**Appendix No. 1 to the Terms of Reference**

**Contractor: Date:** ………………………………………………..

…………………………………………….

*…………………………………………….*

**Requirements and technical specification for delivery of Electron Beam Lithography (EBL) system**

|  |  |  |  |
| --- | --- | --- | --- |
| **No** | **Parameter** | **Requirement** | **To be completed by Contractor** |
| **1** | **2** | **3** | **4** |
|  | Type |  | specify |
|  | Manufacturer |  | specify |
|  | Country of origin |  | specify |
|  | Year of production | 2021/2022 | specify |
|  | Ultra High Resolution Electron-Beam Writer | Brand new | confirm |
|  | Main application | Ultra High Resolution Electron-Beam Writer capable of advanced nano- lithography and inspection (SEM imaging). | confirm |
|  | Technical requirements | 1. Electron optics system    1. Thermal field emission (TFE) Schottky source;    2. Fully digital controlled electron optics column, beam energy selectable between 20 eV - 30 keV (in steps of 10eV).    3. Fast electrostatic beam blanking.    4. User defined write fields from 0.5 micron to 2 millimetres.    5. Beam size:       1. ≤ 1.6 nm at 20 kV.       2. ≤ 4 nm at 1 kV.    6. System should have its own temperature stabilized housing (thermo shield)    7. Beam current stability: ≤ 0.5% / 8 hours.    8. Beam position stability: ≤ 200nm / 8 hours.    9. Detectors:       1. Everhart-Thornley SE Detector       2. high efficiency in-lens SE detector 2. Stage and chamber:    1. 150 mm x 150 mm (XY) travel range laser interferometer controlled stage based on a frequency stabilized HeNe laser.    2. Stage controlled in closed-loop (no calibration necessary).    3. 1 nm XY positioning resolution at any working distance and magnification.    4. 15 mm variation in working distance (Z) at full (XY) interferometer control.    5. Kinematic - stress free - mount of a large variety of sample holders (compatible to wafers up to 8” diameter; mask plates up to 7” square). The following sample holders to be included:       1. One universal sample holder for small and large samples up to 4 inch diameter.       2. One 4” wafer holder according to SEMI standards.       3. One 6” wafer holder according to SEMI standards.       4. One 8” wafer holder according to SEMI standards.       5. One 5” mask holder according to SEMI standards.       6. One 7” mask holder according to SEMI standards.    6. Automatic pre-levelling of sample holders (with software controlled actuators).    7. Automatic (motorized) load lock (compatible with all sample holders for wafers up to 8” diameter; and mask plates up to 7” square) for loading of sample holders into chamber.    8. CCD chamber camera with IR illumination; 3. Hardware    1. 20MHz DSP controlled high speed pattern processor unit with dynamic scan corrections.    2. Time increment of scan generator 0.1 nano second.    3. 16bit DAC technology (plus compensation on gain/shift/rotation).    4. Integrated Pico Ampere-Meter.    5. Electron beam lithography starter kit included.    6. Two system water chillers (water/air - closed circuit) for temperature stabilization of column and housing. All system lithography and stability specifications are met for environment temperature stability of +/- 2 degrees Celsius (but max. +/- 0.5 degrees Celsius/hour). 4. Automated Height Sensing:    1. Integrated laser diode and CCD sensor system for height sensing with height sensing reproducibility <=1µm.    2. Automated feedback to electron optics controller and/or stage controller.    3. Includes software module for focus adjustment (control of sample height to maintain focus). 5. Uninterrupted Power Supply:;    1. Autonomy time: minimum 20 min.    2. Automated system shut down when critical time for main power off is reached. 6. Software:    1. System control software with multi-user interface.    2. SEM inspection with up to 4000x4000 pixels.    3. Integrated GDSII viewer/editor.    4. Integrated proximity effect correction with postprocessor and resist profile simulator with 3D graphic display, Monte Carlo based parameter determination.    5. Fully integrated CAD navigation for comfortable POI addressing during SEM inspection. CAD layout data can be superimposed onto images for navigation purposes.    6. Industry PC with Windows (or equivalent) operating system.    7. Four software licenses for offline PC data preparation included 7. Lithography specifications    1. Minimum grating periodicity: ≤ 40 nm.    2. Minimum line width: ≤ 8 nm.    3. Field stitching (100µm field): ≤ 35 nm (|mean| + 3 sigma)    4. Overlay accuracy (alignment) (100µm field): ≤ 35 nm (|mean| + 3 sigma)   The evaluation procedure for 7.3. & 7.4. is based on (automated) statistical evaluation. All specifications of number 7 are demonstrated using the inspection capabilities of the tool itself.   1. Lithography Module for writing lines during stage move:   System includes the following functionality:   * 1. Stage follows curved paths at constant speed under laser interferometer control with beam feedback loop.   2. Writes smooth, continuous lines over large distances (several millimetres) with no stitching errors.   3. Curved line and standard scanning beam pattern definitions integrated in GDSII data base.   4. Dedicated curved line editor and conversion function from standard GDSII pattern.   5. Spot mode and programmable beam shape exposure for flexible line width control.   6. This special writing mode and standard vector scan exposures are executable in one exposure run (batch job).   7. Variable stage/beam speed for this writing mode between micrometres/s and 1millimetre/s.   8. Positioning resolution of 1 nano meter maintained during writing with this mode.   9. For acceptance a 1mm ling line with approx. 100nm width is exposed using this writing mode resulting in:      1. a straightness of movement <= 20 nm and      2. a line width uniformity <= 10nm.  1. Lithography Module for writing strip-shaped patterns during stage move:.   System includes the following functionality:   * 1. Writes continuous strip-shaped patterns (e.g. DFB laser gratings) over large distances (several millimetres) with no stitching errors.   2. Predefined periodic patterns database.   3. Scanning beam deflection pattern calculator for user-specific individual periodic patterns.   4. This special writing mode and standard vector scan exposures are executable in one exposure run (batch job).   5. Variable stage/beam speed for this writing mode between micrometres/s and 1millimetre/s.   6. Positioning resolution of 1 nano meter maintained during writing with this mode.   7. For acceptance two 2mm long DFB laser like grating stripes (with 5µm width each) having a pitch of 200nm and 200.5nm are exposed using this write mode. The measured average pitch of the two gratings to be:      1. for first grating 200nm +/-0.2nm,      2. for second grating 200.5nm +/-0.2nm. | confirm |
|  |
|  | Acceptance test | Two-stage (in the factory and in the Ordering Party's laboratory in Piaseczno) acceptance test. The factory acceptance test is to confirm the compliance of the device with the requirements and technical specification specified in the order (according to requirements specified in 9.7) | confirm |
|  | Installation and training | Delivery and start-up at the Łukasiewicz - Institute of Microelectronics and Photonics, Department in Piaseczno.  Two-stage training: the first stage - during the factory acceptance test, the second - after installation and commissioning of the device.  On-site training and support:  a) 1 week (five days) of basic on-site training during installation and commissioning.  b) 2 weeks (five days each) of advanced on-site training between 3 and 6 months after installation. | confirm |
|  | User manual, documentation and software | In English or Polish, in electronic or printed version | confirm |

