



Specifications attached to the Invitation to Tender

14.CPS.OP.040

**“European Military Airworthiness Certification
Criteria (EMACC) update Phase 1”**

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Introduction to EDA

Pursuant to Council Decision 2011/411/CFSP of 12 July 2011 defining the statute, seat and operational rules of the European Defence Agency and repealing Joint Action 2004/551/CFSP, the mission of the European Defence Agency (hereinafter “EDA” or “the Agency”) is "to support the Council and the Member States in their effort to improve the EU’s defence capabilities in the field of crisis management and to sustain the CSDP as it stands now and develops in the future.”

Functions and tasks

The European Defence Agency, within the overall mission set out in the Agency’s constituent act, is ascribed four functions, covering:

- developing defence capabilities;
- promoting Defence Research and Technology (R&T);
- promoting armaments co-operation;
- creating a competitive European Defence Equipment Market and strengthening the European Defence, Technological and Industrial Base.

All these functions relate to improving Europe's defence performance, by promoting coherence. A more integrated approach to capability development will contribute to better-defined future requirements on which collaborations - in armaments or R&T or the operational domain - can be built. More collaboration will, in turn, provide opportunities for industrial restructuring and progress towards the continental-scale demand and market, which industry needs.

Further information can be found on the Agency’s web site at <http://www.eda.europa.eu>

1 Overview of this tender

1.1 Description of the contract

The services required by EDA are described in the terms of reference in part 2 of the present tender specifications.

1.2 Timetable

Summary timetable	Date	Comments
Launch date	15/05/2014	
Deadline for request of clarifications from EDA	25/06/2014	
Site visit or clarification meeting (if any)	N/A	
Last date on which clarifications are issued by EDA	27/06/2014	
Deadline for submission of tenders	03/07/2014	Tenders delivered by hand shall be submitted not later than 17:00h Local Time
Opening session	04/07/2014	14:00h Local Time
Interviews	N/A	
Completion date for evaluation of tenders	Mid July	Estimate
Signature of contract(s)	August 2014	Estimate

1.3 Participation in the tender procedure

This procurement procedure is open to any natural or legal person wishing to bid for the assignment and established in any of the European Union Member States, countries under

the Stabilization and Association Agreements (SAA) or countries under the EEA Agreement.

Tenderers must not be in any of the exclusion criteria indicated in section 3.1 of these tender specifications and must have the legal capacity to allow them to participate in this tender procedure (see section 3.2.1).

Please note that any attempt by a tenderer to obtain confidential information, enter into unlawful agreements with competitors or influence the evaluation committee or the EDA during the process of examining, clarifying, evaluating and comparing tenders will lead to the rejection of his tender and may result in administrative penalties.

1.4 Participation of consortia

Consortia, may submit a tender on condition that it complies with the rules of competition.

A consortium may be a permanent, legally-established grouping or a grouping which has been constituted informally for a specific tender procedure.

Such grouping (or consortia) must specify the company or person heading the project (the leader) and must also submit a copy of the document authorising this company or person to submit a tender. All members of a consortium (i.e., the leader and all other members) are jointly and severally liable to the Contracting Authority.

In addition, each member of the consortium must provide the required evidence for the exclusion and selection criteria (see **Section 3** of these tender specifications). Concerning the selection criteria “economic and financial capacity” as well as “technical and professional capacity”, the evidence provided by each member of the consortium will be checked to ensure that the consortium as a whole fulfils the criteria.

The participation of an ineligible person will result in the automatic exclusion of that person.

1.5 Sub-contracting

The tenderer must indicate clearly, which parts of the work will be sub-contracted and to what extent (proportion in %).

Sub-contractors must satisfy the eligibility criteria applicable to the award of the contract. If the identity of the intended sub-contractor(s) is already known at the time of submitting the tender, all sub-contractors must provide the required evidence for the exclusion and selection criteria as detailed in **Section 3** of these tender specifications.

If the identity of the sub-contractor is not known at the time of submitting the tender, the tenderer who is awarded the contract will have to seek the EDA's prior written authorisation before entering into a sub-contract.

Where no sub-contractor is given, the work will be assumed to be carried out directly by the bidder.

1.6 Presentation of the tenders

1.6.1 The tenders must comply with the following conditions:

Tenders must be submitted in accordance with the **double envelope system**:

The outer envelope or parcel should be sealed with adhesive tape and signed across the seal and carry the following information:

- the reference number of the invitation to tender **14.CPS.OP.040**
- the project title "**European Military Airworthiness Certification Criteria (EMACC) update Phase 1**"
- the name of the Tenderer
- the indication "**Tender - Not to be opened by the internal mail service**"
- the address for submission of tenders (*as indicated in the letter of invitation to tender*)
- the date of posting (*if applicable*) should be legible on the outer envelope.

The outer envelope must contain **three inner envelopes**, namely, **Envelope A, B and C**.

The content of each of these three envelopes must be as follows:

Envelope A – Administrative documents

- the **Tender Submission Form** found in **Annex VII**.
- the duly filled in, signed and dated **Exclusion Criteria Declaration(s)** as requested in section 3.1 and using the standard template in **Annex IV**.
- the duly filled in, signed and dated **Legal Entity Form(s)** as requested in section 3.2 and using the standard template in **Annex V**.

- the duly filled in, signed and dated **Financial Identification Form**¹ using the template in **Annex VI**.
- The **Economic & Financial Capacity** criteria documents as requested in section 3.2.
- The Technical & Professional Capacity criteria documents as requested in section 3.2 - **One signed original and 3 (three) copies**.
- **Duly authorised signature**, i.e. an official document (e.g. statutes, power of attorney, notary statement, etc.) proving that the person who signs on behalf of the tenderer is duly authorised to do so.
- In case of **consortia**, the consortium agreement or a duly signed and dated consortium statement by each of the consortium members specifying the company or person heading the project and authorised to submit a tender on behalf of the consortium.

Envelope B – Technical proposal

One signed original and 3 (three) copies of the technical proposal providing all information requested in point 4.2. In addition an electronic version (one CD) of the technical proposal should be included in envelope B.

