



Brussels, **XXX**
[...] (2015) **XXX** draft

ANNEX 2

ANNEX

to the

Commission Implementing Regulation

**establishing the standard form for the European Single Procurement Document
(Light)**

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to the
Commission Implementing Regulation
establishing the standard form for the European Single Procurement Document
(Light)

Part I: Information concerning the contracting authority and the procurement procedure

To be filled in by the contracting authority or contracting entity:

Reference of the *relevant notice*¹ published in the Official Journal of the European Union:

OJEU S number [], date [], page [],

Notice number in the OJ S: [][][][]/S [][][]–[][][][][][][]

A: NAME AND ADDRESS OF THE CONTRACTING AUTHORITY OR CONTRACTING ENTITY

(INFORMATION TO BE COPIED FROM SECTION I, POINT I.1, OF THE RELEVANT NOTICE)

Name: [.....]

National registration number: *(if known)*[.....]

Address: [.....]

B: INFORMATION ABOUT THE PROCUREMENT PROCEDURE

Title or short description of the procurement: [.....] *(See points II.1.1 and II.1.3 of the relevant notice)*

Where applicable, indication of the lot(s) for which the economic operator wishes to tender: [.....]

File reference number attributed by the contracting authority *(if applicable)*: [.....] *(See point II.1.1 of the relevant notice)*

¹ For **contracting authorities**: either a **Prior Information Notice** used as a means of calling for competition or a **Contract Notice**.
For **contracting entities**: a **Periodic Indicative Notice** used as a means of calling for competition, a **Contract Notice** or a **Notice on the Existence of a Qualification System**.

Part II: Information concerning the economic operator

A: INFORMATION ABOUT THE ECONOMIC OPERATOR

1. Identification:
Name: [.....]
VAT-number, if applicable: [.....]
Postal address: [.....]
Contact person: [.....]
Telephone: [.....]
Email: [.....]
Internet address (web address) (*if applicable*): [.....]
2. Is the economic operator a Small or Medium-Sized Enterprise²? [Yes|No]
3. Is the economic operator registered on an official list of approved economic operators or does it have an equivalent certificate (e.g. under a national (pre)qualification system)? [Yes|No]
If yes, please provide the relevant registration or certification number,, if applicable:
[...]
If the certificate of registration or certification is available electronically, please state:
(web address, issuing authority or body, precise reference of the documentation):
[.....][.....][.....][.....]
4. If the answer to point 3 is yes, please state the references on which the registration or certification is based, and, where applicable, the classification obtained in the official list³.
5. Is the economic operator participating in the procurement procedure together with others? [Yes|No]
6. If the answer to point 5 is yes:
 - (a) Please indicate the role of the economic operator in the group (leader, responsible for specific tasks ...): [.....]
 - (b) Please identify the other economic operators participating in the procurement procedure together: [.....],[.....],[.....], ...
 - (c) Where applicable, name of the participating group: [.....]

B: INFORMATION ABOUT REPRESENTATIVES OF THE ECONOMIC OPERATOR

Where applicable, please indicate the name(s) and address(es) of the person(s) empowered to represent the economic operator for the purposes of this procurement procedure:

² I. e. enterprises which **employ fewer than 250 persons** and which have an **annual turnover not exceeding EUR 50 million, and/or an annual balance sheet total not exceeding EUR 43 million**, cf. Commission Recommendation of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises, (OJ L 124 of 20.5.2003, p. 36).

³ This information is set out on the certification.

Name: [.....]

Position/Acting in the capacity of: [.....]

Postal address: [.....]

Telephone: [.....]

Email: [.....]

If needed, please provide detailed information on the representation (its forms, extent, purpose ...): [.....]

C: INFORMATION ABOUT RELIANCE ON THE CAPACITIES OF OTHER ENTITIES

Does the economic operator rely on the capacities of other entities in order to meet the selection criteria set out under Part IV and the criteria and rules (if any) set out under Part V below: [Yes|No]

If yes, please provide a separate ESPD form setting out the information required under Section A and B of this Part and Part III for each of the entities concerned. Please note that this should also include any technicians or technical bodies, not belonging directly to the economic operator's undertaking, especially those responsible for quality control and, in the case of public works contracts, the technicians or technical bodies upon whom the economic operator can call in order to carry out the work. Insofar as it is relevant for the specific capacity or capacities on which the economic operator relies, please include the information under Parts IV and V for each of the entities concerned⁴.

