**PATRIOTS for EUROPE**

**Spanish Delegation**

**SPECIFICATIONS**

**INVITATION TO TENDER**

**Video recording**

**[ES\_25\_001\_bis]**

1. **INTRODUCTION**

These specifications form an integral part of the documents prepared for the invitation to tender for the referenced contract. The tender documents include:

* the contract notice;
* a letter of invitation to tender;
* conditions for submitting a tender ;
* specifications and the annexes thereto;

These specifications are supplemented by the following annexes, which are an integral part thereof[[1]](#footnote-2):

Annex I: Technical specifications[[2]](#footnote-3)

Annex II: Declaration on the tenderer's honour concerning the exclusion and the selection criteria[[3]](#footnote-4)

Annex III: Financial identification form - supplier[[4]](#footnote-5)

Annex IV: Information sheet concerning groups of economic operators[[5]](#footnote-6)

Annex V: Declaration concerning subcontractors[[6]](#footnote-7)

Annex VI: Financial data sheet

Annex VII: Label to be affixed to the outer and inner envelopes when a tender is sent**PART I – GENERAL INFORMATION**

1. **SUBJECT OF THE CONTRACT**

In accordance with the provisions of Regulation (EU, Euratom) No 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the European Union, the « PATRIOTS Group » has decided to issue this invitation to tender for a purchase agreement for the services of video recording for the Spanish Delegation of our Group.

1. **DESCRIPTION, PURPOSE AND TIMING OF THE CONTRACT**

*This contract concerns ad hoc video recording activities. By awarding this tender procedure towards a service provider based on a specific requirements, in order to record the events of the Spanish Delegation of the* « PATRIOTS Group »*. The goal of the* « PATRIOTS Group » *is to identify a provider with whom we aim to establish a framework contract until 31/03/2029. The contract will take effect only after it has been signed.*

*The tasks mentioned in the contract include, but are not limited to, the following list:*

*A quote will be requested for the recording of events of different sizes according to our needs. The needs will be indicated in advance so the quote can be adjusted based on the price offered in this call for tender.*

*The price of the service will depends on the duration of the event and on the needs that we stipulate in terms of the number of cameras, etc.*

*The works should be done with 1, 2 or 3 cameras depending on the type of event. The recording company is also responsible for editing the video (stamp with the logo, title of the speakers, ...) and doing the live production when there are several cameras (alternating camera shots to make the video more enjoyable) or several panels (for example, putting pre-designed loops between panels) or when videos or PowerPoint presentations are shown.*

*At the end of the event, the company has to provide with either a download link or an external memory device with the edited video ready to broadcasting on social media.*

*Depending on the event, a camera crane may also be required to record images of the audience and/or dynamic images of the talks.*

*The company is responsible for setting up all the cameras, cabling, sockets, etc. to be able to record the event in high quality. The same goes for dismantling.*

*The company has to provide the staff to operate the cameras and the staff to edit and produce live.*

*On occasions, the event can be broadcast live streaming.*

Rates:

*In accordance with Article 3 of the Protocol on the Privileges and Immunities of the European Union, the price offer shall be submitted excluding VAT and other equivalent taxes.*

*The bidder is required to provide price per necessary unit from the non-exhaustive list of materials as well as an hourly rate for the following activities:*

*- Camera → Price per day*

*- Work station → Price per day*

*- Ronin → Price per day*

*- Sound system → Price per day*

*- Video Recording, Shooting - Camera Operator → Price per hour/day*

*- Video - Assistance → Price per hour/day*

*- Live streaming technician → Price per hour/day*

*-* S*ound technician → Price per hour/day*

*- Editing, Video Post-Production → Price per hour/day*

Travel:

The offer is assuming to be executed in the Madrid-Province; if the services are required elsewhere and the contractor has any cost of transport, accommodation, and meal expenses will be reimbursed upon presentation of the invoices and must adhere to the same caps set by the « PATRIOTS Group » for its staff, with a preference for public transport, unless otherwise authorized.

Only actual working hours will be considered, based on the agreed schedule. Travel time will also be compensated under the same conditions but will be limited to a maximum of 4 hours.

All video and visual publications must visibly include the « PATRIOTS Group » logo. Additionally, they should focus on topics related to the work exclusively developed at the European level by the Group.

1. **Participation in the tender procedure**

Participation in this tender procedure is equally open to all individuals, legal entities, and public institutions from European Union Member States, as well as to those from third countries that have signed a specific public procurement agreement with the EU, granting them access to the contract under the terms established in that agreement.

In order to ascertain the eligibility of tenderers, they must indicate in their tenders the country in which they have their registered office or in which they are domiciled. They must also submit the evidence required under their national law or other, equivalent proof enabling the « PATRIOTS Group » to check where they come from.

1. **groups OF ECONOMIC OPERATORS**

If a group of economic operators submits the tender, Annex IV must be completed and included with it.

Groups of economic operators may submit a tender. The « PATRIOTS Group » reserves the right to require the group selected to have a given legal form if this is necessary for the proper performance of the contract. This requirement may be communicated by the « PATRIOTS Group » at any time during the contract award procedure, but at all events before the contract is signed.