**Appendix No. 2 to the Terms of Reference**

**STANDARD FORM FOR THE EUROPEAN SINGLE PROCUREMENT DOCUMENT (ESPD)**

**Part 1: Information concerning the procurement procedure and the contracting authority or contracting entity**

***For procurement procedures in which a call for competition has been published in the Official Journal of the European Union* (OJEU)*, the information required under Part 1 will be automatically retrieved, provided that the electronic ESPD[[1]](#footnote-1) service is used to generate and fill in the ESPD***. **Reference of the relevant notice[[2]](#footnote-2), published in the Official Journal of the European Union:**

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

**Notice number in the Official Journal(OJ) S: [ ][ ][ ][ ]/S [ ][ ][ ]–[ ][ ][ ][ ][ ][ ][ ]**

**If there is no call for competition in OJ, the contracting authority or contracting entity must fill in the information allowing the procurement procedure to be unequivocally identified.**

**In case the publication of a notice in the Official Journal of the European Union is not required, please give other information allowing the procurement procedure to be unequivocally identified (e.g reference of a publication at a national level): [……]**

INFORMATION ABOUT THE PUBLIC PROCUREMENT PROCEDURE

**The information required under Part I will be automatically retrieved, provided that the above-mentioned electronic ESPD-service is used to generate and fill in the ESPD. If not, this information must be filled in by the contractor.**

|  |  |
| --- | --- |
| **Identity of the Contracting Entity*[[3]](#footnote-3)*** | Answer: |
| Name: | Łukasiewicz Research Network –  Institute of Microelectronics and Photonics  02-668 Warsaw, 32/46 Lotników Av. |
| ***Which procurement is concerned?*** | *Answer:* |
| Title or short description of the procurement[[4]](#footnote-4) | **Delivery of an Electron Beam Lithography (EBL) system** |
| File reference number attributed by the contracting authority or contracting entity (if applicable)[[5]](#footnote-5) : | **F2/36/2021** |

