

# VOLUME 1

## SECTION 2

### TENDER FORM

[APPENDIX TO BE USED ONLY BY NEAR ONLY IN FIDIC CONTRACTS]

[APPENDIX TO THE TENDER]

## TENDER FORM FOR A WORKS CONTRACT

Publication reference: < Publication reference >

Name of contract: *Executarea lucrărilor de construcție a rutei cultural turistice în cadrul proiectului "Eminescu: o cultură - o rută în zona transfrontalieră Botoșani - Bălți"*

<mun.Bălți, 15 septembrie 2022>

A: <Name and address of contracting authority – Primăria mun.Bălți, Piața Independenței, nr.1>.

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**One signed** form must be supplied (for each lot, if the tender procedure is divided into lots), together with the number of copies specified in the instructions to tenderers. The form must include a signed declaration using the annexed format from each legal entity submitting this tender. **All data included in this form must concern only the legal entity or entities submitting this tender.** The attachments to this form (i.e. declarations, statements, proofs) may be in original or copy. If copies are submitted, the originals must be sent to the contracting authority upon request. For economical and ecological reasons, we strongly recommend that you submit your files on paper (no plastic folder or divider). We also suggest you use double-sided printing as much as possible.

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

Capacity-providing entities

An economic operator (i.e. tenderer) may, where appropriate and for a particular contract, rely on the capacities of other entities, regardless of the legal nature of the links which it has with them. If the economic operator relies on other entities it must in that case prove to the contracting authority that it will have at its disposal the resources necessary for the performance of the contract by producing with the tender documents a commitment by those entities to place those resources at its disposal. Such entities, for instance the parent company of the economic operator, must respect the same rules of eligibility and notably that of nationality as the economic operator relying on them and must comply with the selection criteria for which the economic operator relies on them. **For the purpose**

**of the present tender, the data for this third entity for the relevant selection criterion has to be included in a separate document.** Proof of the capacity will also have to be provided when requested by the contracting authority.

With regard to technical and professional criteria, an economic operator may only rely on the capacities of other entities where the latter will perform the tasks for which these capacities are required.

With regard to economic and financial criteria, the entities upon whose capacity the economic operator relies, become jointly and severally liable for the performance of the contract.

**Traducere:**

Trebuie furnizat un formular semnat (pentru fiecare lot, dacă procedura de licitație este împărțită în loturi), împreună cu numărul de exemplare specificat în instrucțiunile pentru ofertanți. Formularul trebuie să includă o declarație semnată folosind formatul anexat de la fiecare persoană juridică care depune această ofertă. Toate datele incluse în acest formular trebuie să privească numai persoana sau entitățile juridice care depun această ofertă. Anexele la acest formular (de exemplu, declarații, declarații, dovezi) pot fi în original sau în copie. În cazul în care sunt depuse copii, originalele trebuie trimise autorității contractante la cerere. Din motive economice și ecologice, vă recomandăm insistent să vă trimiteți dosarele pe hârtie (fără mape din plastic sau separator). De asemenea, vă sugerăm să utilizați cât mai mult posibil imprimarea față-verso.

Orice documentație suplimentară (broșuri, scrisori, etc.) trimisă împreună cu formularul nu va fi luată în considerare. Ofertele depuse de un consorțiu (adică fie un grup permanent, legal constituit, fie un grup care a fost constituit informal pentru o anumită procedură de licitație) trebuie să urmeze instrucțiunile aplicabile liderului consorțiului și membrilor săi.

**Entități care furnizează capacități**

Un operator economic (adică ofertantul) se poate baza, după caz și pentru un anumit contract, pe capacitățile altor entități, indiferent de natura juridică a legăturilor pe care le are cu acestea. În cazul în care operatorul economic se bazează pe alte entități, acesta trebuie, în acest caz, să dovedească autorității contractante că va avea la dispoziție resursele necesare executării contractului prin prezentarea împreună cu documentația de licitație a angajamentului acestor entități de a plasa resursele respective la eliminarea acestuia. Astfel de entități, de exemplu societatea-mamă a operatorului economic, trebuie să respecte aceleași reguli de eligibilitate și în special pe cea de naționalitate ca și operatorul economic care se bazează pe acestea și trebuie să respecte criteriile de selecție pentru care operatorul economic se bazează pe ele. În scopul prezentei oferte, datele pentru această terță entitate pentru criteriul de selecție relevant trebuie să fie incluse într-un document separat. Dovada capacității va trebui, de asemenea, furnizată la cererea autorității contractante.

În ceea ce privește criteriile tehnice și profesionale, un operator economic se poate baza doar pe capacitățile altor entități în cazul în care acestea din urmă vor îndeplini sarcinile pentru care sunt necesare aceste capacități.