The group of economic operators shall provide proof of its legal form by the time the contract, if awarded to it - is signed. This may take one of the following forms:

* an entity with legal personality recognised by a Member State;
* an entity without legal personality but offering sufficient protection for the « PATRIOTS Group » ‘s contractual interests (depending on the Member State concerned, this may be, for example, a consortium or a temporary partnership);
* the signature by all the partners of a type of ‘power of attorney’ or equivalent document confirming a form of cooperation and which will designate, where appropriate, an agent or agent representing the grouping.

The group’s actual status shall be established by any document or agreement signed by the members of the group, which shall be appended to the tender.

Those documents or agreements may exceptionally be modified and/or submitted after the time limit for submission of a tender, but under no circumstances after the outcome of the invitation to tender has been communicated to the tenderers concerned. The « PATRIOTS Group » reserves the right to reject a tender if the terms of agreements between the members of a group are modified during the procedure, if those terms make no provision for the joint and several liability of the group's members or if no agreement with legal force has been submitted with the tender.

The « PATRIOTS Group » may accept other legal forms not referred to above, provided that they ensure the parties' joint and several liability and are compatible with performance of the contract. At all events, it should be noted that, in the contract to be signed with the group, the « PATRIOTS Group » will refer expressly to the existence of such joint and several liability. In addition, it reserves the right to require, contractually, the appointment of an authorised representative who may represent the members and who is empowered, inter alia, to issue invoices on behalf of the other members.

Tenders from groups of economic operators must specify the role, qualifications and experience of each of the members of the group. The economic operators, who shall also assume joint and several liability for the tender submission shall submit the tender jointly.

In the case of a group of economic operators, each member shall furnish proof of right of access to the contract (eligibility), as well as proof concerning compliance with the exclusion and selection criteria. With regard to the selection criteria, the « PATRIOTS Group » may rely on the capacity of the other members of the group in order to establish whether the tenderer will have the resources needed to perform the contract. In this case an undertaking shall be required from those members stating that they will make available to the other members the resources needed to perform the contract.

1. **COUNTRY OF THE TENDERER**

The tenderers must indicate in which country they are established and to present the supporting evidence normally acceptable under the law of that country and when necessary translated by a certified translator into English or French.

1. **SUBCONTRACTING**

If the tenderer uses subcontractors, Annex V must be completed and included with the tender.

The tender shall give details, as far as possible, of that part of the contract, which the tenderer proposes to subcontract, and the identity of the subcontractors. During the contract award procedure or performance of the contract, the « PATRIOTS Group » reserves the right to requiretenderers to supply information about the financial, economic, technical and professional capacity of the proposed subcontractor(s). Likewise, the « PATRIOTS Group » may demand the requisite proof to establish whether the subcontractors comply with the requisite exclusion criteria. Tenderers are hereby informed that proposed subcontractors may not be in one of the situations described in Articles 136 to 141 of the Financial Regulation[[7]](#footnote-8), which entail exclusion from participation in a contract issued by the European Union.

The « PATRIOTS Group » is entitled to reject any subcontractor who does not comply with the exclusion and/or selection criteria (see points 14. and 15. respectively).

Furthermore, the « PATRIOTS Group » must be informed by the Contractor of any subsequent use of subcontracting not provided for in the tender. The authorising officer responsible reserves the right to accept or reject the proposed subcontractor. In order to do so he may demand the requisite proof to establish whether the subcontractor(s) complies/comply with the requisite criteria. The « PATRIOTS Group »’s authorisation will always be granted in writing.

If the contract is awarded to a tenderer who proposes a subcontractor in his tender, this equates to giving consent for the subcontracting.

1. **PRICES AND PAYMENTS TERMS**

Pursuant to Article 3 of the Protocol on the privileges and immunities of the European Union, the price quotation shall be submitted excluding VAT and other equivalent indirect taxes.

**Advance Payment Entitlement Clause**

The tenderer shall be entitled to receive advance payments from the « PATRIOTS Group » only under the condition that the tenderer has provided adequate collateral or a guarantee deposit. The collateral or guarantee deposit must be held in a reputable bank and be satisfactory to the « PATRIOTS Group », ensuring full security for the advance payment. Both parties shall mutually agree upon the type and value of the collateral or guarantee deposit before any advance payment is released.

**All-inclusive fixed price formula**

The price quoted must be all-inclusive and expressed in euros, excluding VAT.

After accepting the invoice without any supplementary costs, the « PATRIOTS Group » has a maximum of 30 days to settle the final invoice.

1. **PERFORMANCE OF FRAMEWORK CONTRACTS**

The framework contracts will be performed based on a specific contract, to be signed following the application of a system whereby orders are placed without competition being reopened.

The establishment of this system will entail a maximum[[8]](#footnote-9) of one (1)framework contracts being signed.

The execution of the contract can only happen by the placement of an order on demand. When an order is placed, and before the corresponding order on-call is issued, the « PATRIOTS Group » will contact the economic operator ranked first and, if he is unavailable, the second, and then, on the same terms, possibly the third, and so on until the final contractor.

Where an economic operator refuses to perform a specific order, he may not cite any reasons other than those laid down in the contract.

Refusal to execute an order without just cause will be deemed a major breach of the contract.