D: ACCURACY OF THE DECLARED INFORMATION

I/We⁵, the undersigned, formally declare that the information I/we⁶ state under Parts II – V below is accurate and correct and that I/we⁷ am/are⁸ aware of the consequences of serious misrepresentation:

⁴ E.g. for technical bodies involved in quality control: Part IV, C, point 3.

⁵ Please delete as required

⁶ Please delete as required

⁷ Please delete as required

⁸ Please delete as required

Part III: Exclusion grounds

A: GROUNDS RELATING TO CRIMINAL CONVICTIONS

Article 57(1) of Directive 2014/24/EU sets out the following reasons for exclusion:

1. *Participation in a criminal organisation*⁹;
2. *Corruption*¹⁰¹¹;
3. *Fraud*¹²;
4. *Terrorist offences or offences linked to terrorist activities*¹³¹⁴;
5. *Money laundering or terrorist financing*¹⁵;
6. *Child labour and other forms of trafficking in human beings*¹⁶.

- (a) Neither the **economic operator itself** nor **any** person who is a member of its administrative, management or supervisory body or has powers of representation, decision or control therein) have been the **subject of a conviction by final judgment** for one of the reasons listed above, by a conviction rendered at the most five years ago or in which an exclusion period set out directly in the conviction continues to be applicable, [please tick, if accurate]
If the relevant documentation concerning is available electronically, please indicate: (web address, issuing authority or body, precise reference of the documentation):
[.....][.....][.....][.....]¹⁷
- (b) Either **itself** or **any** person (or persons) who is a member of its administrative, management or supervisory body or has powers of representation, decision or control therein) **has/have** been the **subject of a conviction by final judgment** for one of the reasons listed above, by a conviction rendered at the most five years ago or in which an exclusion period set out directly in the conviction continues to be applicable, [please tick, if accurate]

⁹ As defined in Article 2 of Council Framework Decision 2008/841/JHA of 24 October 2008 on the fight against organised crime (OJ L 300, 11.11.2008, p. 42).

¹⁰ As defined in Article 2 of Council Framework Decision 2008/841/JHA, OJ C 195, 25.6.1997, p. 1, and in Article 2(1) of Council Framework Decision 2003/568/JHA of 22 July 2003 on combating corruption in the private sector (OJ L 192, 31.7.2003, p. 54)..

¹¹ Corruption as defined in the national law of the contracting authority or the economic operator is also included under this exclusion ground.

¹² within the meaning of Article 1 of the Convention on the protection of the European Communities' financial interests (OJ C 316, 27.11.1995, p. 48).

¹³ As defined in Articles 1 and 3 of Council Framework Decision of 13 June 2002 on combating terrorism (OJ L 164, 22.6.2002, p. 3).

¹⁴ Inciting or aiding or abetting or attempting to commit an offence, as referred to in Article 4 of that Framework Decision, is also included under this exclusion ground.

¹⁵ As defined in Article 1 of Directive 2005/60/EC of the European Parliament and of the Council of 26 October 2005 on the prevention of the use of the financial system for the purpose of money laundering and terrorist financing (OJ L 309, 25.11.2005, p. 15).

¹⁶ As defined in Article 2 of Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA (OJ L 101, 15.4.2011, p. 1).

¹⁷ Please repeat as many times as needed.

- (c) **In case the economic operator has ticked point b:**
please indicate:

date of conviction [] [] [] and the reason(s) for the conviction (specify which of points 1 to 6 is concerned, and identify who has been convicted) [];

insofar as established directly in the conviction, the length of the period of exclusion.[.....] and the point(s) concerned []

If the relevant documentation concerning **points b or c**, is available electronically, please indicate: (point concerned, web address, issuing authority or body, precise reference of the documentation): [.....][.....][.....][.....]¹⁸

- (d) **In case the economic operator has ticked points b**, has it taken measures to demonstrate its reliability despite the existence of a relevant ground for exclusion¹⁹? [Yes|No] (“Self-Cleaning”)

If yes, please describe the measures taken: [.....]