În ceea ce privește criteriile economice și financiare, entitățile pe a căror calitate se bazează operatorul economic devin răspunzătoare solidar pentru executarea contractului.

## 1 SUBMITTED BY

	Name(s) of tenderer(s)	Nationality <sup>1</sup>
Leader <sup>2</sup>		
Member 2*		
Etc.		

## 2 CONTACT PERSON (for this tender)

Name	
Address	
Telephone	
Fax	
E-mail	

## 3 TENDERER'S DECLARATION(S)

As part of their tender, each legal entity identified under point 1 of this form, including every consortium member (all sections), as well as each capacity-providing entity (only sections 1 and 2, as well as sections 7 to 14) and each subcontractor (only sections 1, 2 and 7, as well as sections 9 to 15), must submit a signed declaration using this format, together with the Declaration of honour on exclusion and selection criteria (Annex 1) **(insert Form a.14a)**.

In response to your letter of invitation to tender for the above contract,

we, the undersigned, hereby declare that:

1. We have examined and accept in full the content of the dossier for invitation to tender No [.....] of [././..]. We hereby accept its provisions in their entirety, without reservation or restriction.
2. We offer to execute, in accordance with the terms of the tender dossier and the conditions and time limits laid down, without reserve or restriction, the following works:

Lot No 1: [*description of works*] [for subcontractors: *description of the portion covered by the subcontract*]

<sup>1</sup> Country in which the legal entity is established.

<sup>2</sup> Add/delete additional lines for members as appropriate. Note that a capacity providing entity/subcontractor is not considered to be a member for the purposes of this tender procedure. If this tender is being submitted by an individual tenderer, the name of the tenderer should be entered as 'leader' (and all other lines should be deleted).

Lot No 2: [*description of works*] [for subcontractors: *description of the portion covered by the subcontract*]

Etc.

3. The price of our tender [*excluding the discounts described under point 4*] is:

Lot No 1: [.....]

Lot No 2: [.....]

Etc.

4. We will grant a discount of [%], or [.....] [*in the event of our being awarded lot No ...and lot No .....*].

5. This tender is valid for a period of 90 days from the final date for submission of tenders.

6. [For contracts worth up to EUR 345 000, and on the basis of objective criteria such as the nature and value of the contract, the contracting authority may decide not to demand such a guarantee: If our tender is accepted, we undertake to provide a performance guarantee, as required by Article 15 of the special conditions.]

7. Our firm/company [*and our subcontractors*] has/have the following nationality:

<.....>

8. We are making this tender [on an individual basis/as member of the consortium led by < name of the leader / ourselves >]. We confirm that we are not tendering for the same contract in any other form. [We confirm, as a member of the consortium, that all members are jointly and severally bound in respect of the obligations under the contract, including any recoverable amount, that the lead member is authorised to bind, and receive instructions for and on behalf of, each member, that the execution of the contract, including payments, is the responsibility of the lead member, and that all members in the joint venture/consortium are bound to remain in the joint venture/consortium for the entire period of the contract's execution]. [We confirm, as capacity-providing entity to be jointly and severally bound in respect of the obligations under the contract, including for any recoverable amount.]

9. We undertake, if required, to provide the proof usual under the law of the country in which we are effectively established that we do not fall into any of the exclusion situations. The date on the evidence or documents provided will be no earlier than one year before the date of submission of tender and, in addition, we will provide a statement that our situation has not altered in the period which has elapsed since the evidence in question was drawn up.

We also undertake, if required, to provide evidence of financial and economic standing and technical and professional capacity according to the selection criteria for this call for tender specified in the additional information about the contract notice. The documentary proofs required are listed in Section 2.6.11. of the practical guide.

10. We agree to abide by the ethics clauses in Clause 28 of the instructions to tenderers and, in particular, have no professional conflicting of interests and/or any equivalent relation with other

candidates or other parties in the tender procedure or behaviour which may distort competition at the time of the submission of this form according to Section 2.5.4. of the practical guide. We have no interest of any nature whatsoever in any other tender in this procedure.

We confirm that we, including all consortium members, if any, and subcontractors are not in the lists of EU restrictive measures ([www.sanctionsmap.eu](http://www.sanctionsmap.eu)) and we understand that our tender may be rejected, if proved the contrary.