**PART II – EXCLUSION, SELECTION AND AWARD CRITERIA**

1. **EXCLUSION CRITERIA [[9]](#footnote-10)**

The full texts of Articles 136 to 141 FR on exclusion criteria and their application are available in the Official Journal of the European Union, N° L-193 published on 30 July 2018, pages 1-222. Tenderers must declare that they are not in any of the exclusion situations described in these articles.

Article 136 of the Financial Regulation (extracts): only paragraphs 1 and 4 are reproduced hereafter.

1. The authorising officer responsible shall exclude a person or entity referred to in Article 135 (2) from participating in award procedures governed by this Regulation or from being selected for implementing Union funds where that person or entity is in one or more of the following exclusion situations:

a) the person or entity 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;

b) it has been established by a final judgment or a final administrative decision that the person or entity is in breach of its obligations relating to the payment of taxes or social security contributions in accordance with the applicable law;

c) it has been established by a final judgment or a final administrative decision that the person or entity is guilty of grave professional misconduct by having violated applicable laws or regulations or ethical standards of the profession to which the person or entity belongs, or by having engaged in any wrongful conduct which has an impact on its professional credibility where such conduct denotes wrongful intent or gross negligence, including, in particular, any of the following:

1. 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 implementation of the legal commitment;
2. entering into agreement with other person or entities with the aim of distorting competition;
3. violating intellectual property rights;
4. attempting to influence the decision-making of the authorising officer responsible during the award procedure;
5. attempting to obtain confidential information that may confer upon it undue advantages in the award procedure;

d) it has been established by a final judgment that the person or entity is guilty of any of the following:

1. fraud, within the meaning of Article 3 of Directive (EU) 2017/1371 of the European Parliament and of the Council 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;
2. 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;
3. conduct related to a criminal organisation, as referred to in Article 2 of Council Framework Decision 2008/841/JHA;
4. 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;
5. terrorist offences or offences linked to terrorist activities, as defined in Articles 1 and 3 of Council Framework Decision 2002/475/JHA , respectively, or inciting, aiding, abetting or attempting to commit such offences, as referred to in Article 4 of that Decision;
6. 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;

e) the person or entity has shown significant deficiencies in complying with main obligations in the implementation of a legal commitment financed by the budget, which has

1. led to the early termination of a legal commitment;
2. led to the application of liquidated damages or other contractual penalties, or
3. been discovered by an authorising officer following checks, audits or investigations;

f) it has been established by a final judgment or final administrative decision that the person or entity has committed an irregularity within the meaning of Article 1(2) of Council Regulation (EC, Euratom) No 2988/95;

g) it has been established by a final judgement or final administrative decision that the person or entity has created an entity in 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;

h) it has been established by a final judgement or final administrative decision that an entity has been created with the intent referred to in point (g).

4. The authorising officer responsible shall exclude a person or entity referred to in Article 135(2), where:

1. a natural or legal person who is a member of the administrative, management or supervisory body of the person or entity referred to in Article 135(2), or who has powers of representation, decision or control with regard to that person or entity, is in one or more of the situations referred to in points (c) to (h) of paragraph 1 of this Article.
2. a natural or legal person that assumes unlimited liability for the debts of the person or entity referred to in Article 135(2) is in one or more of the situations referred to in point (a) or (b) of paragraph 1 of this Article.

The candidate/tenderer is invited to complete the Annex II where the exclusion criteria are mentioned**.** [[10]](#footnote-11)

Article 141 of the Financial Regulation (extracts): only paragraph 1 of Article 141 has been reproduced.

**Rejection from an award procedure**

The authorising officer responsible shall reject from an award procedure a participant who:

|  |  |
| --- | --- |
|  | 1. is in an exclusion situation established in accordance with Article 136; |

|  |  |
| --- | --- |
|  | 1. has misrepresented the information required as a condition for participating in the procedure or has failed to supply that information; |

|  |  |
| --- | --- |
|  | 1. was previously involved in the preparation of documents used in the award procedure where this entails a breach of the principle of equality of treatment, including distortion of competition, that cannot be remedied otherwise. |

The authorising officer responsible shall communicate to the other participants in the award procedure the relevant information exchanged in the context of or resulting from the involvement of the participant in the preparation of the award procedure as referred to in point (c) of the first subparagraph. Prior to any such rejection, the participant shall be given the opportunity to prove that its involvement in preparing the award procedure does not breach the principle of equality of treatment.

**Evaluation of the exclusion criteria**

1. Tenderers shall furnish the following documentary evidence:
2. appropriate evidence that it is not in one of the exclusion situations referred to in Article 136(1);
3. information on natural or legal persons that are members of the administrative, management or supervisory body of the participant or that have powers of representation, decision or control with regard to that participant, including persons and entities 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 points (c) to (f) of Article 136(1).
4. appropriate evidence that natural or legal persons that assume unlimited liability for the debts of that participant are not in an exclusion situation referred to in point (a) or (b) of Article 136(1).
5. Where applicable and in accordance with national law, the authorising officer responsible may accept as appropriate evidence that a participant or an entity referred to in paragraph 2 is not in one of the exclusion situations referred to in points (a), (c), (d), (f), (g) and (h) of Article 136(1), a recent extract from the judicial record or, failing that, an equivalent document recently issued by a judicial or administrative authority in its country of establishment showing that those requirements are satisfied.
6. The authorising officer responsible may accept as appropriate evidence that a participant or an entity referred to in paragraph 2 is not in one of the exclusion situations referred to in points (a) and (b) of Article 136(1), a recent certificate issued by the competent authority of the country of establishment. Where such types of certificates are not issued in the country of establishment, the participant may provide 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.
7. Tenderers shall be exempt from the requirement to submit the documentary evidence referred to in paragraph 1 in case of international organisations, if the contracting authority can access it on a national database free of charge or if such evidence has already been submitted to it for the purposes of another European Parliament procurement procedure and provided that the issuing date of the documents in question were not issued does not exceed more than one year previously and they are still valid. In such cases, the tenderer shall attest on his honour that the supporting documents have already been provided in a previous procurement procedure, which he shall identify, and that no changes in his situation have occurred.
8. **SELECTION CRITERIA**

