificate issued by the competent authority of the State concerned.

Where the document or certificate referred to above is not issued in the country concerned, it may be replaced by a sworn or, failing that, a solemn statement made by the interested party before a judicial or administrative authority, a notary or a qualified professional body in his country of origin or provenance.

### **3.2 Selection criteria**

Tenderers must submit evidence of their legal, economic, financial, technical and professional capacity to perform the contract.

#### **3.2.1 Legal capacity**

##### **Requirement**

A tenderer is asked to prove that they are authorised to perform the contract under the national law as evidenced by inclusion in a trade or professional register, or a sworn declaration or certificate, membership of a specific organisation, express authorisation or entry in the VAT register.

##### **Evidence required**

The tenderer shall provide a duly filled in and signed Legal Entity Form (see **Annex III**) accompanied by the documents requested therein.

(Where the tenderer has already signed another contract with ESMA, they may provide instead of the legal entity file and its supporting documents a copy of the legal entity file provided on that occasion, unless a change in his legal status occurred in the meantime).

#### **3.2.2 Economic and financial capacity**

##### **Requirement**

The tenderer must be in a stable financial position and have the economic and financial capacity to perform the contract.

##### **Evidence required**

Proof of economic and financial capacity shall be furnished by the following documents:

- balance sheets or extracts from balance sheets for at least the last two years for which accounts have been closed (where publication of the balance sheet is required under the company law of the country in which the economic operator is established);
- a statement of overall turnover and turnover concerning services/supplies covered by the contract during the last three financial years.

If, for some exceptional reason which ESMA considers justified, the tenderer is unable to provide the references requested by the contracting authority, he may prove his economic and financial capacity by any other means which ESMA considers appropriate.

The Authority reserves the right to request any additional documentary evidence it deems necessary or useful in order to verify a tenderer's economic and financial standing.

#### **3.2.3 Technical and professional capacity**

##### **Requirement(s)**

The tenderer's technical and professional capacity will be evaluated using the following criteria:

- A) Suitability of the organisation and staffing structure available for the activities covered by the contract;
- B) Relevant qualifications in the fields and expertise of key personnel allocated to the project: technical experience, knowledge and capability in the area of the study fields as well as the ability to prepare and present clear and concise reports in the English language to international audience;
- C) The tenderer, including all consortium members and any proposed subcontractors, shall in no way be subject to a conflict of interest concerning the implementation of the contract.
- D) The tenderer should be able to prove that he has staff that is able to draft and work in perfect fluent English.

### **Evidence required**

The following documents or information shall be presented as evidence of compliance with the relative technical and professional capacity criteria:

- A) Details of the structure of the organisation (including the number of staff) and relevant subcontractors;
- B) and D) Professional accreditations or references held by the tenderer and relevant subcontractors; CVs of the key experts to carry out the work (preferably using the template in **Annex VI**), covering work experience, education and training, organisational and technical skills as well as an excellent level of English, attesting the drafting and presentation skills;
- C) A list and description of recent activities (in the last 3 years) in the field of facility management standards and testing methods; including 2 examples of projects on subjects related to this tender conducted in an international environment.

## **4. Award of the contract**

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Offers are opened and evaluated by a committee, possessing the technical and administrative capacities necessary to give an informed opinion on the offers. The committee members are nominated on a personal basis by the ESMA under guarantee of impartiality and confidentiality. Each of them has equal voting rights.

Only the tenders meeting the requirements of the exclusion and selection criteria will be evaluated in terms of quality and price.

### **4.1 Technical proposal**

The assessment of technical quality will be based on the ability of the tenderer to meet the purpose of the contract as described in the terms of reference. To this end, the technical proposal shall contain the following information to allow evaluation of the tender according to the technical criteria mentioned in section [4.2](#):

- A description of the approach proposed and the proposed methods to be applied; means to be used to meet the objectives of the terms of reference and assessment of the main issues,

limitations, risks of the analyses to be carried out as well as the proposed mitigation measures;

- Work organisation and planning (including major milestones and dates for meetings with ESMA to report on progress, as requested in section 2.2.3 of these tender specifications);
- Description of the involvement of the proposed key experts (CV, roles and responsibilities) to execute the planned activities, in particular to cover the key analyses and investigations of the study.
- References in other similar projects especially in English / international environment

The information in the technical proposal must be consistent with the terms of reference and must be signed by the tenderer.

#### 4.2 Technical evaluation

The quality of technical offers will be evaluated in accordance with the award criteria and the associated weighting as detailed in the evaluation grid below.

No	Criteria	Max points
1	Working methodology	<b>50</b>
2	Ability to offer all services required	<b>30</b>
3	Quality of the references and examples of similar projects conducted	<b>20</b>
	<b>TOTAL</b>	<b>100</b>

Only tenders scoring 65 points or more (of a maximum of 100) points against the technical award criteria will have their financial proposal evaluated.

Offers scoring less than 60% for any award criterion will be deemed to be of insufficient quality and eliminated from further consideration.