11. We will inform the contracting authority immediately if there is any change in the above circumstances at any stage during the implementation of the contract. We also fully recognise and accept that any inaccurate or incomplete information deliberately provided in this tender may result in our exclusion from this and other contracts funded by the EU/EDF.
12. We note that the contracting authority is not bound to proceed with this invitation to tender and that it reserves the right to award only part of the contract. It will incur no liability towards us should it do so.
13. We fully recognise and accept that if the above-mentioned persons participate in spite of being in any of the situations listed in Section 2.6.10.1.1. of the practical guide or if the declarations or information provided prove to be false, they may be subject to rejection from this procedure and to administrative sanctions in the form of exclusion and financial penalties up to 10 % of the total estimated value of the contract being awarded and that this information may be published on the Commission website in accordance with the Financial Regulation in force.
14. We are aware that, for the purposes of safeguarding the EU's financial interests, our personal data may be transferred to internal audit services, to the early detection and exclusion system, to the European Court of Auditors, to the Financial Irregularities Panel, to the European Anti-Fraud Office or to the European Public Prosecutor's Office.

[Only if the contract is financed by a basic act under the multiannual financial framework for the years 2014-2020:

15. We certify that the goods purchased under the contract, comply with the rules of origin laid down for this tender procedure.]

[\* Delete as applicable]

Name and first name: [.....]

Duly authorised to sign this tender on behalf of:

[.....]

Place and date: [.....]

Stamp of the firm/company:

This tender includes the following annexes:

[Numbered list of annexes with titles]

## ANNEX 1 – DECLARATION ON HONOUR ON EXCLUSION AND SELECTION CRITERIA

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

Insert here form A14a, available at the following link:

<http://ec.europa.eu/europeaid/prag/annexes.do?chapterTitleCode=A>

For the Declaration on Honour, different steps are applicable depending on the type of procedure. The applicable procedure can be verified in your letter of invitation.

### **Open tender procedure**

For work tenders where the instructions to tenderers (see section 17) state that the tender should be submitted by post or courier or hand delivered (**paper submission**):

- each legal entity identified under point 1, including every consortium member, and capacity-providing entities (if any) signs and dates the declaration on honour
- when submitting the tender, copies of the declaration on honour are provided
- the leader of the consortium keeps the original declarations on honour, including the declarations on honour of every consortium member, and capacity-providing entities (if any)
- during the evaluation, the evaluation committee might request the submission of the original declarations on honour, including the declarations on honour of every consortium member, and capacity-providing entities (if any)

For work tenders where the instructions to tenderers (see section 17) state that the tender should be submitted via **eSubmission**:

- each legal entity identified under point 1, including every consortium member, and capacity-providing entities (if any) sign and date the declaration on honour
- the declarations on honour are scanned and submitted via eSubmission through the section “Declaration on Honour” under “Attachments”.
- the leader of the consortium keeps the original declarations on honour, including the declarations on honour of every consortium member, and capacity-providing entities (if any)
- during the evaluation, the evaluation committee might request the submission of the original declarations on honour, including the declarations on honour of every consortium member, and capacity-providing entities (if any)

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

[ANNEX 2 - **APPENDIX TO BE USED ONLY BY NEAR ONLY IN FIDIC CONTRACTS**]  
**APPENDIX TO TENDER FOR A WORKS CONTRACT**  
 [.....]

**Publication reference:** < Publication reference >

**Title of contract:** *Executarea lucrărilor de construcție a rutei cultural turistice în cadrul proiectului "Eminescu: o cultură - o rută în zona transfrontalieră Botoșani - Bălți"*

*(Note: Tenderers are required to fill in the blank spaces in this Appendix)*

	<b>Subclauses of general conditions or special conditions</b>	
Name and address of the contracting authority	To be completed by the contracting authority	
Name and address of the tenderer	To be completed by the tenderer	
Name and address of the representative of the contracting authority	To be completed by the contracting authority	
Financing authority	To be completed by the contracting authority	
Deadline for notice to commence	....	
Period of implementation	....	
Currency		
Law of the contract		
Language of the contract		

Language of communication		
Period of access to the site		
Amount of performance guarantee		
Deadline for submitting the programme		
Normal working hours		
Period after the effective date during which the contracting authority's representative must issue notice to commence the works		
Liquidated damages for the works		
Limit of liquidated damages for delays		
Percentage of retention monies		
Minimum amount of interim payment certificates		
Percentage for adjustment of provisional sums		
Amount of insurance for design		
Amount of third-party insurance		.....per accident with the number of occurrences unlimited
Periods for submitting insurance		

	<b>Subclauses of general conditions or special conditions</b>	
Number of members of dispute-settlement committee		
Member of dispute-settlement committee (if not agreed) to be nominated by		
Arbitration rules		
Number of arbitrators		
Language of arbitration		
Place of arbitration		
.....		

Signature \_\_\_\_\_

Capacity \_\_\_\_\_

duly authorised to sign for and on behalf of \_\_\_\_\_