The applicant / tenderer is invited to complete Annex II under the selection criteria

**11.1. Legal and regulatory capacity**

The tenderer is required to fulfil at least one of the following conditions[[11]](#footnote-12):

1. be enrolled in a relevant professional or trade register, except for international organisations;
2. for service contracts, hold a particular authorisation proving that it is authorised to perform the contract in its country of establishment or be a member of a specific professional organisation.

In the case of groups of economic operators, each member will furnish proof of authorisation to perform the contract.[[12]](#footnote-13)

**11.2. Financial and economic capacity**

Tenderers shall have sufficient economic and financial resources to enable them to perform the contract in compliance with the contractual provisions, given the value and scope thereof. If, based on the information supplied by the tenderer, the « PATRIOTS Group » has doubts about a tenderer's financial resources, or if these are insufficient for performance of the contract, the tender may be rejected without the tenderer being entitled to claim any financial compensation.

In respect of the contract, which is the subject of this invitation to tender, the « PATRIOTS Group » furthermore requires tenderers to have a minimum financial and economic capacity, which will be assessed based on the following information[[13]](#footnote-14):

* minimum average turnover over the last 3 years in EUR*,* requiring at least 5 times the annual value covered by the contract [[14]](#footnote-15);
* information on the annual accounts showing solvency ratios between assets and liabilities based on an average over the last 3 years[[15]](#footnote-16);
* similar projects - experience of the staff in the past;
* life-cycle and environmental characteristics such as cost of use.

Financial and economic capacity will be assessed based on the information included in the following documents, to be supplied by tenderers[[16]](#footnote-17):

* appropriate statements from banks or, where appropriate, evidence of professional risk indemnity insurance[[17]](#footnote-18);
* income declaration for at least the three most recent financial years for tenderers who are natural persons, gross income will be deemed to represent turnover;[[18]](#footnote-19)
* financial statements (balance sheets, profit and loss accounts and any other related financial information) or their extracts for a period equal to the last three years for which accounts have been closed;
* a statement of overall turnover and turnover in the area covered by the contract during a period which may be no more than the last three financial years available[[19]](#footnote-20).

If the tenderer is unable to provide the references requested, he may prove his economic and financial capacity by any other document, which the « PATRIOTS Group » considers appropriate.

The tenderer may also rely on the capacity of other entities, irrespective of the legal nature of the links between him and those entities. In that case, he must prove to the « PATRIOTS Group » that he will have the resources needed to perform the contract, for instance by providing an assurance of the undertaking by those entities to make them available to him. In that case the the « PATRIOTS Group » is entitled to refuse the application or the tender submitted if it has doubts about the undertaking by the third party or about that party’s financial capacity. The « PATRIOTS Group » may require the tenderer and those other entities to be jointly liable for performance of the contract.

On the same basis, a consortium of economic operators may rely on the capacity of members of the group or of other entities.

Tenderers may also rely on the economic capacities of one or more subcontractors as far as they undertake to take part in the process of performing the contract. In such instances, the « PATRIOTS Group » will assess the capacities of the subcontractor(s) in the light of the extent to which the latter is/are involved in performing the contract.

**11.3. Technical and professional capacity**

Tenderers must have sufficient technical and professional capacity to enable them to perform the contract in compliance with the contractual provisions, taking into account its value and scale. If, in the light of the information supplied by the tenderer, the « PATRIOTS Group » has doubts about a tenderer's technical and professional capacity, or if it is clearly insufficient for performance of the contract, the tender may be rejected without the tenderer being able to claim any financial compensation.

In respect of the contract, which is the subject of this invitation to tender the « PATRIOTS Group » requires tenderers to have the following technical and professional capacity[[20]](#footnote-21):

* at least three years' experience in services/deliveries similar to those required by the contract concerned;
* a team of experts in the field comprising at least *3* persons, among whom at least the project leader must have *3* years' proven experience in the field covered by the invitation to tender; the other members of the team will have at least *1* years' experience;
* a network of *information/deliveries/other* ensuring *service provision/delivery* in the EU countries.

If it establishes that a tenderer faces a conflict of interest, which could affect the performance of the contract, the « PATRIOTS Group » may conclude that the tenderer is not of the calibre required to perform the contract.