**All other information in all sections of the ESPD is to be filled in by the contractor**

**Part II: Information concerning the contractor**

А: INFORMATION ABOUT THE CONTRACTOR

|  |  |
| --- | --- |
| **Identification:** | **Answer:** |
| Name: | [ ] |
| VAT-number, if applicable:  If no VAT-number is applicable, please indicate another national identification number, if required and applicable | [ ]  [ ] |
| Postal address: | [...............**]** |
| Contact person or persons[[6]](#footnote-6)  Telephone:  E-mail:  Internet address (web address) (*if applicable*): | [................**]**  [...............]  [................]  [...........] |
| **General information:** | **Answer:** |
| Is the contractor a Micro, a Small or a Medium-Sized Enterprise [[7]](#footnote-7) ? | [ ] Yes [ ]No |
| **Only in case the procurement is reserved[[8]](#footnote-8):** is the contractor a sheltered workshop, a 'social business'[[9]](#footnote-9) or will it provide for the performance of the contract in the context of sheltered employment programmes?  **If yes,**  what is the corresponding percentage of disabled or disadvantaged workers?  If required, please specify which category or categories of disabled or disadvantaged workers the employees concerned belong to? | [ ]Yes [ ] No  [................]  [...............] |
| If applicable, is the contractor 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 [ ]Not applicable |
| **If yes:**  **Please answer the remaining parts of this Section, Sections B and, where relevant, C of this Part, complete Part V, where applicable, and, in any case, fill in and sign Part VI.**  a) Please provide the name of the list or certificate and the relevant registration or certification number, if applicable:  b) If the certificate of registration or certification is available electronically, please state:  c) Please state the references on which the registration or certification is based, and, where applicable, the classification obtained in the official list[[10]](#footnote-10):  d) Does the registration or certification cover all of the required selection criteria?  **If no:**  **In addition, please complete the missing information in Part IV, Sections A, B, C or D as the case may be ONLY if this is required in the relevant notice or procurement documents:**  e) Will the economic operator be able to provide **a certificate** with regard to the payment of social security contributions and taxes or provide information enabling the contracting authority or contracting entity to obtaining it directly by accessing a national database in any Member State that is available free of charge?  If the relevant documentation is available electronically, please indicate: | (a) [ ..................**]**  (b) (web address, issuing authority or body, precise reference of the documentation):  [………….. ] [………….. ] [………….. ] [………….. ]  (c) [……… ]  (d) [ ] Yes [ ]No  (e) [ ] Yes [ ] No  (web address, issuing authority or body, precise reference of the documentation):  [.................][ ..................][ ..................][....................] |
| **Form of participation:** | **Answer:** |
| Is the contractor participating in the procurement procedure together with others [[11]](#footnote-11)? | [ ]Yes [ ]No |
| If yes, please ensure that the others concerned provide a separate ESPD form. | |
| **If yes:**  a) Please indicate the role of the contractor in the group (leader, responsible for specific tasks ...):  b) Please identify the other contractors participating in the procurement procedure together:  c) Where applicable, name of the participating group: | (a): [ .................. **]**  (b): [ .................. **]**  (c): [ .................. **]** |
| **Lots** | **Answer:** |
| Where applicable, indication of the lot(s) for which the contractor wishes to tender: | [ ] |

B: INFORMATION ABOUT REPRESENTATIVES OF THE CONTRACTOR

|  |  |
| --- | --- |
| *Where applicable, please indicate the name(s) and address(es) of the person(s) empowered to represent the contractor for the purposes of this procurement procedure:* | |
| **Representation, if any:** | **Answer:** |
| Full name;  accompanied by the date and place of birth, if required: | [.............],  [.............] |
| Position/Acting in the capacity of: | [ ..................**]** |
| Postal address: | [ ..................**]** |
| Telephone: | [ ..................**]** |
| E-mail: | [ ..................**]** |
| If needed, please provide detailed information on the representation (its forms, extent, purpose ...): | [ ..................**]** |

C: INFORMATION ABOUT RELIANCE ON THE CAPACITIES OF OTHER ENTITIES

|  |  |
| --- | --- |
| **Reliance of other entities:** | **Answer:** |
| Does the contractor 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 **Sections A and B of this Part and Part III** for **each** of the entities concerned, duly filled in and signed by the entities concerned.

Please note that this should also include any technicians or technical bodies, not belonging directly to the contractor’s undertaking, especially those responsible for quality control, and, in the case of public works contracts, the technicians or technical bodies upon whom the contractor can call in order to carry out the work.

Insofar as it is relevant for the specific capacity or capacities on which the contractor relies, please include the information under Parts IV and V for each of the documents concerned[[12]](#footnote-12).