B: GROUNDS RELATING TO THE PAYMENT OF TAXES OR SOCIAL SECURITY CONTRIBUTIONS

1. ***Only for economic operators who are registered on an official list of approved economic operators or have an equivalent certificate (see point II, A, 3, above), and ONLY if this is required in the relevant notice or procurement documents:***

Will the economic operator be able to provide a **certificate** with regard to the payment of social security contributions and taxes? [Yes|No]

2. Has the economic operator met all **its obligations relating to the payment of taxes or social security contributions**, both in the country in which it is established and in Member State of the contracting authority? [Yes|No]

3. **If not:**

(a) what is the amount concerned? [.....]

(b) How has this breach of obligations been established:

- (1) Through a judicial or administrative **decision**, [Yes|No];

Is this decision final and binding: [Yes|No];

Please indicate the date of conviction and, **insofar as established directly in the conviction**, the length of the period of exclusion.[.....]

- (2) By **other means**? [Please specify: ...]

4. **In case it had not met all its obligations**, has the economic operator fulfilled or will fulfil its obligations by paying or entering into a binding arrangement with a view to paying the taxes or social security contributions due, including, where applicable, any interest accrued or fines? [Yes|No] [If yes, please provide details: ...]

5. If the relevant documentation concerning points 1, 2, 3 or 4 is available electronically, please indicate: (web address, issuing authority or body, precise reference of the documentation):[.....][.....]²⁰

¹⁸ Please repeat as many times as needed.

¹⁹ In accordance with Article 57(6) of Directive 2014/24/EU.

C: GROUNDS RELATING TO INSOLVENCY, CONFLICTS OF INTERESTS OR PROFESSIONAL MISCONDUCT²¹

Please note that, for the purpose of this procurement, some of the following exclusion grounds may have been defined more precisely, in national law, in the relevant notice or the procurement documents.

1. Has the economic operator, **to its knowledge**, breached **its obligations** in the fields of **environmental, social and labour law**²²? [Yes|No]
2. Is the economic operator in any of the situations described under points (a) to (f)? [Yes|No]:
 - (a) **Bankrupt**, or
 - (b) **the subject of insolvency** or winding-up proceedings, or
 - (c) in an **arrangement with creditors**, or
 - (d) in any analogous situation arising from a similar procedure under national laws and regulations²³,
 - (e) that its assets are being administered by a liquidator or by the court, and
 - (f) that its business activities are suspended.

If any of the situations under points (a) to (f) apply, please indicate the reasons for being able nevertheless to perform the contract, taking into account the applicable national rules and measures on the continuation of business in those circumstances? [...]

If the relevant documentation is available electronically, please indicate (web address, issuing authority or body, precise reference of the documentation):[.....]
[.....]

3. Has the economic operator been found guilty of **grave professional misconduct**²⁴? [Yes|No].
4. Has the economic operator entered into **agreements** with other economic operators **aimed at distorting competition**? [Yes|No].
If it has, please provide details [...]
5. Is the economic operator aware of any **conflict of interest**²⁵ due to its participation in the procurement procedure? [Yes|No]
6. Has the economic operator or an undertaking related to it **advised** the contracting authority or otherwise been **involved in the preparation** of the procurement procedure? [Yes|No]
7. Has the economic operator experienced that a prior public contract, a prior contract with a contracting entity or a prior concession contract was **terminated early**, or that

²⁰ Please repeat as many times as needed.

²¹ See Article 57(4) of Directive 2014/24/EU

²² *As referred to for the purposes of this procurement in national law, in the relevant notice or the procurement documents or in Article 18(2) of Directive 2004/18/EU*

²³ *See national law, the relevant notice or the procurement documents.*

²⁴ *Where applicable, see definitions in national law, the relevant notice or the procurement documents*

²⁵ *As indicated in national law, the relevant notice or the procurement documents.*

damages or other comparable sanctions were imposed in connection with that prior contract? [Yes|No].

