Annex 2

European Stability Mechanism

RFP Ref. No.: PRC0004080
Title: Provison of Website Services

Candidates are to complete, date and duly arrange signature of the following documents by an authorised representative:

Section 1: Declaration on Eligibility
Section 2: Non-Collusion Declaration
Section 3: Other Required Information and Documents
- **3.1. Cover certification form**
- **3.2. Consortium declaration**
- **3.3. Subcontractor commitment letter**

Involvement of/Reliance on Third Parties

If the Candidate intends to involve a third party in the supply of the services offered to the ESM the Candidate has to ensure that any such third party is bound by the requirements set forth in this PQD.
Consortia
In case of a group of economic operators responding together to this procurement procedure ("**Consortium**"), Candidate means the Consortium and the Application must provide the following: a clear description of the proposed Consortium, its organisational hierarchy and structure, the names of all Consortium members and the roles, activities and responsibilities of the Consortium leader and each Consortium member;

information on whether the Consortium will form a legal entity and if yes, details of the actual or proposed percentage shareholding within such legal entity and other official documents confirming existence of such legal entity. If not, full details of the proposed Consortium arrangement including submission of an executed Consortium agreement.

Signed declarations available in Annex 3 Section 1 (Declaration on eligibility) and Section 2 (Non-collusion declaration) and Annex 3 Section 3.2 (Consortium declaration) from all Consortium members.

1.1. DECLARATION ON ELIGIBILITY

The undersigned, acting in his/her own name/acting as [a] duly appointed representative(s)[1] on behalf of _____, certify (certifies) the following and will provide the evidence to that effect as specified in the procurement documents (if applicable):

1. The Candidate is not bankrupt or being wound up, subject to administration or in any similar situation provided for in national legislation or regulations.
2. The Candidate is not guilty of grave professional misconduct, which renders its integrity questionable.
3. The Candidate 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 the Candidate resides or is established or where the contract awarded as a result of this procurement process is to be performed.
4. The Candidate is not in breach of applicable environmental, social or labour law obligations established by European Union law, national law, collective agreements or the international social and environmental conventions listed in Annex X to Directive 2014/24/EU of the European Parliament and of the Council, or any other applicable legal obligations.
5. The Candidate has not shown significant or persistent deficiencies in the performance of another contract.
6. The Candidate or its management, staff or agents are not subject to a conflict of interest.
7. The Candidate has not seriously misrepresented information required by the ESM.
8. The Candidate 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 Candidate must inform the ESM thereof without undue delay.

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

[1] Delete as appropriate.

The Candidate declares also that:

1. The Candidate has the economic, financial and operational capacity (technical, management) to carry out the proposed work and tasks.
2. The Candidate has approved financial statements for the last three financial years, if a legal entity.

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

2.1. NON-COLLUSION DECLARATION

The undersigned, acting in his/her own name/as [a] duly appointed representative(s)[1] of _____ declare(s) the following:

I refer to the RFP Ref. No.: PRC0004080, launched by the ESM in relation to which the Candidate has submitted a Proposal.

In relation to the RFP Ref. No.: PRC0004080, the Candidate has not breached any applicable provisions of competition law or other applicable laws. In particular, the Candidate has prepared the Proposal completely independently and certifies that it has not and will not divulge, discuss or compare its Proposal 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 _____

[1] Delete as appropriate.

3.1. COVER CERTIFICATION FORM

Submitted in Response to RFP Ref No.: PRC0004080

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

I further certify that:

- The submission of this Proposal is deemed as acceptance of all the terms and conditions of this RFP.
- 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 Proposal 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
Exact legal name:	
Legal type (e.g. private limited liability company):	
City, Country:	
Nationality or Head Office Location:	
Registered office address:	
In case of Consortium: please include legal names of all members:	
In case of Key Subcontractors[1]: please include legal names of all Key Subcontractors	
Name of the authorised contact person for matters pertaining to this RFP	
E-mail:	
Name and title of representative(s) signing the Proposal on behalf of the Candidate:	

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

[1] Key Subcontractor: subcontractor who will play a significant role in delivering the services offered to the ESM

3.2. CONSORTIUM DECLARATION

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

1) To submit a joint 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 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 Proposal and the conclusion of the Contract, including:
   (a) The Consortium leader shall submit the proposal on behalf of all Consortium members including all relevant questions, clarification requests, notifications, etc., that may be received during the evaluation, award and until the contract signature.
   (b) The Consortium leader shall sign any contractual documents — including the Contract and 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 contact point with 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 _____

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 with the purpose of the procurement procedure referenced above.

In the event that the 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 am 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 _____