D: Information concerning subcontractors on whose capacity the contractor does not rely

**(Section to be filled-in only if this information is explicitly required by the contracting authority or contracting entity)**

|  |  |
| --- | --- |
| **Subcontracting:** | **Answer:** |
| Does the contractor intend to subcontract any share of the contract to third parties? | [ ]Yes [ ]No  If **yes and in so far as known**, please list the proposed subcontractors:  [...**]** |

**If the contracting authority or contracting entity explicitly requests this information** in addition to the information **under this section, please provide the information required under Sections A and B of this Part and Part III for each of the (categories of) subcontractors concerned.**

**Part III: Exclusion grounds**

А: GROUNDS RELATING TO CRIMINAL CONVICTIONS

Article 57, paragraph  1 of Directive 2014/24/ЕU sets the following reasons for exclusion:

1. Participation in **a criminal organization**[[13]](#footnote-13):

**corruption[[14]](#footnote-14)**:

**fraud[[15]](#footnote-15)**:

**terrorist offences or offences linked to terrorist activities**[[16]](#footnote-16):

**money laundering or terrorist financing**[[17]](#footnote-17)

**child labour** and other forms **of trafficking in human beings[[18]](#footnote-18)**

|  |  |
| --- | --- |
| **Grounds relating to criminal convictions under national provisions implementing the grounds set out in Article 57(1) of the Directive:** | **Answer:** |
| Has **the contractor** itself or any **person** who is a member of its administrative, management or supervisory body or has powers of representation, decision or control therein 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? | [ ] Yes [ ] No  If the relevant documentation is available electronically, please indicate: (web address, issuing authority or body, precise reference of the documentation):  [ ................ ][ .................. ][ ..................**]** [[19]](#footnote-19) |
| **If yes**, please indicate [[20]](#footnote-20):  a) Date of conviction, specify which of points 1 to 6 is concerned and the reason(s) for the conviction,  b) Identify who has been convicted [ **]**;  c) **Insofar as established directly in the conviction:** | (a) Date: [ ], point(s): [ ], reason(s): [ ]  (b) [......**]**  (c) Length of the period of exclusion.[................... ] and the point(s) concerned [ 1  If the relevant documentation is available electronically, please indicate: (web address, issuing authority or body, precise reference of the documentation):  [ ................ ][ .................. ][ ..................**]** [[21]](#footnote-21) |
| In case of convictions, has the contractor taken measures to demonstrate its reliability despite the existence of a relevant ground for exclusion [[22]](#footnote-22) **('Self-Cleaning')**? | [ ] Yes [ ] No |
| **If yes**, please describe the measures taken[[23]](#footnote-23) : | [ ................ ] |

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

|  |  |  |
| --- | --- | --- |
| **Payment of taxes or social security contributions:** | **Answer:** | |
| Has the contractor 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 or contracting entity if other than the country of establishment? | [ ] Yes [ ] No | |
| **If not,** please indicate: а) Country or Member State concerned;  b) what is the amount concerned; c) How has this breach of obligations been established: 1) through a judicial or administrative **decision**:  Is this decision final and binding?   * Please indicate the date of conviction or decision. * In case of conviction, **insofar as established directly therein**, the length of the period of exclusion**:**   2) by **other means**? Please specify:  d) has the contractor fulfilled 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? | **Taxes** | **Social contributions** |
| (a) [ ................. **]**  (b) [ ................. **]**  (c1) [ ]Yes [ ] No  - [ ] Yes [ ]No  - [ ................. **]**  - [ ................. **]**  (c2) [ ................. **]**  (d) [ ] Yes [ ] No  If yes, please provide details:  [ ..................**]** | (a) [ ..................**]**  (b) [ ..................**]**  (c1) [ ]Yes [ ]No  - [ ] Yes [ ] No  - [ ................. **]**  - [ ................. **]**  (c2) [ ................. **]**  (d) [ ] Yes [ ]No  If yes, please provide details:  [ ..................**]** |
| If the relevant documentation concerning payment of taxes or social contributions is available electronically, please indicate: | (web address, issuing authority or body, precise reference of the documentation)[[24]](#footnote-24):  [ ................ ][.................. ][.................. **]** | |

C: GROUNDS RELATING TO INSOLVENCY, CONFLICTS OF INTERESTS OR PROFESSIONAL MISCONDUCT [[25]](#footnote-25)

