



GSA/NP/02/19- EGNOS GEOSTATIONARY SBAS PAYLOAD SERVICE - GEO-4

Annex 5 to the TIP: Template declaration of honour on exclusion and selection criteria

Ref: 252920
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The undersigned _____ representing

<i>(only for natural persons)</i> himself or herself	<i>(only for legal persons)</i> the following legal person: _____
ID or passport number:	Full official name: _____ _____
	Official legal form: _____ _____
	Statutory registration number: _____ _____
	Full official address: _____ _____
	VAT registration number: _____
hereinafter referred to as "Participant ¹ ")	

[Please note that the text in brackets in romans should be deleted if not relevant in your case. If the text is relevant, only the brackets should be deleted. The text in brackets in italics and the footnotes are instructions to the persons preparing the document and should always be deleted, as well as this paragraph.]

1. declares ² whether the above-mentioned Participant is in one of the following situations or not:		
SITUATION OF EXCLUSION CONCERNING THE PARTICIPANT	YES	NO
a) 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 Union or national law;	<input type="checkbox"/>	<input type="checkbox"/>

¹ DoH are to be submitted by the tenderer (single tenderer / each member of consortia) / subcontractors as indicated in the tender specifications

² All declarations shall be interpreted in line with Articles 136, 137 and 141 of Regulation (EU, Euratom) 2018/1064 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012 (OJ L193, 30.07.2018, p.1) (hereinafter the 'Financial Regulation').



(vi) 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;	<input type="checkbox"/>	<input type="checkbox"/>
e) it has shown significant deficiencies in complying with main obligations in the implementation of a contract/grant agreement financed by the budget, which has:	<input type="checkbox"/>	<input type="checkbox"/>
(i) led to the early termination of a contract/grant agreement;	<input type="checkbox"/>	<input type="checkbox"/>
(ii) led to the application of liquidated damages or other contractual penalties; or	<input type="checkbox"/>	<input type="checkbox"/>
(iii) been discovered by an authorising officer, OLAF or the Court of Auditors following checks, audits or investigations;	<input type="checkbox"/>	<input type="checkbox"/>
f) it has been established by a final judgment or final administrative decision that the Participant has committed an irregularity within the meaning of Article 1(2) of Council Regulation (EC, Euratom) No 2988/95;	<input type="checkbox"/>	<input type="checkbox"/>
g) it has been established by a final judgment 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;	<input type="checkbox"/>	<input type="checkbox"/>
h) it has been established by a final judgment or final administrative decision that an entity has been created with the intent referred to in point (g).	<input type="checkbox"/>	<input type="checkbox"/>
In the absence of a final judgement or final administrative decision in the cases referred to in points c), d), f), g) and h) above, or in the case referred to in point (e) the Participant in particular is subject to:		
(i) facts established in the context of audits or investigations carried out by the Court of Auditors, EPPO, OLAF or internal audit, or any other check, audit or control performed under the responsibility of an authorising officer of an EU institution, of a European office or of an EU agency or body;	<input type="checkbox"/>	<input type="checkbox"/>
(ii) non-final administrative decisions which may include disciplinary measures taken by the competent supervisory body responsible for the verification of the application of standards of professional ethics;	<input type="checkbox"/>	<input type="checkbox"/>
(iii) decisions of the ECB, the EIB, the European Investment Fund or international organisations;	<input type="checkbox"/>	<input type="checkbox"/>
(iv) decisions of the Commission relating to the infringement of the Union's competition rules or of a national competent authority relating to the infringement of Union or national competition law.	<input type="checkbox"/>	<input type="checkbox"/>
(v) decisions of exclusion by an authorising officer of an EU institution, of a European office or of an EU agency or body.	<input type="checkbox"/>	<input type="checkbox"/>
according to of Article 136 of the Financial Regulation.		



