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REQUEST TO PARTICIPATE FORM EU/EDF-FUNDED SERVICE CONTRACT

Contract notice: < **Publication reference** >

Contract title: “Support the State Advocate to bring judicial practices in line with EU best practices and human rights standards (including peer-to-peer exchange, trainings and justified study visits)”

Please supply one signed request to participate form (for each lot, if the tender procedure is divided into lots), together with **three copies**. For economic 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 wherever possible.

Your request to participate form must include a signed declaration using the annexed format from each legal entity submitting the request to participate. **All data included in this request to participate form must concern only the legal entity or entities submitting the request to participate.**

Any additional documentation (brochures, letters etc.) sent with your request to participate form will not be taken into consideration. Requests to participate submitted by a **consortium** (i.e. either a permanent, legally-established grouping or a grouping set up 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. candidate or 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 request to participate, 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.

1 SUBMITTED by (i.e. the identity of the candidate)

	Name(s) of legal entity or entities submitting this request to participate	Nationality ¹
Leader²		

	Name(s) of legal entity or entities submitting this request to participate	Nationality¹
Member		
Etc.		

2 CONTACT PERSON (for this request to participate)

Name	
Organisation	
Address	
Telephone	
Fax	
e-mail	

3 ECONOMIC AND FINANCIAL CAPACITY³

Please complete the following table of financial data⁴ based on your closed annual accounts and your latest projections. If annual accounts are not yet available for the current year or the last year, please provide your latest estimates in the columns marked with **. Figures in all columns must be calculated on the same basis to allow a direct, year-on-year comparison to be made (or, if the basis has changed, please provide an explanation of the change as a footnote to the table). When the current ratio is set as selection criterion, for non-for-profit organisations the ratio has to be calculated without taking into account within the current liabilities the pre-financing received from donors for ongoing projects. Any other clarification or explanation which is judged necessary may also be provided. If the candidate is a public body, please provide equivalent information.

Financial data Data requested in this table must be consistent with the selection criteria set in the Additional information about the contract notice	2 years before last year⁵ <specify> EUR	Year before last year⁵ <specify> EUR	Last year⁵ <specify> EUR	Average⁶ EUR	[Last-year EUR]**	[Current year EUR]**
Annual turnover ⁷ , excluding this contract						
Current assets ⁸						
Current liabilities ⁹						
[Current ratio (current assets/current liabilities)]	Not applicable	Not applicable		Not applicable	Not applicable	Not applicable]

4 PERSONNEL

Please provide the following statistics on personnel for the current year and the two previous years.¹⁰

Annual manpower	Year before last year		Last year		Current year		Period average	
	Overall	Relevant fields ¹¹	Overall	Relevant fields ¹¹	Overall	Relevant fields ¹¹	Overall	Relevant fields ¹¹
Permanent personnel ¹²								
Other personnel ¹³								
Total								
Permanent personnel as a proportion of total personnel (%)	%	%	%	%	%	%	%	%

5 AREAS OF SPECIALISATION

Please fill in the table below to indicate any areas of specialist knowledge related to this contract for each legal entity submitting this request to participate. State the type of area of specialisation as the row heading and use the name of the legal entity as the column headings. Indicate the areas of specialist knowledge each legal entity has by placing a tick (✓) in the box corresponding to the specialisation in which it has significant experience. **Maximum 10 specialisations.**

	Leader	Member 2	Member 3	Etc.
Relevant specialisation 1				
Relevant specialisation 2				
Etc ... ¹⁴				

6 EXPERIENCE

Please fill in the table below to summarise the main projects related to this contract carried out over the last five (5) years¹⁵ by the legal entity or entities submitting this request to participate. The number of references to be provided must not exceed 15 for the entire request to participate.

Candidates are allowed to refer either to projects completed within the reference period (although started earlier) or to projects not yet completed. Only the portion satisfactorily completed during the reference period will be taken into consideration. This portion will have to be supported by documentary evidence (statement or certificate from the entity which awarded the contract, proof of payment) also detailing its value. If a candidate has implemented the project in a consortium, the percentage that the candidate has successfully completed must be clear from the documentary evidence, together with a description of the nature of the services provided if the selection criteria relating to the pertinence of the experience have been used.

Ref no (maximum 15)	Project title							
Name of legal entity	Country	Overall contract value (EUR) ¹⁶	Proportion carried out by legal entity (%) ¹⁷	No of personnel provided	Name of client	Origin of funding	Dates (start/end) ¹⁸	Name of consortium members, if any
...
Detailed description of project						Type and scope of services provided¹⁹		
...						...		