**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. Thus, national law may for instance provide that the notion of ‘grave professional misconduct’ may cover several different forms of conduct.**

|  |  |
| --- | --- |
| **Information concerning possible insolvency, conflict of interest or professional misconduct** | **Answer:** |
| Has the contractor, **to its knowledge, breached its obligations** in the fields of **environmental, social and labour law** [[26]](#footnote-26)? | [ ] Yes [ ] No |
| **If yes**, has the contractor taken measures to demonstrate its reliability despite the existence of this ground for exclusion ('Self-Cleaning')?  [ ]Yes [ ] No  **If it has**, please describe the measures taken:[ ..................**]** |
| Is the contractor in any of the following situations:  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 regulations [[27]](#footnote-27), or  e) That its assets are being administered by a liquidator or by the court, or  f) That its business activities are suspended?  **If yes**:  - Please provide details:  - 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[[28]](#footnote-28)?  If the relevant documentation is available electronically, please indicate: | [ ] Yes [ ] No  - [............. ]  - [ ................... ]  (web address, issuing authority or body, precise reference of the documentation):  [ ................ ][ .................. ][ .................. **]** |
| Is the economic operator guilty of **grave professional misconduct** [[29]](#footnote-29)?  If yes, please provide details: | [ ] Yes [ ] No,  [ ................. ] |
| **If yes**, has the economic operator taken self-cleaning measures? [ ] Yes [ ] No  **If it has**, please describe the measures taken:  [ ................. ] |
| **Has the contractor** entered into **agreements** with other economic operators aimed at **distorting competition**?  **If yes**, please provide details: | [ ] Yes [ ] No  [ ................. ] |
| **If yes**, has the contractor taken self-cleaning measures? [ ] Yes [ ]No  **If it** **has**, please describe the measures taken:  [ ................. ] |
| **Is the contractor aware of any** **conflict of interest**[[30]](#footnote-30) due to its participation in the procurement procedure?  **If yes**, please provide details: | [ ]Yes [ ]No  [ ................. **]** |
| Has **the contractor** or an undertaking **related** to it **advised** the contracting authority or contracting entity or otherwise been **involved in the preparation** of the procurement procedure?  **If yes**, please provide details: | [ ]Yes [ ]No  [ ................. **]** |
| Has the contractor experienced that a prior public contract, a prior contract with a contracting entity or a prior concession contract was **terminated early**, or that damages or other comparable sanctions were imposed in connection with that prior contract?  **If yes**, please provide details: | [ ]Yes [ ] No  [ ..................**]** |
| **If yes**, has the contractor taken self-cleaning measures?  [ ]Yes [ ] No  **If it has**, please describe the measures taken:  [ ..................] |
| Can the contractor confirm that:  a) **It has not been** 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,  b) It has **not withheld** such information,  c) It has been able, without delay, to submit the supporting documents required by a contracting authority or contracting entity, and  d) It has not undertaken to unduly influence the decision making process of the contracting authority or contracting entity, 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? | [ ]Yes [ ] No |

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

|  |  |
| --- | --- |
| **Purely national exclusion grounds** | **Answer:** |
| Do the **purely national grounds of exclusion**, which are specified in the relevant notice or in the procurement documents, apply?  If the documentation required in the relevant notice or in the procurement documents is available electronically, please indicate: | [ ] Yes [ ] No  (web address, issuing authority or body, precise reference of the documentation):  [ ................ ][ .................. ][ .................. ] [[31]](#footnote-31) |
| **In case any of the purely national exclusion grounds apply**, has the contractor taken self-cleaning measures?  **If it has**, please describe the measures taken: | [ ]Yes [ ] No  [ ................. **]** |

**Part IV: Selection criteria**

Concerning the selection criteria (Section α or Sections A to D of this part), the contractor declares that:

α: GLOBAL INDICATION FOR ALL SELECTION CRITERIA

**The contractor should only fill in this field in case the contracting authority or contracting entity has indicated in the relevant notice or in the procurement documents referred to in the notice that the contractor can limit itself to filling in Section α of Part IV without having to fill in any other Section of Part IV:**

|  |  |
| --- | --- |
| **Meeting all required selection criteria** | **Answer** |
| It satisfies the required selection criteria: | []Yes []No |

А: Suitability

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

|  |  |
| --- | --- |
| **Suitability** | **Answer** |
| 1) **It is enrolled in the relevant professional or trade registers** kept in the Member State of its establishment [[32]](#footnote-32):  If the relevant documentation is available electronically, please indicate: | [ ................. ]  (web address, issuing authority or body, precise reference of the documentation):  [ ................ ][ .................. ][ .................. ] |
| 2) **For service contracts:**  Is a particular **authorisation or membership** of a particular organisation needed in order to be able to perform the service in question in the country of establishment of the contractor?  If the relevant documentation is available electronically, please indicate: | []Yes []No  If yes, please specify which and indicate whether the economic operator has it: [...]  []Yes [] No  (web address, issuing authority or body, precise reference of the documentation):  [ ................ ][ .................. ][ .................. ] |