1. **AWARD CRITERIA**

The contract will be awarded to the tender offering the best price-quality ratio*.*

To determine the tender offering the best price quality/ratio, tenders will be evaluated on the basis of the following criteria:[[21]](#footnote-22)***[[22]](#footnote-23)***

* price[[23]](#footnote-24);
* ranking of the tenderers depending on the threshold of the tender procedure
* technical merit;
* aesthetic merit and functional characteristics;
* accessibility;
* social, environmental and innovative characteristics;
* organisation of the staff assigned to performing the contract;
* after-sales service;
* technical assistance or delivery conditions such as delivery date, delivery process and delivery period or period of completion.

The following matrix will be the standard criteria set applying a weighting for quality and price expressed in percentage:

The MEAT (Most Economically Advantageous Tender) is the method used:

EXAMPLE:

In this example, the “candidate A” did win the competition, through the combination of the price (50% weight), the quality criteria (split up in sub-criteria - 45%) and timing/deadline criteria (5% weight).

As such, the quality criteria result is computed (maximum of 100) as well as the time/deadline.

The formula in green indicates the supplier with the highest score (maximum 100), awarding the “best price -quality

Score tender X = (cheapest price/price of tender X \* 100 \* price weighing in (%)) + (total quality score of tender X \* quality criteria weighting in (%)) + (total timing-deadline score \* timing criteria weighting in (%))



**Annex [I]: The technical specifications**

**See page 3, Point 3. DESCRIPTION AND ESTIMATE OF THE CONTRACT**

*The contract is concluded for a total duration of 4 years, ending no later than 31/03/2029. The execution of the contract will only begin once the framework contract is signed. Any contract modification will be carried out in accordance with the conditions set out in the market contract concluded between the selected bidder and the* « PATRIOTS Group »*.*

**Annex [II]:** **Declaration on the tenderer’s honour concerning the exclusion 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[[24]](#footnote-25), 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 – Situation of exclusion concerning the person

|  |  |  |
| --- | --- | --- |
| 1. declares that the above-mentioned person is in one of the following situations: | YES | NO |
| 1. it is bankrupt, subject to insolvency or winding up procedures, its assets are being administered by a liquidator or by a court, it is in an arrangement with creditors, its business activities are suspended or it is in any analogous situation arising from a similar procedure provided for under national legislation or regulations; |  |  |
| 1. it has been established by a final judgement or a final administrative decision that the person is in breach of its obligations relating to the payment of taxes or social security contributions in accordance with theapplicable 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 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 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 and Article 3 of the Convention on the fight against corruption involving officials of the European Communities or officials of EU Member States, drawn up by the Council Act of 26 May 1997, and in Article 2(1) of Council Framework Decision 2003/568/JHA, as well as corruption as defined in the legal provisions of the country where the contracting authority is located, the country in which the person is established or the country of the performance of the contract; |  |  |
| (iii) conduct related to a criminal organisation, as defined 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-related offences or offences linked to terrorist activities, as defined in Articles 1 and 3 of Council Framework Decision 2002/475/JHA, respectively, or inciting, aiding, abetting or attempting to commit such offences, as referred to in Article 4 of that Decision; |  |  |
| (vi) child labour or other forms of trafficking in human beings as defined in Article 2 of Directive 2011/36/EU of the European Parliament and of the Council; |  |  |
| 1. the person has shown significant deficiencies in complying with the main obligations in the performance of a contract 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. (g) 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. (h) (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). |  |  |

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. The signatory 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 (c) above (grave professional misconduct) |  |  |  |
| Situation (d) above (fraud, corruption or other criminal offence) |  |  |  |
| Situation (e) above (significant deficiencies in performance of a contract ) |  |  |  |
| Situation (f) above (irregularity) |  |  |  |
| Situation (g) above (creation of an entity with the intent to circumvent legal obligations) |  |  |  |
| Situation (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: | YES | NO | N/A |
| Situation (a) above (bankruptcy) |  |  |  |
| Situation (b) above (breach in payment of taxes or social security contributions) |  |  |  |

IV – Grounds for rejection from this procedure

|  |  |  |
| --- | --- | --- |
| 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 must indicate measures it has taken to remedy the exclusion situation, thus demonstrating its reliability. This may include e.g. technical, organisational and personnel measures to prevent further occurrence, compensation of damage or payment of fines 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 (d) of this declaration.

VI – Evidence upon request

Upon request and within the time limit set by the contracting authority the person must provide information on the persons that are members of the administrative, management or supervisory body or that have powers of representation, decision or control, including legal and natural persons within the ownership and control structure and beneficial owners.

It must also provide the following evidence concerning the person itself and concerning 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 debt of the person:

For situations described in (a), (c), (d), (f), (g) and (h) 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 (b), production of recent certificates issued by the competent authorities of the State concerned are required. These documents must provide evidence covering all taxes and social security contributions for which the person is liable, including for example, VAT, income tax (natural persons only), company tax (legal persons only) and social security contributions. Where any document described above is not issued in the country concerned, it may be replaced by a sworn statement made before a judicial authority or notary or, failing that, a solemn statement made before an administrative authority or a qualified professional body in its country of establishment.

The person is not required to submit the evidence if it has already been submitted for another procurement procedure of the same contracting authority[[25]](#footnote-26). The documents must have been issued no more than one year before the date of their request by the contracting authority and must still be valid at that date.