Envelope C – Financial proposal

One signed original of the financial proposal based on the format found in **Annex II**.

1.6.2 The original tender must be signed, dated and marked “**ORIGINAL**”, and the copies marked “**COPY**”.

1.6.3 Tenders should be drafted in one of the official languages of the European Union, **preferably** English. Requested documents not available in English should be accompanied by an English courtesy translation. The contract shall be entered into in English.

It is extremely important that tenders be presented in the correct format and include all documents necessary to enable the evaluation committee to assess them. Failure to respect these requirements will constitute a formal error and may result in the rejection of the tender.

¹in case of consortia, only **one** Financial Identification Form for the whole consortium shall be submitted, nominating the bank account into which payments are to be made under the contract in the event that the respective tender is successful

1.7 Period during which the tenders are binding

Period of validity of the tenders, during which tenderers may not modify the terms of their tenders in any respect is 120 days after the deadline for the submission of tenders. In exceptional cases, before the period of validity expires, the EDA may ask tenderers to extend the period for a specific number of days, which may not exceed 40.

The selected tenderer must maintain its tender for a further 60 days from the date of notification that his tender has been recommended for the award of the contract. The further period of 60 days is added to the validity period irrespective of the date of notification.

1.8 Contacts between the EDA and tenderers

Contacts between the EDA and tenderers are prohibited throughout the procedure save in exceptional circumstances and under the following conditions only:

A. Before the final date for submission of tenders:

- At the request of the tenderer, the EDA may provide additional information solely for the purpose of clarifying the nature of the contract. Any request for additional information must be made in writing by e-mail at procurement@eda.europa.eu or at the Fax no.: +32 (0)2 504 29 75 and should indicate the reference number and the title of the tender.
- Requests for additional information received after the deadline for request of clarifications from the EDA as specified in point 1.2 – *Timetable* will not be processed.
- The EDA may, on its own initiative, inform interested parties of any error, inaccuracy, omission or any other clerical error in the text of the call for tender.
- Any additional information including that referred to above will be published on the EDA's website. Please ensure that you visit regularly the site for updates.

B. After the opening of tenders:

- If, after the tenders have been opened, some clarification is required in connection with a tender, or if obvious clerical errors in the submitted tender must be corrected, the EDA may contact the tenderer, although such contact may not lead to any alternation of the terms of the submitted tender.

1.9 Visits to EDA premises

No site visit/information meeting at EDA's premises is deemed necessary for this procedure.

1.10 Division into lots

This tender is not divided into lots. The tenderer must be in a position to be able to provide all the services requested.

1.11 Variants

In the absence of any such indication in the terms of reference your tender should not deviate from the services requested.

1.12 New services

In accordance with Article 31 of the Council decision 2007/643/CFSP of 18 September 2007 on the financial rules of the European defence Agency and on the procurement rules and rules on financial contributions from the operational budget of the European defence Agency, the EDA may have recourse to the negotiated procedure without prior publication of a contract notice for additional contracts involving services similar to those assigned to the party that was awarded this contract.

1.13 Security standards

In the general implementation of its activities and for the processing of tendering procedures in particular, the EDA observes the Council Decision 2013/488/EU of 23 September 2013 on the security rules for protecting EU classified information.

1.14 Contract provisions

In drawing up your tender, you should bear in mind the provisions of the draft contract (see **Annex I** to the present tender specifications). In particular, the draft contract indicates the method and the conditions for payments to the contractor.

2 Terms of Reference

The Terms of Reference will become part of the contract that may be awarded as a result of the tender.

2.1 Reference documents

- EDA study 10.ARM.OP.23 EMACC Final Report (to be given to interested tenderers upon request)
- European Military Airworthiness Certification Criteria (EMACC) Handbook Edition 2.0 (<http://www.eda.europa.eu/certification/mawa-documents>)

2.2 Introduction: background of the invitation to tender

European countries currently operate military aviation safety systems independently from each other, with each country being individually responsible for the regulation of their own military and state aircraft. As a result, military airworthiness activities are conducted and regulated on a national basis, with European harmonisation only being achieved at an individual programme level, with processes having to be developed for each new programme and then repeated within each participating state. This generates many challenges for multinational aircraft programmes and is one of the primary causes of delays and additional costs. Having a set of common and harmonised continuing airworthiness requirements could also reduce through-life sustainment costs by enabling cross-national aircraft maintenance and training of maintenance personnel, whilst economies of scale when outsourcing aircraft maintenance to industry could also be achieved for nations that have common aircraft types.

It has been recognised, therefore, that there exists a unique opportunity to agree on an EU-wide harmonisation and unification strategy for military airworthiness. This strategy will also be of considerable benefit to European industry and will thus strengthen the European Defence Technology and Industrial Base (EDTIB).

To deliver this strategy, the Military Airworthiness Authorities (MAWA) Forum, created in 2008, has been striving to harmonise the airworthiness requirements and processes of the EDA pMS. The MAWA Forum was established as a result of the realisation that it was no longer viable for Member States to carry out their airworthiness activities independently. The MAWA Forum consists of representatives from the EDA pMS National Military Airworthiness Authorities (NMAAs) and is chaired by the EDA, which also provides the organisational and administrative support. The goals of the MAWA Forum are to develop and achieve the following Ministerial approved 'roadmap-objectives' for adoption into pMS's regulatory systems:

- Common regulatory framework;
- Common certification processes;
- Common approach to organisational approvals;
- Common certification/design codes;
- Common approach to preservation of airworthiness;
- Arrangements for mutual recognition;
- Formation of a European Military Joint Airworthiness Authorities Organisation (EMJAAO);

In order to achieve the MAWA Roadmap objective of developing “Common certification/design codes”, a dedicated Task Force (TF) 4 was established under the direction of the MAWA Forum to develop the harmonised top-level airworthiness certification criteria that should be used in the determination of design-airworthiness for military aircraft.