B: ECONOMIC AND FINANCIAL STANDING

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

|  |  |
| --- | --- |
| **Economic and financial standing** | **Answer:** |
| 1a) Its ('general') **yearly turnover** for the number of financial years required in the relevant notice or the procurement documents is as follows:  **And/or,**  1b) Its **average** yearly **turnover for the number of years required in the relevant notice or the procurement documents is as follows[[33]](#footnote-33) ( )** :  If the relevant documentation is available electronically, please indicate: | year:[........]turnover:[.....][…]currency  year:[........]turnover:[.....][…]currency  year:[........]turnover:[.....][…]currency  (number of years, average turnover):  [.........],[........][.......]currency  (web address, issuing authority or body, precise reference of the documentation):  [.................][..................][ ..................] |
| 2a) Its yearly ('specific') **turnover in the business area covered by the contract** and specified in the relevant notice or the procurement documents for the number of financial years required is as follows:  **And/or,**  2b) Its **average** yearly **turnover in the area and for the number of years required in the relevant notice or the procurement documents is as follows[[34]](#footnote-34)** :  If the relevant documentation is available electronically, please indicate: | year:[........]turnover:[.....][…]currency  year:[........]turnover:[.....][…]currency  year:[........]turnover:[.....][…]currency  (number of years, average turnover):  [.........],[........][.......]currency  (web address, issuing authority or body, precise reference of the documentation):  [.................][..................][ ..................] |
| 3) In case the information concerning turnover (general or specific) is not available for the entire period required, please state the date on which the contractor was set up or started trading: | [ ................. ] |
| 4) Concerning the **financial ratios[[35]](#footnote-35)** specified in the relevant notice or the procurement documents, the contractor declares that the actual value(s) for the required ratio(s) is/are as follows:  If the relevant documentation is available electronically, please indicate: | (identification of the required ratio- ratio between x and y[[36]](#footnote-36) -and the value):  [ ................ ] [ ................... **]** [[37]](#footnote-37)  (web address, issuing authority or body, precise reference of the documentation):  [ ................ ][ .................. ][ .................. ] |
| 5) The insured amount in its **professional risk indemnity insurance** is the following:  **If this** information is available electronically, please indicate: | [ ........],[......... ][...]currency  (web address, issuing authority or body, precise reference of the documentation):  [ ................ ][ .................. ][ .................. ] |
| 6) Concerning the **other economic or financial requirements, if any,** that may have been specified in the relevant notice or the procurement documents, the contractor 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 contractor should only provide information where the selection criteria concerned have been required by the contracting authority or contracting entity in the relevant notice or in the procurement documents referred to in the notice.**

|  |  |
| --- | --- |
| **Technical and professional ability** | **Answer:** |
| 1a) For **public works contracts** only:  During the reference period[[38]](#footnote-38) , the contractor **has performed the following construction works of the specified type**:  If the relevant documentation concerning satisfactory execution and outcome for the most important works is available electronically, please indicate: | Number of years (this period is specified in the relevant notice or the procurement documents):[.................] Construction Works:[................]  (web address, issuing authority or body, precise reference of the documentation):  [ ................ ][ .................. ][ .................. ] |
| 1b) For **public supply and public service contracts**only:  During the reference period[[39]](#footnote-39)  , the contractor 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[[40]](#footnote-40) : | Number of years (this period is specified in the relevant notice or the procurement documents):  [ ..................**]**   |  |  |  |  | | --- | --- | --- | --- | | Description | Amounts | Dates | Recipients | |  |  |  |  | |
| 2) It can call upon the following **technicians or technical bodies**[[41]](#footnote-41) , especially those responsible for quality control:  In the case of public works contracts, the economic operator will be able to call on the following technicians or technical bodies to carry out the work: | [ ..................**]**  [ ..............] |
| 3) It uses the following **technical facilities and measures for ensuring quality and its study and research facilities** are as follows: | [ ..................] |
| 4) It will be able to apply the following **supply chain management and tracking systems** when performing the contract: | [ ..................] |
| 5) **For complex products or services to be supplied or, exceptionally, for products or services which are required for a special purpose**:  The contractor will allow **checks**[[42]](#footnote-42) to be conducted on the **production capacities or the technical capacity** of the contractor and, where necessary, on **the means of study and research** which are available to it and on the **quality control measures**? | [ ] Yes [ ] No |
| 6) The following **educational and professional qualifications** are held by:  a) The service provider or the contractor itself,  **or** (depending on the requirements set out in the relevant notice or the procurement documents)  b) Its managerial staff: | (a) [ ..................]  (b) [ ..................] |
| 7) It will be able to apply the following **environmental management measures** when performing the contract: | [ ..................] |
| 8) **The contractor's average annual manpower** and the number of managerial staff for the last three years were as follows: | Year, average annual manpower:  [ .................],[ ................... ],  [ .................],[ ................... ],  [ .................],[ ...................],  Year, number of managerial staff:  [ .................],[ ................... ],  [ .................],[ ................... ],  [ .................],[ ................... ] |
| 9) The following **tools, plant or technical equipment** will be available to it for performing the contract: | [ ..................] |
| 10) The contractor **intends possibly to subcontract**[[43]](#footnote-43) the **following proportion (i.e. percentage)** of the contract: | [ ..................] |
| 11) For **public supply contracts:**  The contractor 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;  Where applicable, the contractor furthermore declares that it will provide the required certificates of authenticity.  If the relevant documentation is available electronically, please indicate: | [ ] Yes [ ] No  [ ] Yes [ ] No  (web address, issuing authority or body, precise reference of the documentation):  [ ................ ][ .................. ][ .................. ] |
| 12) For **public supply contracts:**  Can the contractor 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: | [ ] Yes [ ] No  [ ................. ]  (web address, issuing authority or body, precise reference of the documentation):  [ ................ ][ .................. ][ .................. ] |