#### 4.3 Financial proposal

The financial proposal should be presented in the format found in **Annex VII**.

#### 4.4 Choice of the selected tender

The contract will be awarded to the tenderer offering the best value for money, taking into account the awarding criteria listed above. No award criteria and sub-criteria other than those detailed above will be used to evaluate the offer.

The weighting of quality and price will be applied as follows:

Score for tender X	=	$\frac{\text{cheapest price}}{\text{price of tender X}}$	x	40	+	$\frac{\text{Total quality score of tender X}}{100}$	x	60
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#### 4.5 No obligation to award

Completing the procedure of the call for tenders in no way imposes on the ESMA an obligation to award the contract. The ESMA shall not be liable for any compensation with respect to tenderers



whose offers have not been accepted, nor shall ESMA be liable when deciding not to award the contract.

#### **4.6 Notification of outcome**

Each tenderer will be informed in writing about the outcome of the call for tender.

If tenderers are notified that a tender has not been successful, tenderers may request additional information by fax or mail. At the discretion of ESMA, this information can be given in a follow-up letter providing further details in writing, such as the name of the tenderer to whom the contract is awarded and a summary of the characteristics and relative advantages of the successful tender. However, ESMA would like to stress that it is not free to disclose any information affecting the commercial interests of other tenderers.



## List of Annexes

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Annex I – Draft contract

Annex II – Exclusion criteria and non-conflict of interest declaration

Annex III – Legal entity form

Annex IV – Financial identification form

Annex V – Authorised signatory form

Annex VI – Curriculum Vitae template

Annex VII – Financial proposal form

Annex VIII – Confirmation of offer submission

Annex IX – Tender submission checklist



**Annex I – Draft contract**



## Annex II – Exclusion criteria and non-conflict of interest declaration

TO BE COMPLETED AND SIGNED BY THE TENDERER

The signed: \_\_\_\_\_ under-

in his/her own name (if the economic operator is a natural person or in case of own declaration of a director or person with powers of representation, decision making or control over the economic operator)

or

representing (if the economic operator is a legal person)

official name in full (only for legal person):

\_\_\_\_\_

official legal form (only for legal person):

\_\_\_\_\_

official address in full:

\_\_\_\_\_

VAT registration number:

\_\_\_\_\_

declares that the company or organisation that he/she represents he/she:

- a) is not bankrupt or being wound up, is not having its affairs administered by the courts, has not entered into an arrangement with creditors, has not suspended business activities, is not the subject of proceedings concerning those matters, and is not in any analogous situation arising from a similar procedure provided for in national legislation or regulations;
- b) has not been convicted of an offence concerning professional conduct by a judgment which has the force of *res judicata*;
- c) has not been guilty of grave professional misconduct proven by any means which the contracting authorities can justify;
- d) has fulfilled all its obligations relating to the payment of social security contributions and the payment of taxes in accordance with the legal provisions of the country in which it is established, with those of the country of the contracting authority and those of the country where the contract is to be carried out;
- e) has not been the subject of a judgement which has the force of *res judicata* for fraud, corruption, involvement in a criminal organisation or any other illegal activity detrimental to the Communities' financial interests;
- f) is not a subject of the administrative penalty for being guilty of misrepresentation in supplying the information required by the contracting authority as a condition of participation in the procurement procedure or failing to supply an information, or being declared to be in serious breach of his obligation under contract covered by the budget.

In addition, the undersigned declares on their honour:



- g) they have no conflict of interest in connection with the contract; a conflict of interest could arise in particular as a result of economic interests, political or national affinities, family or emotional ties or any other relevant connection or shared interest;
- h) they will inform the contracting authority, without delay, of any situation considered a conflict of interest or which could give rise to a conflict of interest;
- i) they have not made and will not make any offer of any type whatsoever from which an advantage can be derived under the contract;
- j) they have not granted and will not grant, have not sought and will not seek, have not attempted and will not attempt to obtain, and have not accepted and will not accept any advantage, financial or in kind, to or from any party whatsoever, constituting an illegal practice or involving corruption, either directly or indirectly, as an incentive or reward relating to award of the contract;
- k) that the information provided to ESMA within the context of this invitation to tender is accurate, sincere and complete;
- l) that in case of award of contract, they shall provide the evidence that they are not in any of the situations described in points a, b, d, e above.

For situations described in (a), (b) and (e), production of a recent extract from the judicial record is required or, failing that, a recent equivalent document issued by a judicial or administrative authority in the country of origin or provenance showing that those requirements are satisfied. Where the Tenderer is a legal person and the national legislation of the country in which the Tenderer is established does not allow the provision of such documents for legal persons, the documents should be provided for natural persons, such as the company directors or any person with powers of representation, decision making or control in relation to the Tenderer.

For the situation described in point (d) above, recent certificates or letters issued by the competent authorities of the State concerned are required. These documents must provide evidence covering all taxes and social security contributions for which the Tenderer is liable, including for example, VAT, income tax (natural persons only), company tax (legal persons only) and social security contributions.

