

European Stability Mechanism

**Annex 2 – 1.1 – PQ Ref. No.:****Title:****1.1. Declaration on eligibility**

I, the undersigned, acting as a duly appointed representative on behalf of <sup>1</sup>,  
certify that it:

1. is not bankrupt or being wound up, subject to administration or in any similar situation provided for in national legislation or regulations.
2. is not guilty of grave professional misconduct, which renders its integrity questionable.
3. is not in breach of 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 it resides or is established or where the contract awarded as a result of this procurement process is to be performed.
4. has not shown significant or persistent deficiencies in the performance of another contract, or with its obligations under the law.
5. or its management, staff or agents are not subject to a conflict of interest.
6. has not seriously misrepresented information required by the ESM.
7. did not and will not contact other Candidates with the purpose of distorting competition, or try to unduly influence the ESM's decision-making process.

If any circumstances arise during the course of the procurement process which may affect the above, the undersigned must inform the ESM thereof without undue delay. The ESM may, in its sole discretion, request evidence of the above.


The undersigned may submit evidence to demonstrate its eligibility despite the existence of any of the above grounds for exclusion. The ESM may, in its sole discretion, decide whether such evidence is satisfactory.

**By: Signature** \_\_\_\_\_  
**Name and Title (Typed)** \_\_\_\_\_  
**Place and Date** \_\_\_\_\_

<sup>1</sup> In the case of a Consortium, all members shall sign this declaration on behalf of the respective Consortium member.

## 1.2. Non-Collusion Declaration

Candidates are requested to complete, date and duly sign by an authorised representative the below Non-Collusion Declaration. If submitting an Application as part of a Consortium, each member of the Consortium must sign this Annex.

	<b>Annex 2 – 1.2 – PQ Ref. No.:</b>
	<b>Title:</b>

### 1.2. *Non-collusion declaration*

I, the undersigned, acting as a duly appointed representative on behalf of  
 declare the following in relation to the above referenced procurement procedure:

<sup>2</sup>

The Candidate has not breached any applicable provisions of competition law or other applicable laws. In particular, the Candidate has prepared the Application completely independently and certifies that it has not and will not divulge, discuss or compare its Application with other Candidates participating in this procurement process and has not and will not contact or collude with such other Candidates with the purpose of distorting competition. The Candidate will take all appropriate and necessary measures to ensure that its subcontractors or other third parties involved respect the same rules and principles.

The Candidate is not aware of any elements that could influence competition between the different Candidates participating in this procurement process. If the Candidate becomes aware of any such elements it will immediately and in writing disclose such elements to the ESM.

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

**Name and Title (Typed)** \_\_\_\_\_

**Place and Date** \_\_\_\_\_

<sup>2</sup> In the case of a Consortium, all members shall sign this declaration on behalf of the respective Consortium member.

### Annex 3: Other Required Information and Documents

Candidates are requested to complete, date and duly sign by an authorised representative the below Cover Certification Form

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**Annex 3 – 3.1 – PQ Ref. No.:**

**Title:**

#### *3.1. Cover certification form*

Submitted in Response to PQ Ref. No.:

I, the undersigned, acting as a duly appointed representative on behalf of \_\_\_\_\_, certify that this Application is made without prior understanding, agreement, or connection with any other person(s) or company(ies) submitting an Application in this procurement process and is in all aspects fair and without collusion or fraud. I certify that I am authorised to sign this Application on behalf of the Candidate.

I further certify that:

- The submission of this Application is deemed as acceptance of all the terms and conditions of this PQD.
- The content of this Cover Certification Form, the Declaration on Exclusion Criteria, Economic, Financial and Operational Capacity and the Absence of Conflict of Interest, the Non-Collusion Declaration and the Application are true, accurate and complete.
- When providing an attestation/confirmation in my responses and justifications to the Selection criteria such responses and justifications are true, accurate and complete.

Required Information	Response of Candidate
<b>Exact legal name:</b>	
<b>Legal type (e.g. limited liability company):</b>	
<b>City, Country:</b>	
<b>Nationality or Head Office Location:</b>	
<b>Registered office address:</b>	
<b>In case of Consortium: please include legal names of all members:</b>	
<b>In case of Key Subcontractors<sup>3</sup>: please include legal names of all Key Subcontractors</b>	
<b>Name of the authorised contact person for matters pertaining to this PQD</b>	
<b>E-mail:</b>	
<b>Name and title of representative(s) signing the Application on behalf of the Candidate:</b>	

**Name and Title (Typed)** \_\_\_\_\_

**Place and Date** \_\_\_\_\_

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

<sup>3</sup> Key Subcontractor: Any subcontractor who will play a significant role in delivering the services offered to the ESM.

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Annex 3 – 3.2 – PQ Ref. No.:

Title:

### 3.2. Consortium declaration

I, the undersigned, acting as a duly appointed representative on behalf of  
hereby agree to the following:

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- 1) To submit a joint Application/Proposal as a member of a group of economic operators responding together to this procurement procedure (“Consortium”), constituted by \_\_\_\_\_ (“Consortium members”), and led by \_\_\_\_\_ (“Consortium leader”), in accordance with the conditions specified in the procurement documents relating to the above referenced procurement procedure.
- 2) If the ESM awards the contract resulting from this procurement procedure to the Consortium on the basis of the joint Application/Proposal, all Consortium members shall be considered parties to the contract in accordance with the following conditions:
  - (a) All Consortium members shall be jointly and severally liable towards the ESM for the performance of the contract.
  - (b) All Consortium members shall comply with the terms and conditions of the contract and ensure the proper delivery of their respective share of the services and/or supplies subject to the contract.
- 3) Payments by the ESM related to the services and/or supplies subject to the Contract shall be made through the bank account of the Consortium leader.
- 4) The Consortium members grant to the Consortium leader all the necessary powers to act on their behalf in the submission of the Application/Proposal and the conclusion of the Contract, including:
  - (a) The Consortium leader shall submit the application/proposal on behalf of all Consortium members including all relevant questions, clarification requests, notifications, etc., that may be received during the evaluation, award and up to the contract signature.
  - (b) The Consortium leader shall sign any contractual documents — including the Contract, and any amendments thereto — and issue any invoices related to the performance of the contract on behalf of all Consortium members.
  - (c) The Consortium leader shall act as a single point of contact for the ESM in the delivery of the services and/or supplies subject to the Contract. It shall co-ordinate the delivery of the services and/or supplies by the Consortium to the ESM and shall ensure the proper administration of the Contract.

This declaration shall expire when all contractual obligations of the Consortium under the Contract have ceased to exist. Any changes to or early termination of this declaration require the upfront written consent of the ESM.

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

**Name and Title (Typed)** \_\_\_\_\_

**Place and Date** \_\_\_\_\_

<sup>4</sup> All Consortium members, including the Consortium leader shall sign this declaration.

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**Annex 3 – 3.3 – PQ Ref. No.:****Title:**

### *3.3. Subcontractor Commitment Letter*

I, the undersigned, acting as a duly appointed representative on behalf of \_\_\_\_\_ hereby confirm that we agree to participate as subcontractor of \_\_\_\_\_ (“Candidate”) and thus collaborate with the Candidate for the purpose of the procurement procedure referenced above.

In the event that the Application/Proposal of the Candidate is successful, we will make available the resources necessary for performance of the Contract as a subcontractor and will carry out the services that will be subcontracted to us in compliance with the terms of the Contract. I further declare that I’m not aware of any conflict of interests which may negatively affect the procurement procedure or performance of the Contract.

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

**Name and Title (Typed)** \_\_\_\_\_

**Place and Date** \_\_\_\_\_