7 DECLARATIONS

As part of their requests to participate, each legal entity identified under point 1 of this request to participate form, including every consortium member, must submit a signed declaration using the attached format. The declaration may be in original or in copy. If copies are submitted, the originals must be sent to the contracting authority upon request.

Moreover, each legal entity identified under point 1 of this request to participate form, including every consortium member, and capacity-providing entities or subcontractor (if any) must submit a copy of signed declaration on honour on exclusion and selection criteria (form A14a available at the following link: <http://ec.europa.eu/europeaid/prag/annexes.do?chapterTitleCode=A>).

8 STATEMENT

I, the undersigned, the authorised signatory of the above candidate (for a consortium, this includes all consortium members), hereby declare that we have examined the contract notice for the restricted tender procedure referred to above. If our request to participate is short-listed, we fully intend to submit a tender to provide the services requested in the tender dossier.

We understand that our tender may be excluded if we propose key or non-key experts who have been involved in preparing this project or employ them as advisers in the preparation of our tender. We also understand that this may mean exclusion from other tender procedures and contracts funded by the EU/EDF.

We are fully aware that, for a consortium, the composition of the consortium cannot be changed in the course of the tender procedure, with the exception of the specific cases provided for in Section 2.5.5 of the PRAG, for which the prior written authorisation of the contracting authority is required. We are also aware that the consortium members have joint and several liability towards the contracting authority concerning participation in the above tender procedure and any contract awarded to us as a result of it.

We confirm that any key or non-key expert proposed in this tender procedure will either be employed or otherwise legally contracted, directly or indirectly, by the candidate (or, for a consortium, by a member of the consortium). Where any key or non-key experts proposed in this tender procedure will not be directly contracted or employed by the candidate (or, for a consortium, by a member of the consortium) but through a third party, the latter is a subcontractor. As such, the latter will be subject to all sub-contracting conditions applicable to this tender procedure, including eligibility and non-exclusion situation. We undertake to declare all such cases of sub-contracting in the Organisation & Methodology and in the Tender submission form.

We understand that entities upon whose capacity we rely with regard to economic and financial criteria, become jointly and severally liable for the performance of the contract.

Signed on behalf of the candidate

Name	
Signature	
Date	

**FORMAT FOR THE DECLARATION REFERRED TO IN POINT 7
OF THE REQUEST TO PARTICIPATE FORM**

To be submitted on the headed notepaper of the legal entity concerned.

<Date>

<Name and address of the contracting authority — see the contract notice >

Your ref: < Publication reference >

Dear Sir/Madam

In response to your contract notice < publication reference >, we, < name(s) of legal entity or entities >, confirm that we intend to submit a tender in the above mentioned tender procedure [for lot(s) n° <number>]* if we are invited to do so.

We hereby declare that we:

- are submitting this request to participate [on an individual basis] [as member of the consortium led by [< name of the leader>] [ourselves]*] for this contract. We confirm that we are not involved in any other request to participate for the same contract, in any form (as a member, leader, in a consortium or as an individual candidate);
- agree to abide by the ethics clauses in Section 2.5.6. of the practical guide, have not been involved in the preparation of the project which is the subject of this tender procedure unless it is proved that the involvement in previous stages of the project does not constitute unfair competition, and have no professional conflicting interests and/or any relation with other candidates or other parties in the tender procedure or behaviour which may distort competition at the time of submission of this request to participate according to Section 2.5.4. of the practical guide;
- [have attached a current list of the enterprises in the same group or network as ourselves] [are not part of a group or network]* and have only included data in the request to participate form concerning the resources and experience of [our legal entity] [our legal entity and the entities for which we attach a written undertaking]*;
- will inform the contracting authority immediately if there is any change in the above circumstances at any stage during the implementation of the tasks;
- 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;
- 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 European Court of Auditors, to the Financial Irregularities Panel, to the European Anti-Fraud Office or to the European Public Prosecutor's Office.

*: Delete as applicable

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 1 year before the date of submission of the 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 our financial and economic standing and our technical and professional capacity according to the selection criteria for this call for tender specified in the Additional information about the contract notice document. The list of documents required is given in Section 2.6.11. of the practical guide.

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/frag/annexes.do?chapterTitleCode=A>

In case the additional information about the contract notice (a5f) states that the request for participation 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 or subcontractor (if any) signs and dates the declaration on honour
- when submitting a request for participation, 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)
- if shortlisted for the second stage of the procedure and invited to tender, 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)

In case the additional information about the contract notice (a5f) states that the tender should be submitted via **eSubmission**:

- each legal entity identified under point 1, including every consortium member, and capacity-providing entities or subcontractor (if any) signs and dates 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)
- if shortlisted for the second stage of the procedure and invited to tender, 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.]