If it has, please provide details: [...]

The economic operator confirms that:

- 8a. it is not guilty of serious **misrepresentation** in supplying the information required for the verification of the absence of grounds for exclusion or the fulfilment of the selection criteria,
 - 8b. It has not **withheld** such information,
 - 8c. It will be able to **submit the supporting documents** required under this ESPD, and
 - 8d. It has not undertaken to **unduly influence** the decision-making process of the contracting authority, to obtain confidential information that may confer upon it undue advantages in the procurement procedure or to negligently provide misleading information that may have a material influence on decisions concerning exclusion, selection or award?
9. **In case any of the exclusion grounds set out under any of points 1 or 3 to 7 apply**, has the economic operator taken measures to demonstrate its reliability despite the existence of a relevant ground for exclusion? [Yes|No] (“Self-Cleaning”)
If it has, please describe the measures taken: [.....]

D: OTHER EXCLUSION GROUNDS THAT MAY BE FORESEEN IN THE NATIONAL LEGISLATION OF THE CONTRACTING AUTHORITY’S MEMBER STATE

- 1. Do the **purely national grounds of exclusion**, which are specified in the relevant notice or in the procurement documents, apply? [Yes|No]
If the documentation required in the relevant notice or in the procurement documents is available electronically, please indicate (web address, issuing authority or body, precise reference of the documentation): [.....] [.....]²⁶
- 2. **In case any of the purely national exclusion grounds apply**, has the economic operator taken measures to demonstrate its reliability despite the existence of a relevant ground for exclusion? [Yes|No] (“Self-Cleaning”)
If it has, please describe the measures taken: [.....]

Part IV: Selection criteria

Concerning the selection criteria (sections A to D of this part), the economic operator declares that:

A: SUITABILITY

The economic operator should only provide information where the selection criteria concerned have been required by the contracting authority or contracting entity in the relevant notice or the procurement documents.

²⁶ Please repeat as many times as needed.

1. **It is enrolled in the following professional or trade registers** kept in the Member State of its establishment²⁷: [...]

If the relevant documentation is available electronically, please indicate (web address, issuing authority or body, precise reference of the documentation): [.....]
[.....]

2. **For service contracts:**

A particular **authorisation or membership** of a particular organisation [is/is not] needed in order to be able to perform the service in question in its country of establishment.

If it is, the economic operator declares that it **possesses** the following authorisation or membership: [...]

If the relevant documentation is available electronically, please indicate (web address, issuing authority or body, precise reference of the documentation): [.....]
[.....]

B: ECONOMIC AND FINANCIAL STANDING

The economic operator should only provide information where the selection criteria concerned have been required by the contracting authority or contracting entity in the relevant notice or the procurement documents.

- 1a. Its **yearly turnover** for the number of years required in the relevant notice or the procurement documents is as follows:

year: [.....] turnover:[.....]

year: [.....] turnover:[.....]

year: [.....] turnover:[.....]

If permitted in the relevant notice or the procurement documents, the economic operator may **instead** declare that its **average yearly turnover for the number of years required in the relevant notice or the procurement documents is as follows** (number of years, average turnover): [.....],[.....]

If the relevant documentation is available electronically, please indicate (web address, issuing authority or body, precise reference of the documentation): [.....][.....].

- 1b. Its **yearly turnover in the area covered by the contract** and specified in the relevant notice or the procurement documents for the number of years required is as follows:

year: [.....] turnover:[.....]

year: [.....] turnover:[.....]

year: [.....] turnover:[.....]

If permitted in the relevant notice or the procurement documents, the economic operator may **instead** declare that its **average yearly turnover in the area and for**

²⁷ As described in Annex XI of Directive 2014/24/EU; *economic operators from certain Member States may have to comply with other requirements set out in that Annex*

the number of years required in the relevant notice or the procurement documents is as follows (number of years, average turnover): [.....],[.....]

If the relevant documentation is available electronically, please indicate (web address, issuing authority or body, precise reference of the documentation): [.....][.....]