A feasibility study under the control of MAWA TF4 was conducted in 2010 into the possibility of harmonising and aligning existing civil and military certification standards and codes (EASA CSs, JSSGs, STANAGs and Def Stans), using the U.S MIL-HDBK-516B as the proposed framework for a harmonised European Military Airworthiness Certification Criteria (EMACC) Handbook that could be used to determine the certification basis for all types of military aircraft.

The conclusions of this feasibility study were positive and it was determined that it was indeed feasible to align these airworthiness standards and codes. A framework of reference sources was created that would form the basis of the EMACC Handbook and additionally, a risk reduction exercise was conducted by successfully harmonising a complete section of the document (Section 5: Structures).

In 2011, a 2 year follow-on contract (10.ARM.OP.23) was tendered and contracted by the EDA to provide additional technical support to fully harmonise and align the remaining EMACC Handbook sections, addressing all other aircraft systems. This detailed technical work was steered by the MAWA Forum with Subject Matter Expertise provided from the national experts within MAWA TF4 to carry out the detailed review and harmonisation activity.

At the end of 2012, following the efforts of MAWA TF4 members and the technical support provided under the contract 10.ARM.OP.23, a fully harmonised EMACC Handbook was made available for pMS to use for determining or establishing the certification basis for military aircraft.

2.3 Description of the subject and scope of the contract

2.3.1 Short description of the subject - Scope and Objectives

The certification criteria within the EMACC Handbook has been harmonised using a number of source documents (including EASA CSs, JSSGs, STANAGs and Def Stans) that are, by necessity, being regularly updated and amended. During the EMACC's development, to avoid the need for constantly reworking the previously agreed EMACC Handbook sections, it was decided to freeze the source documents at the extant version that was used during the feasibility study in 2010. Since this time, however, there have been further updates and amendments to the source documents that must now be considered and incorporated into the EMACC Handbook in order for it to remain valid and up-to-date.

2.3.2 Use of the results

The output of this support will be used to:

- Update and amend the EMACC Handbook Edition 2.0 document in-line with the latest version of the source documents.
- Update and amend the EMACC Handbook Edition 2.0 document to address the gaps from CS25 already identified in section 2.4 of the Handbook.
- Identify the gaps between the source documents and the current scope of EMACC Handbook Edition 2.0, in order to assist MAWA Task Force 4 in deciding upon the need for any further additional updates that may be required.

2.4 Outline of the services required

The certification criteria within the EMACC Handbook Edition 2.0 have been harmonised, taking into account the various source documents that are referenced within it.

The amendment state of the source documents was frozen during the document's development.

The amendment state of the source documents used in the development of the EMACC Handbook Edition 2.0 are:

DEFENCE STANDARD 00-970

Part No: 0: Procedures for Use, Content and Definitions Issue 6 dated: 22/01/10

Part No: 1: Fixed Wing

Section No: 1: "General" Issue 6 dated: 05/02/10

Section No: 2: "Flight" Issue 6 dated: 05/02/10

Section No: 3: "Structure" Issue 5 dated: 31/01/07

Section No: 4: "Design and Construction" Issue 6 dated: 05/02/10

Section No: 5: "Powerplant" Issue 5 dated: 31/01/07

Section No: 6: "Equipment" Issue 6 dated: 05/02/10

Section No: 7: "Operating Limitations and Information" Issue 5 dated: 31/01/07

Section No: 8: "Gas Turbine Auxiliary Power Unit Installation" Issue 5 dated: 31/01/07

Section No: 9: "Military Specific Systems" Issue 6 dated: 05/02/10

Part No: 7: Rotorcraft

Section No: 1: "General and Operational Requirements" Issue 3 dated: 29/01/10

Section No: 2: "Structural Strength and Design for Flight" Issue 3 dated: 29/01/10

Section No: 3: "Structural Strength and Design for Operation on Specified Surfaces" Issue 2 dated: 31/01/07

Section No: 4: "Detail Design and Strength of Materials" Issue 2 dated: 31/01/07

Section No: 5: "Aero-Elasticity and Strength of Materials" Issue 2 dated: 31/01/07

Section No: 6: "Flight and Ground Handling Qualities" Issue 2 dated: 31/01/07

Section No: 7: "Installations" Issue 3 dated: 29/01/10

Section No: 8: "Maintenance" Issue 2 dated: 31/01/07

Section No: 9: "Flight Tests - Handling" Issue 2 AL1 dated: 04/12/07

Section No: 10: "Flight Tests - Installations and Structures" Issue 2 dated: 31/01/07

Part No: 9: UAV Systems Issue 5 dated: 20/04/09

Part No: 11: Engines Issue 1 dated: 27/01/06

Part No: 13: Military Common Fit Equipment Issue 2 dated: 15/01/10

Part No: 15: Items with no Specific Military Requirements Issue 4 dated: 27/01/06

NATO STANAGs

STANAG 4671 Unmanned aerial vehicle systems airworthiness requirements (USAR) Edition 1.

EASA CERTIFICATION SPECIFICATIONS (CSs)

EASA CS 23 - Normal, Utility, Aerobatic and Commuter Category Aircraft Amendment 1;

EASA CS 25 - Large Aeroplanes Amendment 8;

EASA CS 27 - Small Rotorcraft Amendment 2;

EASA CS 29 - Large Rotorcraft Amendment 2;

EASA CS E - Engines Amendment 2;

EASA CS P - Propellers Amendment 1.

DEPARTMENT OF DEFENSE SPECIFICATIONS

JSSG-2000B Air System, dated 21st September 2004;

JSSG-2001A Air Vehicle, dated 22nd October 2002;

JSSG-2005 Avionic Subsystem, Main Body;

JSSG-2006 Aircraft Structures, dated 30th October 1998;

JSSG-2007B Engines, Aircraft, Turbine, dated 6th December 2007;

JSSG-2008 Vehicle Control and Management System (VCMS);

JSSG-2009 Air Vehicle Subsystems, dated 30th October 1998;

JSSG-2010 Crew Systems;

The changes to extant or latest versions, agreed by MAWA TF4, of these source documents (at the time of contract signature) will need to be reviewed in detail.