If this declaration is completed by a consortium member:

The following table contains our financial data as included in the consortium’s request to participate form. These data are based on our annual closed accounts and our latest projections. Estimated figures (i.e., those not included in annual closed accounts) are given in the columns marked with **. Figures in all columns are calculated on the same basis to allow a direct, year-on-year comparison to be made (or, if the basis has changed, an explanation of the change must be provided as a footnote to the table). When the current ratio is set as selection criterion, for non-for-profit organisations the ratio has to be calculated without taking into account within the current liabilities the pre-financing received from donors for ongoing projects. Any clarification or explanation which is judged necessary may also be provided.

Financial data Data requested in this table must be consistent with the selection criteria set in the Additional information about contract notice document	2 years before last⁵ <specify> EUR	Year before last year⁵ <specify> EUR	Last year⁵ <specify> EUR	Average⁶ EUR	[Last year EUR]**	[Current year EUR]**
Annual turnover ⁷ , excluding this contract						
Current assets ⁸						
Current liabilities ⁹						
[Current ratio (current assets/current liabilities)]	Not applicable	Not applicable		Not applicable	Not applicable	Not applicable]

The following table contains statistics on our personnel, as included in the consortium's request to participate form:

Average manpower	Year before last year		Last year		Current year		Period average	
	Overall	Relevant fields ¹¹	Overall	Relevant fields ¹¹	Overall	Relevant fields ¹¹	Overall	Relevant fields ¹¹
Permanent personnel ¹²								
Other personnel ¹³								

Yours faithfully,

<Signature of authorised representative>

<Name and position of authorised representative>

¹ Country in which the legal entity is registered.

² Add / delete additional lines for consortium members as appropriate. **Note** that a capacity providing entity/subcontractor is not considered to be a consortium member for the purposes of this request to participate form. Subsequently, data on capacity providing entities/subcontractors must not appear in the data related to the economic, financial and professional capacity but on a separate document. If this request to participate form is submitted by an individual legal entity, the name of that legal entity should be entered as 'leader' (and all other lines should be deleted). Any change in the identity of the leader and/or any consortium members between the deadline for receipt of requests to participate indicated in the contract notice and the award of the contract is not permitted without the prior written consent of the contracting authority.

³ Natural persons must prove their capacity in accordance with the selection criteria and by the appropriate means.

⁴ If this request to participate is submitted by a consortium, the data in the table must be the sum of the data in the corresponding tables in the declarations provided by the consortium members — see point 7 of this request to participate form. Consolidated data are not allowed for financial ratios.

⁵ Last year = last accounting year for which the entity's accounts have been closed.

⁶ Amounts entered in the 'Average' column must be the mathematical average of the amounts entered in the three preceding columns of the same row.

⁷ The gross inflow of economic benefits (cash, receivables, other assets) generated from the ordinary operating activities of the enterprise (such as sales of goods, sales of services, interest, royalties, and dividends) during the year.

⁸ A balance sheet account that represents the value of all assets that are reasonably expected to be converted into cash within one year in the normal course of business. Current assets include cash, accounts receivable, inventory, marketable securities, prepaid expenses and other liquid assets that can be readily converted to cash.

⁹ A company's debts or obligations that are due within one year. Current liabilities appear on the company's balance sheet and include short term debt, accounts payable, accrued liabilities and other debts.

¹⁰ If this request to participate is submitted by a consortium, the data in the table above must be the sum of the data in the corresponding tables in the declarations provided by the consortium members — see point 7 of this request to participate form.

¹¹ Manpower in fields related to this contract, corresponding to the specialisations identified in point 5.

¹² Personnel directly employed or contracted by the candidate on a permanent basis (i.e. under indefinite contracts).

¹³ Other personnel directly employed or contracted by the candidate on a non-permanent basis (i.e. under fixed-term contracts).

¹⁴ Add /delete additional lines and/or rows as appropriate. If this request to participate is submitted by an individual legal entity, the name of the legal entity should be entered as 'Leader' (and all other columns should be deleted).

¹⁵ References must be contracts implemented by the legal entity (or legal entities) submitting the request to participate (with the exception of documented cases of company buyout or universal succession). For framework contracts, only specific contracts corresponding to assignments implemented under such framework contracts shall be considered.

¹⁶ The effect of inflation will not be taken into account.

¹⁷ Only the proportion carried out by the legal entity may be used as reference.

¹⁸ If the reference contract is only partially completed, please quote the percentage and value which has been completed.

¹⁹ Please also indicate the function of key experts provided, whether belonging or not to permanent personnel, and the number of months each of them worked on the project.