For any of the situations (a), (b), (d) or (e), where any document described in two paragraphs above is not issued in the country concerned, it may be replaced by a sworn or, failing that, a solemn statement made by the interested party before a judicial or administrative authority, a notary or a qualified professional body in his country of origin or provenance.

By signing this form, the undersigned acknowledges that they have been acquainted with the administrative and financial penalties described under art 133 and 134 b of the Implementing Rules (Commission Regulation 2342/2002 of 23/12/02), which may be applied if any of the declarations or information provided prove to be false.

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Full name	Date	Signature
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### **Annex III – Legal entity form**

Please download and complete the appropriate legal entity form:

For individuals:

[http://ec.europa.eu/budget/library/contracts\\_grants/info\\_contracts/legal\\_entities/legEnt\\_indiv\\_en.pdf](http://ec.europa.eu/budget/library/contracts_grants/info_contracts/legal_entities/legEnt_indiv_en.pdf)

For private companies:

[http://ec.europa.eu/budget/library/contracts\\_grants/info\\_contracts/legal\\_entities/legEnt\\_privComp\\_en.pdf](http://ec.europa.eu/budget/library/contracts_grants/info_contracts/legal_entities/legEnt_privComp_en.pdf)

For public entities:

[http://ec.europa.eu/budget/library/contracts\\_grants/info\\_contracts/legal\\_entities/legEnt\\_public\\_en.pdf](http://ec.europa.eu/budget/library/contracts_grants/info_contracts/legal_entities/legEnt_public_en.pdf)



## **Annex IV – Financial identification form**

Please download and complete the financial identification form available at:

[http://ec.europa.eu/budget/library/contracts\\_grants/info\\_contracts/financial\\_id/fich\\_sign\\_ba\\_gb\\_en.pdf](http://ec.europa.eu/budget/library/contracts_grants/info_contracts/financial_id/fich_sign_ba_gb_en.pdf)



## Annex V – Authorised signatory form

### Address and contact details

Tenderer Name	
Address	
Post Code	
Tel	
Fax	
Email	
Web Site (if applicable)	
Legal Status	
Contact person for this tender	
Legal signatory(ies)	



## **Annex VI – Curriculum Vitae template**

A template of ESMA's preferred Curriculum Vitae format is available from:

<http://europass.cedefop.europa.eu/europass/home/vernav/Europass+Documents/Europass+CV.csp>



## Annex VII – Financial proposal form

**Company:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**Signature:** \_\_\_\_\_

<i>Item</i>	
Drafting of a call for tender and relevant documentation	€ _____ =
Support in the follow up of publication to a call for tender	€ _____ =
Advisory services around outsourcing and procurement (price per man/day)	€ _____ =



## **Annex VIII – Confirmation of offer submission**

In order to keep track of offers due to arrive, tenderers who do not hand deliver their offers are requested to complete and return this form by fax or email.

**Title: Drafting call for tenders for the logistics department of ESMA**  
**Publication Reference: OJ/30/05/2012-PROC/2012/003**

Attn: ESMA, Attention to the Procurement Office

Email: [procurement@esma.europa.eu](mailto:procurement@esma.europa.eu)

I have submitted an offer for this call on \_\_\_\_/\_\_\_\_/\_\_\_\_ using the following delivery service:

- Registered mail
- Express mail
- Courier Service
- Other \_\_\_\_\_

Tenderer name:

email:

Telephone number:

## **Annex IX – Tender submission checklist**

The checklist must be used to ensure that you have provided all the documentation for this tender and in the correct way. This checklist should be signed and included in **Envelope A** of your offer.

You must submit your offer in one outer envelope which contains 3 separate inner envelopes clearly marked **Envelopes A, B and C**.

### **Please Tick ✓ the boxes provided**

#### Envelope ‘A’ – Administrative documents – must contain

- The duly completed, signed and dated **Exclusion Criteria and Non-Conflict of Interest Declaration**.
- The duly completed, signed and dated **Legal Entity Form(s)**
- The duly completed, signed and dated **Financial Identification Form**
- The **economic and financial capacity documents** requested in section 3.2.2
- The **technical and professional capacity documents** requested in section 3.2.3.
- The duly completed **Authorised Signatory Form**
- In the case of consortia, a **consortium agreement** and any other documents as requested in section 1.4
- This **tender submission checklist**, completed, signed and dated.

#### Envelope ‘B’ – Technical proposal – must contain

- One original signed copy and 4 copies of the **technical proposal**.

#### Envelope ‘C’ – Financial proposal – must contain

- One original signed copy and 4 copies of the **financial proposal**.

#### **You should also ensure that:**

- Your offer is formulated in one of the official languages of the European Union.
- Both the technical and financial proposals of the offer are signed by the tenderer or his duly authorised agent.
- Your offer is perfectly legible in order to rule out any ambiguity.
- Your offer is submitted in accordance with the double envelope system as detailed in section 1.6.1.
- The outer envelope bears the information detailed in section 1.6.1.

Name: \_\_\_\_\_  
Signature: \_\_\_\_\_  
Date: \_\_\_\_\_