The contractor will be required to:

- Assess any impact to the current harmonised criteria and associated considerations within the EMACC Handbook.
- If a change is required, provide a draft of the recommended text for the revised harmonised criteria and considerations to MAWA Task Force 4 through the EDA Project Officer for their review and comment.
- Amend the revised harmonised criteria and considerations (if requested by MAWA Task Force 4) after their review.
- Propose recommended text for the harmonised criteria and considerations to address the gaps with CS 25 identified in EMACC Handbook Edition 2.0. Section 2.4.

Identify any gaps that may exist between the current harmonised criteria and considerations within the EMACC Handbook and the following source documents and provide recommendations on how to address these in future updates to the EMACC Handbook.

- DEF STAN 00-970 part 1, part 7
- CS 29
- Engine standards CS E, Def Stan 00-970 part 11, JSSG 2007 B
- CS P

The technical data that forms the content of the current EMACC Handbook Edition 2.0 is contained within a DOORs database. A copy of this database will be provided to the contractor following contract award. In order to provide an appropriate audit trail for future amendments to the EMACC Handbook it will be necessary for the contractor to:

- Provide MAWA Task Force 4 (through the EDA Project Officer) with proposed changes to the EMACC Handbook in an electronic format (i.e. MS Excel) to enable Task Force 4 to easily review them.
- Further revisions to the proposed text, after review by MAWA Task Force 4, should also be recorded.
- Once accepted, all of the agreed changes to the EMACC Handbook should be incorporated into an updated DOORs database and delivered to the EDA project Officer.
- The updated EMACC Handbook should be delivered in an electronic format (MS Word) that will allow MAWA Task Force 4 to make any necessary changes to the final document.

2.5 Management and Contractual Deliverables

2.5.1 Management

The Contractor shall carry out an efficient and cost-effective management of the study. The project manager nominated shall be responsible for the management and execution of the work to be performed and for the coordination and control of the work.

2.5.2 Meetings/Workshops

It is envisaged that during the contract there will be a need for a minimum of 4 technical meetings and 1 final presentation. These should include:

- Initial Kick-off meeting (Provisionally September 2014, EDA Brussels (TBC) 0.5 day duration);
- Task Force 4 progress meeting 1 (Kick-off + 3 months, EDA Brussels (TBC) 2 day duration)
- Task Force 4 progress meeting 2 (Kick-off +6 months, Rome (TBC) 2 day duration)
- Task Force 4 final review meeting (Kick-off +9 Months, EDA Brussels (TBC) 2 day duration)
- Presentation at MAWA Forum meeting (September 2015 Luxembourg/Brussels (TBC) 1 day duration)

(Note: The final decision on meeting venues has not yet been made. The above venues are therefore indicative and are for costing purposes only.)

All proposed amended criteria should be distributed to Task Force 4 members through the EDA Project Officer and delivered a minimum of 4 weeks prior to each scheduled Task Force 4 meeting.

2.5.3. Management Plan

A Project Management Plan including the following shall be provided by the Contractor (and updated as necessary during the contract):

- Management of the internal resources, e.g. organisation of the Project Team, work share between the Project Team members,
- Management of information;
- Coordination with EDA representatives (including Task Force 4 member states);
- Reporting (internal and contractual reports);
- Kick-off meeting, 'Periodic Progress' technical review meetings and final 'Deliverable Review' meeting;
- Documentation management;
- Risk management tools for capturing technical, financial and planning risks;
- Conflict resolution;
- Communication strategy.

2.5.4 Consultation Plan

The general aspects relating to the consultation process should be contained within the relevant sections of the Project Management Plan.

2.5.5 Final Deliverables

4 deliverables are required:

D-1: An updated and amended EMACC Handbook in MS-Word that contains harmonised and agreed criteria from the extant (at time of contact signature) source documents.

D-2: An updated DOORs database that contains all of the criteria within the EMACC Handbook.

D-3: A final report summarising the outcome of the study with detailed recommendations from the Gap Analysis (required under Para 2.3 above) to further enhance the EMACC Handbook.

D-4: A final presentation summarising the outcome of the study to be given to a MAWA Forum meeting.

Draft deliverables shall be sent to the EDA Project Officer one month prior to the end of the contract. MAWA Task Force 4 shall then have 4 weeks to review these deliverables and provide comments at the final review meeting.

Interim Payment

An interim payment can be claimed following acceptance by the EDA (based on acceptance by MAWA Task Force 4) of the Interim Report.

The Interim Report is to be a mature draft version of the gap analysis (and recommendations) between the current harmonised criteria and considerations within the EMACC Handbook and the following source documents:

- DEF STAN 00-970 part 1, part 7
- CS 29
- Engine standards CS E, Def Stan 00-970 part 11, JSSG 2007 B
- CS P

The Interim Report should also include the recommendations and updated EMACC Criteria and Considerations to address the gaps with CS 25 identified in EMACC Handbook Edition 2.0. Section 2.4.

Milestone	Activity	Estimated Date (subject to TF4 meeting scheduling)	Percentage of contract value
Interim	Interim Report	Kick-off meeting + 7 months	40%
Final	Final Report and presentation	September/October 2015	60%

2.5.6 Revised Final Report

The revised final report shall address all of the comments that were made by MAWA Task Force 4 and the MAWA Forum (if any). This shall be delivered 2 weeks after the final meeting.

2.6 Specific Security Issues

The project and its findings will be unclassified.

2.7 Volume of the contract

The maximum contract value is 150,000.00 EUR (VAT excluded).

2.8 Duration of the contract

Estimated contract implementation period: 12 months.

2.9 Place of delivery/execution

The Contractor shall execute the contract at its premises. Deliverables shall be delivered at EDA premises in Brussels, Belgium. All meetings shall normally be held at EDA premises, unless otherwise indicated in this document or agreed between the two parties.

2.10 Terms of Payment

Pre-financing

No pre-financing payment will be made for the implementation of the ensuing service contract.

Interim Payment

An interim payment of 40% of the total contract value shall be made following the delivery and acceptance of the interim report.