The signatory declares that the person has already provided the documentary evidence for a previous procedure and confirms that there has been no change in its situation:

|  |  |
| --- | --- |
| **Document** | **Full reference to previous procedure** |
| *Insert as many lines as necessary.* |  |

VII – Selection criteria

|  |  |  |  |
| --- | --- | --- | --- |
| 1. declares that the above-mentioned person complies with the selection criteria applicable to it individually as provided in the tender specifications: | YES | NO | N/A |
| 1. It has the legal and regulatory capacity to pursue the professional activity needed for performing the contract as required in section [*insert*] of the tender specifications; |  |  |  |
| 1. It fulfills the applicable economic and financial criteria indicated in section [*insert*] of the tender specifications; |  |  |  |
| 1. It fulfills the applicable technical and professional criteria indicated in section [*insert*] of the tender specifications. |  |  |  |

***The contracting authority must adapt the table above to the criteria indicated in the tender specifications (i.e. insert extra rows for each criterion or delete irrelevant rows).***

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| 1. if the above-mentioned person is the **sole tenderer** or the **leader in case of joint tender**, declares that: | YES | NO | N/A | |
| 1. the tenderer, including all members of the group in case of joint tender and including subcontractors if applicable, complies with all the selection criteria for which a consolidated asseessment will be made as provided in the tender specifications. |  |  | |  |

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 specifications and which are not available electronically upon request and without delay.

The person is not required to submit the evidence if it has already been submitted for another procurement procedure of the same contracting authority[[26]](#footnote-27). 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:

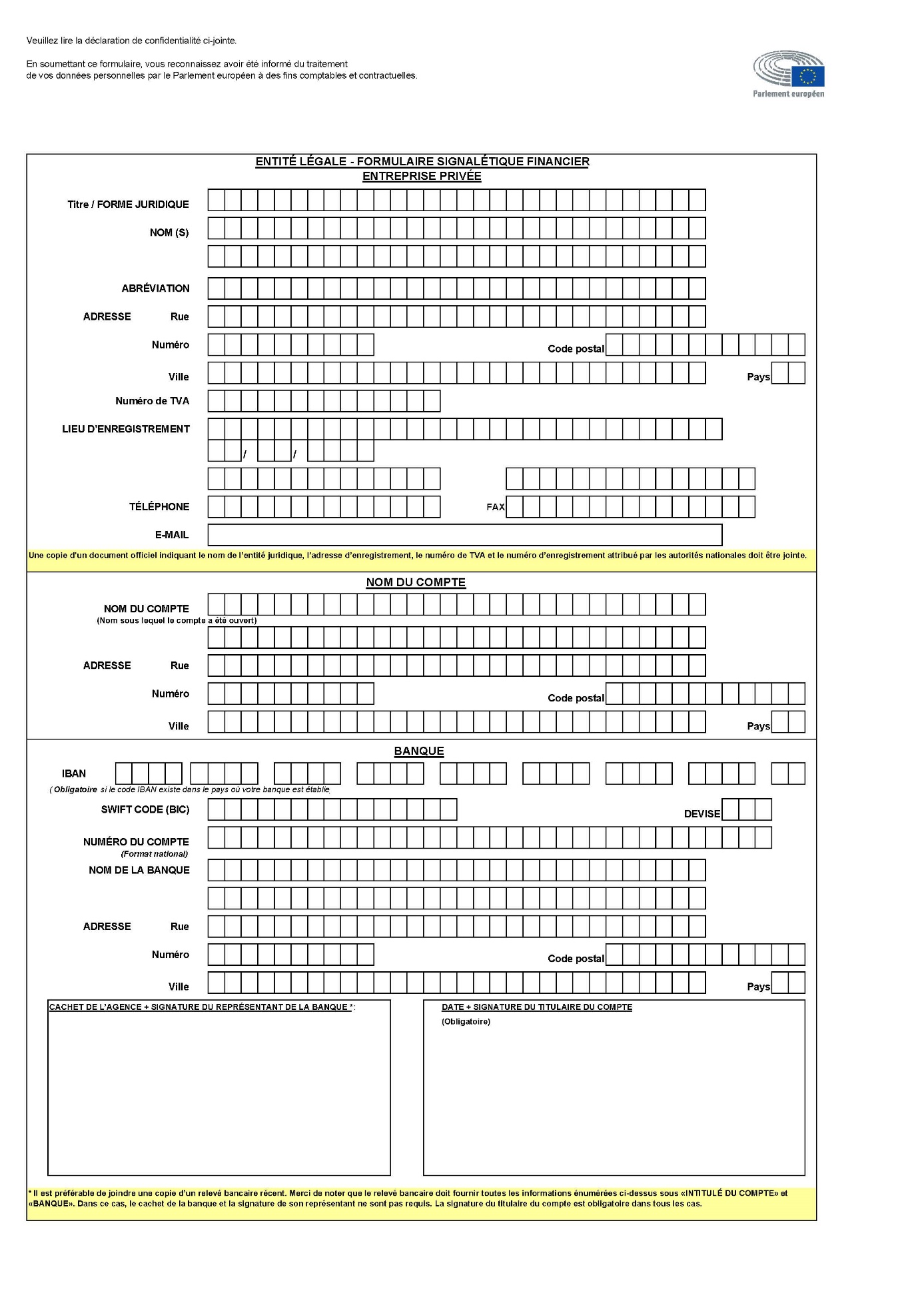
|  |  |
| --- | --- |
| **Document** | **Full reference to previous procedure** |
| *Insert as many lines as necessary.* |  |

***The above-mentioned person may be subject to rejection from this procedure and to administrative sanctions (exclusion or financial penalty) if any of the declarations or information provided as a condition for participating in this procedure prove to be false.***

Full name Date Signature

**Annex [III]:** **Financial identification form - Supplier**

The template is available hereunder:



**Annex [IV]:** **Information sheet concerning groups of economic operators**

**Official name of the member authorised by the group[[27]](#footnote-28):**  
...................................................................................................................................................