1c. In case the information required under points 1a or 1b is not available for the entire period required, the economic operator declares that it was set up or started trading on the following date: [.....]

2. Concerning the **financial ratios**²⁸ specified in the relevant notice or the procurement documents, the economic operator declares that:

– The actual value(s) for the required ratio(s) is/are as follows (identification of the required ratio – ratio between x and y²⁹ - and the value): [.....], [.....]³⁰

– If the relevant documentation is available electronically, please indicate (web address, issuing authority or body, precise reference of the documentation):[.....][.....]

3. The economic operator declares that the insured amount in its **professional risk indemnity insurance** is the following: [.....]

If this information is available electronically, please indicate (web address, issuing authority or body, precise reference of the documentation): [.....][.....]

4. Concerning the **other economic or financial requirements, if any**, that may have been specified in the relevant notice or the procurement documents, the economic operator declares that: [.....]

If the relevant documentation that **may** have been specified in the relevant notice or the procurement documents, is available electronically, please indicate (web address, issuing authority or body, precise reference of the documentation): [.....][.....]

C: TECHNICAL AND PROFESSIONAL ABILITY

The economic operator should only provide information where the selection criteria concerned have been required by the contracting authority or contracting entity in the relevant notice or the procurement documents.

1. *For public works contracts only :*

During the reference period³¹ of [...] years (this period is specified in the relevant notice or the procurement documents) it has **performed the following works of the specified type**: [.....]

If the relevant documentation concerning satisfactory execution and outcome for the most important works is available electronically, please indicate (web address, issuing authority or body, precise reference of the documentation):[.....] [.....]

2. *For public supply and public service contracts only:*

²⁸ E. g. the ratio between assets and liabilities.

²⁹ E. g. the ratio between assets and liabilities.

³⁰ Please repeat as many times as needed.

³¹ Contracting authorities may **require** up to five years and **allow** experience dating from **more** than five years.

During the reference period³² of [...] years (this is specified in the relevant notice or the procurement documents) it has **delivered the following principal deliveries of the type specified or provided the following main services of the type specified**. When drawing up the list, please indicate the amounts, dates and recipients, whether public or private: [.....]

3. It can call upon the following **technicians or technical bodies**³³, especially those responsible for quality control and, in the case of public works contracts, the technicians or technical bodies upon whom the economic operator can call in order to carry out the work: [.....]
4. It uses the following **technical facilities and measures** for **ensuring quality** and that its **study and research facilities** are as follows: [.....]
5. It will be able to apply the following **supply chain management** and tracking systems when performing the contract: [.....]

6. *For complex products or services to be supplied or, exceptionally, for products or services which are required for a special purpose:*

It **will** allow **checks**³⁴ to be conducted on the **production capacities** or the **technical capacity** of the economic operator and, where necessary, on the **means of study and research** which are available to it and on the **quality control measures**.

7. The following **educational and professional qualifications** are held by: the service provider or the contractor itself: [.....], and/or (depending on the requirements set out in the relevant notice or the procurement documents) its managerial staff: [.....]
8. It will be able to apply the following **environmental management measures** when performing the contract: [.....]
9. Its **average annual manpower** and the number of managerial staff for the last three years were as follows: (average annual manpower) [.....], number of managerial staff [.....]
10. The following **tools, plant or technical equipment** will be available to it for performing the contract: [.....]
11. It **intends possibly to subcontract**³⁵ the following **proportion** of the contract: [.....]

12. *For public supply contracts:*

It **will** supply the required **samples, descriptions or photographs** of the products to be supplied, which do not need to be accompanied by certifications of authenticity;

³² Contracting authorities may **require** up to three years and **allow** experience dating from **more** than three years.

³³ For technicians or technical bodies not belonging directly to the economic operator's undertaking but on whose capacities the economic operator relies as set out under Part II C, separate ESPD forms must be filled in.

³⁴ The check is to be performed by the contracting authority or on its behalf by a competent official body of the country in which the supplier or service provider is established;

³⁵ Please note that if the economic operator **has** decided to subcontract a part of the contract **and** relies on the subcontractor's capacities to perform that part, then please fill in a separate ESPD for such subcontractors, see Part II, C above.