D: QUALITY ASSURANCE SCHEMES AND ENVIRONMENTAL MANAGEMENT STANDARDS

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

|  |  |
| --- | --- |
| **Quality Assurance Schemes and Environmental Management Standards** | **Answer:** |
| Will the contractor be able to produce **certificates** drawn up by independent bodies attesting that the contractor complies with the required **quality assurance standards,** including accessibility for disabled persons?  **If not,** 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: | [ ] Yes [ ] No  [ ................ ] [ ................. ]  (web address, issuing authority or body, precise reference of the documentation):  [ ................ ][ .................. ][ .................. ] |
| Will the contractor be able to produce **certificates** drawn up by independent bodies attesting that the contractor complies with the required **environmental management systems or standards?**  **If not,** please explain why and specify which other means of proof concerning the **environmental management systems or standards** can be provided:  If the relevant documentation is available electronically, please indicate: | [ ]Yes [ ] No  [ ................ ] [ ................. ]  (web address, issuing authority or body, precise reference of the documentation):  [ ................ ][ .................. ][ .................. ] |

Part V: Reduction of the number of qualified candidates

**The contractor should only provide information where the contracting authority or contracting entity has specified the objective and non-discriminatory criteria or rules to be applied in order to limit the number of candidates that will be invited to tender or to conduct dialogue. This information, which can be accompanied by requirements concerning the (types of) certificates or forms or documentary evidence, if any, to be produced, is set out in the relevant notice or in the procurement documents referred to in the notice.**

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

**The contractor declares that:**

|  |  |
| --- | --- |
| **Reduction the number of candidates** | **Answer:** |
| It **meets** the objective and non-discriminatory criteria or rules to be applied in order to limit the number of candidates 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: if some of these certificates of forms of documentary evidence are available electronically[[44]](#footnote-44), please indicate for which: | [……]   […] [] Yes [] No[[45]](#footnote-45)  (web address, issuing authority or body, precise reference of the documentation): [……][……][……][……][[46]](#footnote-46) |

**Part VI: Concluding statements**

*The undersigned formally declare that the information stated under Parts II-V above is accurate and correct and that it has been set out in full awareness of the consequences of serious misrepresentation.*

*The undersigned formally declare to be able , upon request and without delay, to provide the certificates and other forms of documentary evidence referred to, except where:*

*а) the contracting authority or contracting entity has the possibility of obtaining the supporting documentation concerned directly by accessing a national database in any Member State that is available free of charge[[47]](#footnote-47) or*

*b) as of 18 October 2018 at the latest[[48]](#footnote-48) the contracting authority or contracting entity already possesses the documentation concerned*.

*The undersigned formally consent to [identify the contracting authority or contracting entity ass et out in part I, Section A] gaining access to documents supporting the information which has been 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)].

Date, place and , signature (s): …………………………………………………………………………………

**Appendix No. 3 to the Terms of Reference**

**Contractor: Date:** ………………………………………

…………………………………………….