2. declares whether a natural or legal person who is a member of the administrative, management or supervisory body of the Participant, or who has powers of representation, decision or control with regard to that Participant is in one or more of the following situations or not:			
SITUATIONS OF EXCLUSION CONCERNING PERSONS WITH POWERS OF REPRESENTATION, DECISION OR CONTROL OVER THE PARTICIPANT	YES	NO	
Situation (c) above (grave professional misconduct)	<input type="checkbox"/>	<input type="checkbox"/>	
Situation (d) above (fraud, corruption or other criminal offence)	<input type="checkbox"/>	<input type="checkbox"/>	
Situation (e) above (significant deficiencies in performance of a contract)	<input type="checkbox"/>	<input type="checkbox"/>	
Situation (f) above (irregularity)	<input type="checkbox"/>	<input type="checkbox"/>	
Situation (g) above (circumvention of legal obligations)	<input type="checkbox"/>	<input type="checkbox"/>	
Situation (h) above (creation to circumvent)	<input type="checkbox"/>	<input type="checkbox"/>	
3. declares whether beneficial owner(s) (as defined in Article 3(6) of Directive (EU) 2015/849) of the Participant is in one or more of the following situations or not [(if yes, please indicate the name of the concerned beneficial owner(s) if any in annex to this declaration):			
SITUATIONS OF EXCLUSION CONCERNING BENEFICIAL OWNERS	YES	NO	
Situation (c) above (grave professional misconduct)	<input type="checkbox"/>	<input type="checkbox"/>	
Situation (d) above (fraud, corruption or other criminal offence)	<input type="checkbox"/>	<input type="checkbox"/>	
Situation (e) above (significant deficiencies in performance of a contract/grant agreement)	<input type="checkbox"/>	<input type="checkbox"/>	
Situation (f) above (irregularity)	<input type="checkbox"/>	<input type="checkbox"/>	
Situation (g) above (circumvention of legal obligations)	<input type="checkbox"/>	<input type="checkbox"/>	
Situation (h) above (creation to circumvent)	<input type="checkbox"/>	<input type="checkbox"/>	
4. declares whether a natural or legal person that assumes unlimited liability for the debts of the Participant[s] is in one or more of the following situations or not:			
SITUATIONS OF EXCLUSION CONCERNING NATURAL OR LEGAL PERSONS ASSUMING UNLIMITED LIABILITY FOR THE DEBTS OF THE PARTICIPANT	YES	NO	Not applicable



Situation (a) above (bankruptcy)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Situation (b) above (breach in payment of taxes or social security contributions)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. declares whether 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 or more of the following situations or not:			
		YES	NO
Situation (c) above (grave professional misconduct)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Situation (d) above (fraud, corruption or other criminal offence)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Situation (e) above (significant deficiencies in performance of a contract)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Situation (f) above (irregularity)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Situation (g) above (circumvention of legal obligations)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Situation (h) above (creation to circumvent)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. declares whether the Participant:			
GROUNDS FOR REJECTION FROM THIS PROCEDURE		YES	NO
i) has provided accurate, sincere and complete information to the Agency within the context of this procurement procedure;	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
j) has not distorted competition by being previously involved in the preparation of documents used in this procurement procedure	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. acknowledges that the Participant(s) 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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

REMEDIAL MEASURES

If the Participant declares one of the situations of exclusion listed above, it should indicate the measures it has taken to remedy the exclusion situation, thus demonstrating its reliability. They may include e.g. technical, organisational and personnel measures to prevent further occurrence, compensation of damage or payment of fines. The relevant documentary evidence which appropriately illustrates the remedial measures taken should be provided in annex to this declaration. This does not apply for the situations referred in point (d) of this declaration.



EVIDENCE TO BE PRESENTED

The successful Participant (subcontractors including³) shall provide within the time limit set by the Agency following evidences for compliace with the exclusion criteria:

For situations described in (a), (c), (d), (f), (g) and (h), a recent extract from the judicial record or, failing that, an equivalent document recently issued by a judicial or administrative authority in the country of establishment of the Participant showing that those requirements are satisfied.

For the situation described in point (a) and (b), recent certificates issued by the competent authorities of the country of establishment. Where such types of certificates are 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.

If the Participant already submitted such evidence for the purpose of another procedure administered by the Agency, its issuing date does not exceed one year and it is still valid, the Participant shall declare on its honour that the documentary evidence has already been provided and confirm that no changes have occurred in its situation.

If the evidence are accessible free of charge on a national database, the Participant shall provide the Agency with all the necessary information to access such databases.

EVIDENCE UPON REQUEST

Upon request and within the time limit set by the Agency the Participant shall provide information on the natural or legal persons that are members of the administrative, management or supervisory body, or that have powers of representation, decision or control with regard to the Participant, on the beneficial owners of the Participant, as well as the following evidence concerning the natural or legal persons which assume unlimited liability for the debt of the Participant:

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 Participant showing that those requirements are satisfied.

For the situation described in point (a) or (b), production of recent certificates issued by the competent authorities of the country of establishment. Where such types of certificates are 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.

