ANNEX III – SUB-CONTRACTORS DECLARATION

*(To be completed by each sub-contractor including freelance consultants)*

**<*Letterhead of the sub-contractor or other entity on whose resources to rely>***

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| **Name of Tenderer:** |  |
| **Name of the individual** *(authorised signatory)* |  |
| representing the following legal person: *(only if the economic operator is a legal person)* |
| **Name of Company / Organisation:** |  |
| **Legal address:** |  |
| **Registration number/ID Card No.:**  |  |
| **VAT number:** |  |

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| **DECLARATION OF INTENT**  |
| I, the undersigned, being the authorised signatory of the above company hereby solemnly declare and confirm our irrevocable undertaking to collaborate with the above named tenderer should they win the contract and that all appropriate and necessary resources from our part shall be put at the tenderer’s disposal for the performance of the contract. |
| **DECLARATION OF HONOUR (ON EXCLUSION CRITERIA & ABSENCE OF CONFLICT OF INTEREST)** |
| Furthermore, declares on oath that the above-mentioned natural/legal person is not in one of the following situations:1. is bankrupt or being wound up, is having its affairs administered by the courts, has entered into an arrangement with creditors, has suspended business activities, is the subject of proceedings concerning those matters, or is in any analogous situation arising from a similar procedure provided for in national legislation or regulations;
2. has been convicted of an offence concerning their professional conduct by a judgement of a competent authority of a Member State which has the force of res judicata;
3. has been guilty of grave professional misconduct proven by any means which the Shift2Rail Joint Undertaking can justify including by decisions of the European Investment Bank and international organisations;
4. is not in compliance with all its 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 is established or with those of the country of the Contracting Authority or those of the country where the contract is to be performed;
5. has been the subject of a judgement which has the force of res judicata for fraud, corruption, involvement in a criminal organisation, money laundering or any other illegal activity detrimental to the European Union’s financial interests;
6. is a subject of an administrative penalty for being guilty of misrepresentation in supplying the information required by the Contracting Authority as a condition of participation in a procurement procedure or failing to supply this information, or having been declared to be in serious breach of its obligations under contracts covered by the European Union's budget.
* declares that the natural persons with power of representation, decision-making or control[[1]](#footnote-1) over the above-mentioned legal entity are not in the situations referred to in b) and e) above;
* declares that the above-mentioned legal/natural person:
1. has **no conflict of interest** in connection with the contract; a conflict of interest could arise in particular as a result of economic interests, political or national affinity, family, emotional life or any other shared interest;
2. will inform the Contracting Authority, without delay, of any situation considered a conflict of interest or which could give rise to a conflict of interest;
3. has not granted and will not grant, has not sought and will not seek, has not attempted and will not attempt to obtain, and has not accepted and will not accept any advantage, financial or in kind, to or from any party whatsoever, where such advantage constitutes an illegal practice or involves corruption, either directly or indirectly, inasmuch as it is an incentive or reward relating to award of the contract;
4. provided accurate, sincere and complete information to the Contracting Authority within the context of this procurement procedure;

acknowledges that the above-mentioned legal/natural person may be subject to administrative and financial penalties[[2]](#footnote-2) if any of the declarations or information provided proves to be false. |

|  |  |
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| **Name**  |  |
| **Date & Signature**  |  |

1. This covers the company directors, members of the management or supervisory bodies, and cases where one natural person holds a majority of shares. [↑](#footnote-ref-1)
2. As provided for in Article 109 of the Financial Regulation (EU, Euratom) 966/2012 and Article 145 of the Rules of Application of the Financial Regulation [↑](#footnote-ref-2)