**Official address:**  
............................................................................................................................................................................................................................................................................................................

**Legal form of the group[[28]](#footnote-29):** ......................................................................................................................................................................................................................................................................................................

I, the undersigned, Mr/Ms ........................................., representing the authorised representative of the group of operators submitting this tender, hereby declare that I have noted the conditions laid down by the « PATRIOTS Group » for submission of a tender by a group and that the submission of a tender and the signing of this declaration imply acceptance of those conditions:

‘The group of economic operators shall furnish proof of its legal form in the tender. This may take one of the following forms:

- an entity with legal personality recognised by a Member State;

- an entity without legal personality but offering sufficient protection of the « PATRIOTS Group »’s contractual interests (depending on the Member State concerned, this may be, for example, a group or a temporary association);

- the signature by all the partners of a type of 'power of attorney' or equivalent document confirming a form of cooperation.

The document supplied must prove the group's actual status. In that document or in an annex thereto, the economic operators making up the group shall undertake, as tenderers, to bear joint and several liability during performance of the contract, should it be awarded to them.

The « PATRIOTS Group » may accept other legal forms not referred to above, provided that they ensure the parties’ joint and several liability and are compatible with performance of the contract. However, in the contract to be signed with the consortium the « PATRIOTS Group » will refer expressly to the existence of such joint and several liability. In addition, it reserves the right to require, contractually, the appointment of an authorised representative who may represent the members and who is empowered, inter alia, to issue invoices on behalf of the other members.’

|  |  |  |  |
| --- | --- | --- | --- |
| Information on members of group | | | |
| Name of member of group | Address of member of group | Name of member’s representative | Description of technical, professional and economic capacities[[29]](#footnote-30) |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |

**Date:** ............................ **Signature:** ...............................................

**Annex [V]:** **Declaration concerning subcontractors**

**Name of the tenderer:**

I, the undersigned, Mr/Ms .............................................., in my capacity as representative of the above-mentioned tenderer, hereby **declare** that, in the event that the contract, or one or more lots thereof, is awarded to the tenderer, the following economic operators will act as subcontractors:

|  |  |  |
| --- | --- | --- |
| Details of subcontracting | | |
| Name & address of subcontractor | Description of the subcontracted part of the contract | Value of subcontracted part of contract (in EUR and as a percentage of estimated total amount of contract) |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |

I acknowledge that the « PATRIOTS Group » reserves the right to request information on the financial, economic, technical and professional resources of the proposed subcontractor(s) and that the « PATRIOTS Group » may demand the requisite proof to establish whether the subcontractors comply with the exclusion criteria applying to tenderers.

In this context, the « PATRIOTS Group » reserves the right to reject any proposed subcontractor not complying with the exclusion and/or selection criteria.

Furthermore, the « PATRIOTS Group » must be informed by the Contractor of any subsequent use of subcontracting not provided for in the tender. The « PATRIOTS Group » therefore reserves the right to accept or reject any subcontractor proposed during the performance of the contract. Accordingly, it may demand the requisite proof to establish whether a subcontractor complies with the requisite criteria. The « PATRIOTS Group »’s authorisation will always be granted in writing.

If the contract is awarded to a tenderer who proposes a subcontractor in his tender, this equates to giving consent for the subcontracting.

**Date:** ............................ **Signature:** ...............................................

**Annex [VI]: Financial data sheet**

To be completed by the tenderer or by each company in the case of a consortium with a joint representative, based on the financial statements for the last three financial years, which must be attached.

Turnover

Total turnover for the last three financial years

Year n-1 ..................................................................................... EUR

Year n-2 ..................................................................................... EUR

Year n-3 ..................................................................................... EUR

Profit

Total net profit after tax for the last three financial years

Year n-1 ..................................................................................... EUR

Year n-2 ..................................................................................... EUR

Year n-3 ..................................................................................... EUR

Assets available in the short term

Total assets available[[30]](#footnote-31) within one year

Year n-1 ..................................................................................... EUR

Year n-2 ..................................................................................... EUR

Year n-3 ..................................................................................... EUR

Short-term debt

Total debt due[[31]](#footnote-32) within one year

Year n-1 ..................................................................................... EUR

Year n-2 ..................................................................................... EUR

Year n-3 ..................................................................................... EUR

Equity

Total equity and long-term debt due[[32]](#footnote-33)

Year n-1 ..................................................................................... EUR

Year n-2 ..................................................................................... EUR

Year n-3 ..................................................................................... EUR

Certified true and accurate.

Done at ......................... on.........................................