Payment of the Balance

Under the conditions set out in the draft contract annexed hereto, payment of the balance equal to 60% of the total amount shall be made following acceptance of the final report and presentation.

2.11 Variant solutions

Not applicable.

2.12 Reporting

The reports and all deliverables shall be submitted to the EDA Project Manager identified in the contract who is responsible for approving them.

The Contractor shall work closely with the EDA Cooperation Planning and Support (CPS) Directorate in conducting and performing the requested contract. The Contractor shall ensure the overall management and appropriate reporting during the contract, including - as described in points a, b and c below - the preparation of Progress Reports for EDACPS Directorate, management of effort spent on contract and the preparation of the Final Report.

Reports are allowed to have Appendices. EDA CPS Directorate shall be entitled to ask for clarifications and modifications of elements and parameters of the deliverables and the contractor shall provide such clarifications/modifications in writing. It shall be the contractor's sole responsibility to manage all aspects of the contract and provide the deliverables in the required time scales.

a.) Kick-off meeting with Conceptual Report

The Contractor shall prepare a Conceptual Report on the planning and methodology to be used to conduct the contractual support. The Project Management Plan of the contractual support shall also be presented after the contract signature.

b.) Progress Reports

The Contractor shall provide Progress Reports and present them in writing to the EDA Cooperation Planning and Support Directorate for acceptance. A minimum of 4 technical meetings (including the kick-off meeting) are expected to be held with EDA CPS Directorate and MAWA Task Force 4 members. The contractor should specify within their Project Management Plan and Work Breakdown Structure what activities will be finalised at for each TF4 Progress meeting.

c.) Final Deliverables to EDA CPS Directorate

Draft final deliverables D1, D2 and D3 shall be submitted to EDA CPS Directorate 4 weeks before the Final Report. EDA Cooperation Planning and Support Directorate will be consulted and is entitled to ask for clarifications on the elements and parameters of the report and the Contractor shall provide such clarifications in writing before the final deliverables are submitted and approved.

The final deliverables (D1, D2, D3 and D4) shall be delivered and presented to the EDA CPS Directorate and MAWA Forum at EDA premises (D4 could be presented at a different location to be agreed) by the end of the period of execution of the tasks specified in the contract. It shall contain all products and documents provided during the contractual support including a PowerPoint Presentation, identifying the key conclusions and recommendations.

In addition, the following shall apply:

- D-1: An updated and amended EMACC Handbook that contains harmonised and agreed criteria from the extant (at time of contract signature) source documents.
- D-2: An updated DOORs database that contains all of the criteria within the EMACC Handbook.
- D-3: A short final report (< 20 pages) summarising the outcome of the study and any recommendations to further enhance the EMACC Handbook.
- D-4: A final presentation summarising the outcome of the study will be required to be made at a MAWA Forum meeting.

The front cover of the final report shall carry the following text within a delineated box of at least 10 cm x 4 cm, preferably located in the top or bottom left-hand corner of the cover:

This study was commissioned by the European Defence Agency in response to the invitation to tender No. 14.CPS.OP.040. The study does not, however, express the Agency's official views. The views expressed and all recommendations made are those of the authors.

This study as well as any other results and rights obtained in performance of the ensuing contract, including copyright and other intellectual or industrial property rights, shall be owned solely by the Agency, which may use, publish, assign or transfer them as it sees fit, without geographical or other limitation, except where industrial or intellectual property rights exist prior to the contract being entered into.

The delivery shall be in accordance with the following distribution:

- 1 CD-ROM containing the D1, D2, D3 and D4 deliverables shall be sent to the EDA Contracting Officer as well as 1 paper copy of D1, D3 and D4 shall be sent to the EDA Contracting Officer.
- 10 CD-ROMs containing the final D1, D2, D3 and D4 deliverables shall be sent to the Agency's Technical Officer.
- The CD-ROMs shall be labelled with: the title "Final Report", the project name, the company name, the contract number, and the completion date. They shall include Acrobat Reader and the documents in PDF format and it shall be possible to print the documents from the CD-ROM. Any videos shall be Microsoft Media Player compliant.
- 10 paper copies each of the final D1, D2, D3 and D4 deliverables shall be sent to the EDA Project Officer.
- All documentation shall be submitted in draft and shall be provided in final format after comments and acceptance from EDA.

Software

All software, including applications, simulator scripts, simulator configuration files and databases, developed or procured under this activity shall be delivered to EDA together with installation and utilisation manuals.

The delivery shall be in accordance with the following distribution:

CD-ROM copies of all developed software (scripts and executable), together with all the necessary free software required to run the application properly. The software shall contain installation and utilisation manuals in PDF format. These copies shall be sent to the Agency's Project Officer.

3 Exclusion and selection criteria

3.1 Exclusion criteria

Participation to this tender is only open to tenderers who are not in one of the situations listed below:

- a) bankrupt or being wound up, are having their affairs administered by the courts, have entered into an arrangement with creditors, have suspended business activities, are the subject of proceedings concerning those matters, or are in any analogous situation arising from a similar procedure provided for in national legislation or regulations;
- b) have been convicted of an offence concerning their professional conduct by a judgement which has the force of res judicata;
- c) have been guilty of grave professional misconduct proven by any means which the contracting authority can justify;
- d) have not fulfilled 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 they are established or with those of the country of the contracting authority or those of the country where the contract is to be performed;
- e) have been the subject of a judgement which has the force of res judicata for fraud, corruption, involvement in a criminal organization or any other illegal activity detrimental to the Communities' financial interests;
- f) following another procurement procedure or grant award procedure financed by the Community budget, they have been declared to be in a serious breach of contract for failure to comply with their contractual obligations.

In addition to the above, contracts may not be awarded to tenderers who, during the procurement procedure:

- are subject to a conflict of interest;
- are guilty of misrepresentation in supplying the information required by the contracting authority as a condition of participation in the contract procedure or fail to supply this information.

Means of proof required

Tenderers, **including all consortium members and all sub-contractors where applicable**, shall provide a declaration on their honour (see model in **Annex IV**), duly signed and dated, stating that they are not in one of the situations referred to above.