If the Participant already submitted such evidence for the purpose of another procedure administered by the Agency, its issuing date does not exceed one year and it is still valid, the Participant shall declare on its honour that the documentary evidence has already been provided and confirm that no changes have occurred in its situation.

If the evidence are accessible free of charge on a national database, the Participant shall provide the Agency with all the necessary information to access such databases.

³ to the extent defined in the tender specifications



8. Declares that the above-mentioned Participant:			
SELECTION CRITERIA	YES	NO	
(a) fulfills the applicable economic and financial criteria indicated in Section 3.2.2 of tender specifications;	<input type="checkbox"/>	<input type="checkbox"/>	
(b) has the legal and regulatory capacity to pursue the professional activity needed for performing the contract as required in Section 3.2.1 of tenders specifications.	<input type="checkbox"/>	<input type="checkbox"/>	
(c) fulfills the applicable technical and professional criteria indicated in Section 3.2.3 of tender specifications.	<input type="checkbox"/>	<input type="checkbox"/>	
(d) provided a tender compliant with the minimum requirements indicated in Section 3.3 of tender specifications (<i>if applicable</i>);	<input type="checkbox"/>	<input type="checkbox"/>	
9. the Participant declares the following:			
PARTICIPATION CONDITIONS CONCERNING THE PARTICIPANT Every economic operator, candidate/tenderer <u>and</u> subcontractor, where its activities present security aspects, is required to make the declarations below – or apply for a waiver in accordance with the requirements and under the conditions described in the tender specifications.	YES	NO	N/A
PLEASE INDICATE WHETHER THE ACTIVITIES OF THE PARTICIPANT WILL REPRESENT SECURITY ASPECTS.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
IF NOT, PLEASE CLARIFY:			
1. Nationality 1.a In case the Participant is a <u>legal person</u> : The economic operator is formed in accordance with the law of an EU Member State or in Norway or Switzerland and has its central administration, registered office and principal place of business within the European Union or in Norway or Switzerland at the moment of the submission of the request to participate or tender and during the entire period of the contract or subcontract, if awarded to it. 1.b In case the Participant is a <u>natural person</u> : The economic operator is and will remain a national of an EU Member State or Norway or Switzerland at the moment of the submission of the request to participate or tender and during the entire period of the contract or subcontract, if awarded to him/her.	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
Please indicate the place of establishment of the Participant (for legal persons) or nationality (for natural persons):			
2. Decision making centres 2.a The economic operator's decision making centre(s) comply with the conditions specified in point 1.a. (in case of legal persons) or are nationals of an EU Member State (in case of natural person) NOTE: Decision making centre shall be understood as a legal or natural person which is, with respect to the economic operator, in one or more of the situations set out in article 22(1) of Directive 2013/34/EU. In case the Participant is controlled by a group/chain of economic operators, the Participant must identify the ultimate decision making centre(s) which must be physical person(s) controlling the group/chain. If there is no physical person(s) controlling the Participant (in particular when the economic operator controlling the group/chain is a legal person whose shares are detained by numerous natural persons and when none of these persons controls this operator), the Participant must identify the legal person controlling the group/chain.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



In both cases, the Participant shall submit an explanatory note explaining the structure of the group/chain, substantiating the place of establishment of the entities involved and identifying both the ultimate controlling person and its place of establishment or nationality.			
Please indicate the place of establishment of the ultimate controlling centre(s) (for legal persons) or nationality (for natural persons):			
3. Location of facilities The facilities (for manufacturing of goods and/or supplying of services) which the economic operator would use for the execution of the contract or the subcontract are located within the European Union or in Norway or Switzerland.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Please indicate the place of location of these facilities:			
For all criteria above, the GSA may require the Participant to submit additional supporting documents demonstrating compliance with the declaration related to participation conditions (notably copies of identity documents or passports for physical persons and extracts from company register for legal persons).			

Full name

Date

Signature

Your reply to the invitation to tender will involve the recording and processing of personal data (such as your name, address and CV), which will be processed pursuant to Regulation (EC) No 45/2001 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data. Unless indicated otherwise, your replies to the questions in this form and any personal data requested are required to assess your tender in accordance with the tender specifications and will be processed solely for that purpose by GSA. Details concerning the processing of your personal data are available on the privacy statement at the page:

http://ec.europa.eu/dataprotectionofficer/privacystatement_publicprocurement_en.pdf.

Your personal data may be registered in the Early Detection and Exclusion System (EDES) Database should you be in one of the situations mentioned under Article 136 of the Financial Regulation.