Signatures(s):

**Annex [VII]: Label to be affixed to the outer and inner envelopes when a tender is sent**

**To be used and completed to help ensure that the tender is sent to the relevant department at the European Parliament**

✂

European Parliament

PATRIOTS for EUROPE GROUP

Secretary-General

*ZWEIG K7 014*

*Rue Wiertz, 60*

*B-1047 Brussels*

**INVITATION TO TENDER No** *[ES\_25\_001\_bis]*

**NOT TO BE OPENED BY THE MAIL UNIT OR ANY UNAUTHORISED PERSON**

✂

In the case of several packages or envelopes: make copies of the label and repeat the operation

1. The list of annexes presented above is not exhaustive. It is a suggestion that the contracting authority may adapt according to the specific requirements of the tender in question [↑](#footnote-ref-2)
2. This document includes the technical description of the contract, including any possible variations. [↑](#footnote-ref-3)
3. This template corresponds to the central model adopted by the institution and is also available at the following address: [↑](#footnote-ref-4)
4. The template has been adopted by the Accounting Service and is available at the following address: [↑](#footnote-ref-5)
5. There is no regulatory obligation to request this declaration. However, if required by the contracting authority, it will allow members of the group of economic operators to clearly present the composition of the group and confirm joint and several liability among the members of the group. [↑](#footnote-ref-6)
6. The regulations provide that the contracting authority may ask bidders to indicate which portion of the contract they intend to subcontract and the name(s) of the subcontractor(s). Including this annex will confirm the contracting authority's intention to request this information. [↑](#footnote-ref-7)
7. Articles 136 to 141 on exclusion criteria, see Part II §10 - pag6/32 hereunder [↑](#footnote-ref-8)
8. As a reminder, when a multi-supplier framework agreement is to be concluded with several economic operators without further competition, it must be established with a sufficient number of economic operators who meet the selection criteria or with a sufficient number of admissible offers that satisfy the award criteria. A minimum of two contractors is sufficient. [↑](#footnote-ref-9)
9. These criteria are reproduced from Articles 136 to 141 of the Financial Regulation. They may not be modified, nor may anything be deleted from them or added to them. [↑](#footnote-ref-10)
10. The Annex II may be replaced by the European Single Procurement Document (ESPD). [↑](#footnote-ref-11)
11. A choice should be made between (a) or (b). It may be specified which registration/authorisation is needed. [↑](#footnote-ref-12)
12. Optional [↑](#footnote-ref-13)
13. The list is given by way of example. Authorising departments may include these and/or other minimum selection criteria, provided that they are clear, non-discriminatory and related to the subject of the contract. [↑](#footnote-ref-14)
14. For natural persons, turnover should be represented by their gross income. It is possible to require that certain part of the minimum turnover fall within the area covered by the contract. [↑](#footnote-ref-15)
15. The method and criteria for such ratio should be explained. This minimum criterion would not apply to natural persons. [↑](#footnote-ref-16)
16. However, « the “ PATRIOTS Group » » may require other, more comprehensive documents if it considers them necessary for a satisfactory assessment of economic and financial capacity. [↑](#footnote-ref-17)
17. It should be noted that those documents, provided for in in Point 19 of Annex I, do not always provide sufficient proof of an operator’s economic capacity. Furthermore, the content of ‘appropriate statements from banks’ may vary considerably from one bank to another or from one country to another. [↑](#footnote-ref-18)
18. That document covers only economic operators who are natural persons. Their gross income should be taken as turnover. [↑](#footnote-ref-19)
19. It should be noted that turnover may be an insufficient basis for a full financial analysis of an economic operator [↑](#footnote-ref-20)
20. The list is given by way of example. Departments may include other professional and/or technical criteria, provided that they are clear, non-discriminatory and related to the subject of the contract. [↑](#footnote-ref-21)
21. When the authorising officer intends to use the life-cycling cost, a distinction should be made between the costs borne by the European Parliament or users (for instance, costs relating to the acquisition, costs of use, costs of maintenance and end of life costs) and the costs attributed to environmental externalities (for instance, CO2 emissions costs). [↑](#footnote-ref-22)
22. The specifications must indicate at least two criteria (including price). The criteria proposed may be replaced by other, more relevant criteria providing a better evaluation of the content of the tenders. [↑](#footnote-ref-23)
23. This criterion must always appear. If the specifications require the price to be broken down by concept, field, activity, etc., the price criterion must state precisely what price components will be taken into account in the evaluation of the price. [↑](#footnote-ref-24)
24. The same EU institution, agency, body or office. [↑](#footnote-ref-25)
25. The same institution or agency. [↑](#footnote-ref-26)
26. The same institution or agency. [↑](#footnote-ref-27)
27. State the name and address of the member authorised by the other members of the group to represent it. If no authorisation has been given, all consortium members must sign this declaration. [↑](#footnote-ref-28)
28. To be indicated if a precise form has been chosen by the group members. If that is not the case, leave blank. [↑](#footnote-ref-29)
29. Should such a description already have been provided in the tender, reference may be made to precisely where that description appears. [↑](#footnote-ref-30)
30. Debts receivable within not more than one year, orders in progress, cash investments, available securities and adjustment accounts. [↑](#footnote-ref-31)
31. All debt of any kind due within not more than one year, and adjustment accounts. [↑](#footnote-ref-32)
32. Equity consisting of Capital, Reserves and long-term debt [↑](#footnote-ref-33)