Nota bene:

The tenderer to whom the contract is to be awarded shall provide, within 15 days following notification of award and preceding the signature of the contract, the following documentary proofs to confirm the declaration referred to above:

- For points a), b) and e) 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 origin or provenance showing that those requirements are satisfied.
- For point d) a recent certificate issued by the competent authority of the State concerned.

Where the document or certificate referred to above is not issued in the country concerned, it may be replaced by a sworn or, failing that, a solemn statement made by the interested party before a judicial or administrative authority, a notary or a qualified professional body in his country of origin or provenance.

3.2 Selection criteria

The tenderers must submit evidence of their legal, economic, financial, technical and professional capacity to perform the contract.

3.2.1 Legal capacity

Requirement

The tenderers, **including all consortium members and all sub-contractors where applicable**, are asked to prove that they are authorised to perform the contract under their national law as evidenced by inclusion in a trade or professional register, or a sworn declaration or certificate, membership of a specific organisation, express authorisation or entry in the VAT register.

Evidence required

Each tenderer, **including every consortium member and every sub-contractor where applicable**, shall provide a duly filled in and signed **Legal Entity Form** (see **Annex V**) accompanied by the documents requested therein.

3.2.2 Economic & Financial capacity

Requirement

The tenderer, **including every consortium member and every sub-contractor where applicable**, must be in a stable financial position and have the economic and financial capacity to perform the contract.

Evidence required

The tenderer which according to the law of the country in which it is established is required to publish the balance sheet shall complete and include in the offer a financial statement form as in **Annex VIII** to these tender specifications. Please observe the following aspects in completing this financial statement:

1. It should be certified by means of a signature of the chief accounting officer of tendering organization.
2. EDA has the right during the tendering process and before awarding the contract to request further evidence on the tenderer's compliance with the economic & financial capacity requirement, in which case balance sheets and profit & loss accounts for the past financial years may be requested.
3. In the case of a consortium submitting an offer, or in case of subcontracting, the financial statement as is **Annex VIII** should be included in the offer for all consortium partners and subcontractors.
4. In the case of a physical person the financial statement as in **Annex VIII** should be included in the offer for where only the lines 16 and 17 need to be filled in and the financial statement can be signed by the physical person only.

3.2.3 Technical and professional capacity

Requirement(s)

To successfully conduct the study the tenderer shall:

- Demonstrate a good knowledge of the military aircraft regulatory and certification domain.
- Have technical understanding and previous experience working with requirements in a DOORS database.
- Have previous experience of drafting and harmonising technical airworthiness requirements within a military aircraft context.
- Demonstrate a high level of technical understanding of the use and application of the source documents within the EMACC Handbook including:
 - Defence Standard 00-970
 - US JSSGs
 - EASA CSs
 - STANAG 4671
 - MIL-HDBK-516B

- Have a strong background of working within a multi-national military aircraft environment.
- Shall have knowledge of other international-national rules /regulations/ standards /processes that have an impact on the scope of the required support.

Evidence required

The following documents or information must be presented as evidence of compliance with the technical and professional criteria:

- A list of the principal services (contracts, studies),major relevant projects and publications that have been carried out in the course of 5 years by the legal entity or the legal entities submitting the offer that correspond and relate (in terms of scope and complexity) to the services of the present call for tender;
- Evidence of a detailed technical understanding and proven experience working with requirements in a DOORS database;
- Demonstration of their knowledge of relevant regulations and certification procedures within the European military aircraft domain through recent and active contribution (or support) to the development of national military aircraft certification processes, procedures or requirements;
- Organisational structure;
- CVs of project team members, using the template in Annex III;
- Information on which parts or tasks of the assignment will be assumed by a consortium partner or a subcontractor. The respective subcontractor or consortium partner should be specified for each part or task.
- Any other document necessary to demonstrate the tenderer's technical and professional capacity, knowledge and experience according to the requirements set in this paragraph.

The technical and professional capacity will be assessed in relation to the combined capacities of all the Consortium members [leader and member(s)] and the subcontractor(s), if any, as a whole.

4 Award of the contract

Only the tenders meeting the requirements of the exclusion and selection criteria will be evaluated in terms of quality and price.

The contract shall be awarded to the tenderer submitting the tender offering the best-value-for-money (best quality-price ratio).

4.1 Technical evaluation

The quality of each technical offer will be evaluated in accordance with the award criteria and the associated weighting as detailed in the evaluation grid below.

No	CRITERIA	DETAILS OF THE CRITERIA	Max points
1	Understanding of the contract	-Demonstrate a clear understanding of the task and activities required to harmonise the certification criteria within the updated EMACC source documents	10/100
2	Quality & suitability of the technical proposal with the stated requirements	-Adequacy of the project management plan and consistency of the technical proposal. -Identification, full coverage of the tasks to be carried out. -Tenderer's capacity to endorse responsibility for the general objectives of the study, demonstrate a good understanding of the subject matter and the scope of the study and produce the required results. -Definition and specification of the tasks necessary to deliver the contract and how these tasks will be achieved.	30/100
3	General Management & Methodology	-Management of the internal resources and project team members. -Coherence of the reporting structure including the description of milestones, interdependencies, and the associated schedule (including all deliverables identified in the terms of reference and including GANTT chart). -Coordination with EDA and pMS representatives. -Consultation Plan. -Reporting and progress meetings -Documentation management. -Risk management tools for capturing technical, financial and planning risks. -Methodology of gathering, handling and analysing information. -Quality control measures put in place to ensure the quality of the deliverables. - Description of the methodology of evaluating, reviewing and harmonising the certification criteria within the updated EMACC source documents. - Description of the allocation of activities/work breakdown to align with the progress reports/project milestones.	30/100
4	Organisation of the team of experts	-Internal structure/organisation of the team in charge of the study, support from the contractor (or companies in case of a consortium), balance of the team (i.e multinational, different relevant professional origin). -Division of labour between the team members (leader, experts, etc.) and the proportion of time each will dedicate to the study, review cycles of the output, quality reviews of the deliverables. In case of a consortium the time share between consortium entities should also be provided. Description of key contributions from sub-contracting arrangements foreseen (if applicable).	30/100
	TOTAL		100

Interviews

The Evaluation Committee does not expect to conduct any interviews.