Where applicable, the economic operator furthermore declares that it **will** provide the required **certificates of authenticity**.

If the relevant documentation is available electronically, please indicate (web address, issuing authority or body, precise reference of the documentation):
[.....][.....]

13. ***For public supply contracts:***

It [can/cannot] provide the required **certificates** drawn up by official **quality control institutes** or agencies of recognised competence attesting the conformity of products clearly identified by references to the technical specifications or standards, which are set out in the relevant notice or the procurement documents.

If not, please explain why and state which other means of proof can be provided:
[...]

If the relevant documentation is available electronically, please indicate (web address, issuing authority or body, precise reference of the documentation):
[.....][.....]

D: QUALITY ASSURANCE SCHEMES AND ENVIRONMENTAL MANAGEMENT STANDARDS

The economic operator should only provide information where quality assurance schemes and/or environmental management standards have been required by the contracting authority in the relevant notice or the procurement documents.

1. It [will/will not] be able to produce **certificates** drawn up by independent bodies attesting that the economic operator complies with the required **quality assurance standards**, including accessibility for disabled persons. If the economic operator will not be able to produce the required certificates, please explain why and specify which other means of proof concerning the quality assurance scheme can be provided: [.....] [.....]

If the relevant documentation is available electronically, please indicate (web address, issuing authority or body, precise reference of the documentation): [.....]
[.....]

2. It [will/will not] be able to produce **certificates** drawn up by independent bodies attesting that the economic operator complies with the required **environmental management systems or standards**. If the economic operator will not be able to produce the required certificates, please explain why and specify which other means of proof concerning the quality assurance scheme can be provided: [.....] [.....]

If the relevant documentation is available electronically, please indicate³⁶ (*web address, issuing authority or body, precise reference of the documentation*):[.....][.....]

Part V: Reduction of the number of qualified candidates

The economic operator should only provide information where the contracting authority has specified the objective and non-discriminatory criteria or rules to be applied in order to

³⁶ Please indicate clearly which item the answer relates to.

limit the number of candidates that will be invited to tender or to conduct a dialogue. This information, which can be accompanied by requirements concerning the (types of) certificates or forms of documentary evidence, if any, to be produced, is set out in the relevant notice or the procurement documents.

For restricted procedures, competitive procedures with negotiation, competitive dialogue procedures and innovation partnerships only:

The economic operator declares that:

1. It **meets** the objective and non-discriminatory criteria or rules to be applied in order to limit the number of candidate in the following way: [...]
In case certain certificates or other forms of documentary evidence are required, please indicate for **each** whether the economic operator has the required documents: [Yes|No]

If some of these certificates or forms of documentary evidence are available electronically³⁷, please indicate for **each** (*web address, issuing authority or body, precise reference of the documentation*):[.....][.....]

Part VI: Concluding statements

I/We³⁸, the undersigned, formally declare that the information I/we³⁹ have stated under Parts II – V is accurate and correct and that I/we⁴⁰ am/are⁴¹ aware of the consequences of serious misrepresentation.

I/we⁴², the undersigned] formally consent to [identify the contracting authority as set out in Part I, Section A], gaining access to documents supporting the information, which I/we⁴³ have provided in [identify the Part/Section/Point(s) concerned] of this European Single Procurement Document for the purposes of [identify the procurement procedure: (summary description, reference of publication in the Official Journal of the European Union, reference number)]. With respect to certificates and other forms of documentary evidence which are not electronically available, I/we⁴⁴ formally declare that I/we⁴⁵ will be able, upon request and without delay, to provide the supporting documents concerned.

Date, place and signature(s): [.....]

³⁷ Please indicate clearly which item the answer relates to.

³⁸ Please delete as required

³⁹ Please delete as required

⁴⁰ Please delete as required

⁴¹ Please delete as required

⁴² Please delete as required

⁴³ Please delete as required

⁴⁴ Please delete as required

⁴⁵ Please delete as required