4.2 Technical proposal

The Tenderers in their bids shall demonstrate the necessary know-how, experience and reliability as described in **paragraph 3.2.3** of this document to perform the contract and shall present for evaluation evidence that they are capable to perform the study in order to deliver of high quality results according to the required deliverables.

Tenders shall also include all detailed information and documentation (incl. technical data, catalogues etc) to allow the Evaluation Committee to assess all the evaluation criteria. The Evaluation Committee reserves the right not to attribute points when insufficient evidence is provided.

To do so, tenders shall include in the bids at least the following elements/information:

a. Project Management Plan (including project organisation, work share etc.), which will describe the main project phases, their milestones and any interdependencies. It shall include as a minimum all deliverables and meetings/workshops identified in this document or possible additional ones according to the tender and also information on:

- i. Organisation
- ii. Resources
- iii. Activities
- iv. Time Frame

b. A thorough description of the approach to the contract deliverables including description of the methodology for how they will be achieved.

c. A description of the process and methodology of evaluating, reviewing and harmonising the certification criteria within updated EMACC source documents.

d. Indicate clearly all consortium members and all sub-contractors (where applicable)

e. A description of key roles and responsibilities of the key experts involved (whose CVs are required under section 3.2.3).

f) Any comments on the terms of reference of importance for the successful execution of the contract, in particular its objectives and expected results.

4.3 Technical quality threshold

Only tenders scoring 70 points or more (of a maximum of 100) points against the technical award criteria will have their financial proposal evaluated.

4.4 Financial evaluation

The evaluation will be made on the basis of the price offered in the model financial offer (Annex II) and based on the following formula:

Financial Score for offer x= (Cheapest Bid Price received/price of offer x)*100

Where a maximum budget is mentioned in these tender specifications, any tenderer submitting a financial proposal exceeding this budget will be rejected.

4.5 Financial proposal

-The financial proposal should be presented in the format found in **Annex II**.

-Prices must be quoted in **EURO** and include all expenses necessary to perform the contract.

-The price quoted is fixed and is subject to **NO revision**.

-Prices must be quoted free of all duties, taxes and other charges (including VAT) as the EDA is exempt from such charges under Article 3 of the Protocol on the Privileges and Immunities of the European Union.

-Costs incurred in preparing and submitting tenders are borne by the tenderer and shall not be reimbursed.

4.6 Choice of the selected tender

The most economically advantageous tender is established by weighing technical quality against price on an **70/30** basis.

The consolidated score for each candidate shall be calculated as follows:

Consolidated score= Technical Score*0,7+Financial Score*0,3

ANNEX I - DRAFT CONTRACT

(attached as a separate document)

ANNEX II - MODEL FINANCIAL OFFER

Prices should be all-inclusive; the Agency will not pay expenses for any additional costs incurred from the execution of the contract.

Financial proposals exceeding the amount indicated in Section 2.7 shall be excluded outright.

Name of Tenderer:	
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TOTAL COST OF ASSIGNMENT, INCLUDING ALL ASSOCIATED EXPENSES AND EXCLUDING VAT :	€
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Name: (of the Tenderer or authorised representative)	Signature:	Date:
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ANNEX III - CURRICULUM VITAE

To be downloaded from the following URL address:

<http://europass.cedefop.europa.eu/en/documents/curriculum-vitae/templates-instructions>

ANNEX IV - DECLARATION ON EXCLUSION CRITERIA

(To be completed and signed by each Consortium member and by each Sub-contractor, where applicable)

The undersigned:

Name of the individual/company/organisation:

Legal address:

Registration number/ID Card No.:

VAT number:

Declares on oath that the individual/company/organisation mentioned above is not in any of the situations mentioned below:

- a) they are bankrupt or being wound up, are having their affairs administered by the courts, have entered into an arrangement with creditors, have suspended business activities, are the subject of proceedings concerning those matters, or are in any analogous situation arising from a similar procedure provided for in national legislation or regulations;
- b) they have been convicted of an offence concerning their professional conduct by a judgement which has the force of *res judicata*;
- c) they have been guilty of grave professional misconduct proven by any means which the EDA can justify;
- d) they have not fulfilled 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 they are established or with those of the country of the contracting authority or those of the country where the contract is to be performed;
- e) they have been the subject of a judgement which has the force of *res judicata* for fraud, corruption, involvement in a criminal organisation or any other illegal activity detrimental to the Communities' financial interests;
- f) following another procurement procedure or grant award procedure financed by the European Union or the Agency's general budget, they have been declared to be in serious breach of contract for failure to comply with their contractual obligations.
- g) they are subject to a conflict of interest;

they are guilty of misrepresentation in supplying the information required by the contracting authority as a condition of participation in the contract procedure or fail to supply this information

Full name:

Date & Signature:

ANNEX V - LEGAL ENTITY FORM

To be downloaded from the following URL address:

http://ec.europa.eu/budget/info_contract/legal_entities_en.htm

ANNEX VI - FINANCIAL IDENTIFICATION FORM

(attached as a separate document)

ANNEX VII - TENDER SUBMISSION FORM

14.CPS.OP.040

“European Military Airworthiness Certification Criteria (EMACC) update Phase 1”

One signed original of this tender submission form must be supplied.

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

	Name(s) of legal entity or entities submitting this tender	Nationality²
Leader		
Member 2		
Etc ... ³		

2. SUBCONTRACTORS (if applicable)

	Name(s) of the legal entity or entities identified as sub-contractor(s)	Nationality
Sub-contractor 1		
Etc ... ⁴		

²Country in which the legal entity is registered

³ If this tender is being submitted by an individual legal entity, the name of the legal entity should be entered as “Leader” (and all other lines should be deleted)

⁴ Add / delete additional lines for sub-contractors as appropriate

3. CONTACT PERSON for this tender (to act as focal point for all communication which may take place between the EDA and the Tenderer)

Name and position	
Organisation	
Address	
Telephone	
Fax	
e-mail	

4. STATEMENT

I, the undersigned, being the authorised signatory of the above Tenderer (including all consortium members, in the case of a consortium), hereby declare that we have examined and accept without reserve or restriction the entire contents of the tender specifications for the tender procedure referred to above.

We are fully aware that, in the case of a consortium, the composition of the consortium cannot be modified in the course of the tender procedure except with the prior written authorisation of the EDA. We are also aware that the consortium members would have joint and several liability towards the EDA concerning participation in both the above procedure and any contract awarded to us as a result of it.

Our tender is subject to acceptance within the validity period stipulated in point 1.7 of the Tender Specifications and is made up of the following documents:

ENVELOPE A - ADMINISTRATIVE DATA:	
▪ This Tender Submission Form	<input type="checkbox"/>
▪ The duly filled in, signed and dated Exclusion Criteria Declaration(s) by every legal entity identified under point 1 and point 2 of this Tender Submission Form	<input type="checkbox"/>
▪ The duly filled in, signed and dated Legal Entity Form (<i>using the standard template referred to in Annex V to the Tender Specifications</i>) and the supporting documents requested therein, by every legal entity identified under point 1 and point 2 of this tender submission form	<input type="checkbox"/>
▪ The duly filled in, signed and dated Financial Identification Form (<i>using the standard template in Annex VI to the Tender Specifications</i>) to nominate the bank account into which payments would be made in the event that our tender is successful	<input type="checkbox"/>
▪ Documents proving the economic and financial status (as requested in point 3.2.2 of the Tender Specifications) of every legal entity identified under point 1 and point 2 of this tender submission form	<input type="checkbox"/>
▪ Documents proving our technical and professional capacity (as requested in point 3.2.3 of the Tender Specifications) - One signed original and three copies	<input type="checkbox"/>
▪ Duly authorised signature , i.e. an official document (<i>statutes, power of attorney, notary statement, etc.</i>) proving that the person who signs on behalf of the Tenderer is duly authorised to do so	<input type="checkbox"/>
▪ Our consortium agreement/ duly signed and dated consortium statement by each of the consortium members specifying the company or person heading the project and authorised to submit a tender on behalf of the, as requested in point 1.4 of the tender specifications	<input type="checkbox"/>
ENVELOPE B - TECHNICAL PROPOSAL (one signed original and three copies and providing all information requested in point Error! Reference source not found. of these specifications).	<input type="checkbox"/>
ENVELOPE C - FINANCIAL PROPOSAL (one signed original using the template in Annex II), which is submitted in a separate, sealed envelope.	<input type="checkbox"/>

Signed on behalf of the Tenderer

Name	
Signature	
Date	

ANNEX VIII – ECONOMIC AND FINANCIAL CAPACITY

(Please fill in the excel file uploaded together with the tender documents)

Information on financial capacity of the tenderer			
When analyzing the submitted simplified financial statements, in the case of doubt and before excluding the company on the sole basis of financial incapacity, EDA will request from the tenderer further information, e.g. complete official financial statements or provisional financial statement at half year.			
The numbers in the below cells must be indicated in ABSOLUTE VALUES (i.e. as full amounts and not in thousands or similar) and in EUROS .			
The <u>exchange rate</u> to be used for the conversion of the amounts should be the monthly accounting rate of the last month of the financial year as published in the Official Journal of the European Union. http://ec.europa.eu/budget/inforeuro/index.cfm?fuseaction=home&Language=en			
Tenderer name:			
Begin and end of the financial year (eg: 1/1/n - 31/12/n):			
Asset	2012	2011	2010
Long term assets (assets convertible in cash in > than 1 year)	€ 0	€ 0	€ 0
Short term assets (current assets convertible in cash in =/< than 1 year)	€ 0	€ 0	€ 0
Total assets (TOTAL ASSETS SHOULD EQUAL TOTAL LIABILITIES)	€ 0	€ 0	€ 0
Liabilities	2012	2011	2010
Own capital (Equity)	€ 0	€ 0	€ 0
Long term debts (to be repaid in > than 1 year)	€ 0	€ 0	€ 0
Short term debts (to be repaid in =/< than 1 year)	€ 0	€ 0	€ 0
Total liabilities (TOTAL LIABILITIES SHOULD EQUAL TOTAL ASSETS)	€ 0	€ 0	€ 0
Profit and loss account data	2012	2011	2010
Turnover (sales revenue realized from the day-to-day operations of the entity)	€ 0	€ 0	€ 0
Turnover in the field of the call for tenders	€ 0	€ 0	€ 0
Depreciation & amortisation	€ 0	€ 0	€ 0
EBITDA (Earnings before interest, taxes, amortisation, depreciation)	€ 0	€ 0	€ 0
Net profit (Earnings after interest, taxes, amortisation, depreciation)	€ 0	€ 0	€ 0
Main indicators	2012	2011	2010
Operational profit margin (EBITDA/turnover)			
Return on Equity: Rentability of own capital (net profit/own capital)			
Net working capital (current assets - current liabilities)			
Current ratio (current assets/current liabilities)			
Debt ratio - indebttness (debts/total liabilities)			
Declaration by the Chief Accounting Officer of the tenderer:			
From my position of the Chief Accounting Officer of the tenderer,			
1. I confirm that the information presented in this simplified financial statement are correct and are taken from the official financial statements either finally approved, or from the preliminary financial statements in case these are not yet finally approved (applicable only to the last year statements).			
2. I confirm that I am aware that, in the case we are successful tenderer, EDA, before signing the contract, may ask and verify the official financial statements for the last 3 years.			
3. I confirm that I have been informed that, under the Procurement rules of the EDA (Council Decision No 2007/643/CFSP of 18 September 2007), tenderers found guilty of false declarations may be subject to administrative and financial penalties in accordance with the conditions laid down in that Decision. In particular, I am aware that the information from this simplified financial statement must be in compliance with the official financial statements which EDA may verify before signing the contract.			
Name of Chief Accounting Officer of the tenderer:			
Date:			
Signature:			