*…………………………………………….*

**BID FORM**

for: Łukasiewicz Research Network – Institute of Microelectronics and Photonics

|  |  |  |
| --- | --- | --- |
| Subject of the Order | | **Delivery of an Electron Beam Lithography (EBL) system** |
| 1. | Name and address of the Contractor | ……………………………………………………………………………….  ………………………………………………………………………………. |
| 2. | Taxpayer’s Identification Number NIP  REGON number:  or the relevant foreign identification numbers | ………………………………………………………………………………  ……………………………………………………………………………..  ……………………………………………………………………………. |
| 3. | Telephone:  e-mail: | ...............................................................................  .............................................................................. |
| 4. | Total net price of the bid  VAT rate  VAT amount  Total gross price of the bid | **Enter:** ............................ PLN/EUR/USD/GBP\*  say:.........................................................................................  **Enter:** .....................%  **Enter:** .......................................... PLN/EUR/USD/GBP\*  **Enter:** ............................ PLN/EUR/USD/GBP\*  Say: ...................................................... |
| 5. | Time of performing the Contract:  Maximum time: **up to 9 months** from the date of signing the agreement | **Enter:** ........................................ (months) |
| 6. | Guarantee period: **at least 12 months.** | **Enter: …** *(months)* |
| 7. | Statement | I hereby represent that the selection of our bid **will/will not**\* result in imposing taxation obligation on the Contracting Authority.  The following (name or type of the goods or services) will lead to the emergence of a tax obligation: **Value without tax:…………………………………………….. Name of goods:…………………………………………………..** |
| 8. | Type of contractor | I declare that I am:   * Microentrepreneur * Small enterprise * Medium enterprise * A sole proprietorship * A natural person who does not conduct business activity * Other types: **specify** ……………………….   within the meaning of the Act of March 6, 2018 Entrepreneurs Law.  (Note! Mark the "X" in the appropriate box) |
| 9. | Statement | I hereby represent that I have read the Terms of Reference (together with the Appendices constituting an integral part thereof) and that I accept its content without reservations. |
| 10. | I hereby represent that I have fulfilled the information obligations foreseen in Art. 13 or Art. 14 of the GDPR towards natural persons whose personal data I obtained directly or indirectly in order to apply for awarding a public Contract in the present procedure. | **Confirm:……………………………………..**  *In the event if the Contractor does not transfer the personal data other than their own or if the information obligation is excluded pursuant to Art. 13, item 4 or Art. 14, item 5 of the GDPR, the Contractor shall not submit this statement (delete the content of the statement e.g. by crossing out).* |
| 11. | Persons authorised to represent the Contractor | **Enter:** ........................................... |
| 12. | Parts of the Contract that will be entrusted to subcontractors | **Specify the parts of the Contract:** .......................  **Enter names of companies:** ………………………….. |
| 13. | Documents attached to the bid | 1.  2.  3. |

*\* Delete as appropriate*

**Appendix No. 4 to the Terms of Reference**

**STATEMENT OF THE CONTRACTOR CONFIRMING THE VALIDITY OF INFORMATION PROVIDED IN THE STATEMENT SPECIFIED IN ART. 125 1 OF THE PPL ACT.**

By placing a bid in the procedure for awarding a public Contract conducted in the open tender mode by Łukasiewicz Research Network – Institute of Microelectronics and Photonics for

**the delivery of: …………………………….**

I/we⃰ , the undersigned hereby represent that:

The information provided in the statement placed pursuant to Art. 125, item 1 of the Act of September 11 2019 – Public Procurement Law, with respect to the grounds for exclusion specified by the Contracting Authority, stipulated in:

1. Art. 108, item 1 (3) of the Act,
2. Art. 108 item 1 (4) of the Act on the decision forbidding to apply for public contracts as a preventive measure,
3. Art. 108 item 1 (5) of the PPL Act on entering into an agreement with other Contractors with the aim to disturb competition,
4. Art. 108, item 1 (6) of the Act,
5. Art. 109, item 1 (4) of the Act,

I hereby represent that any and all information provided in this Statement are up-to-date and accurate and that they I/we are fully aware of the consequences of providing the Contracting Authority with misleading information.

***NOTE:*** *THIS STATEMENT SHALL BE MADE* ***SEPARATELY*** *BY EACH OF THE CONTRACTORS WHO JOINTLY APPLY FOR THE CONTRACT. IF THE CONTRACTOR RELIES ON THE RESOURCES OF A THIRD PARTY ENTITY, THE STATEMENT SHALL ALSO BE MADE BY THE ENTITY THAT PROVIDES RESOURCES.*

**Appendix No. 5 to the Terms of Reference**

**Contractor: Date:** ………………………………………

…………………………………………….

*…………………………………………….*

**STATEMENTS OF THE CONTRACTOR PURSUANT TO ART. 108 ITEM 1 (5) OF THE PPL ACT ON BELONGING/NOT BELONGING TO THE SAME CAPITAL GROUP**

In response to the call to provide subjective evidence pursuant to Art. 126, item 1 of the PPL Act, I/we hereby represent, pursuant to the provisions of Art. 108, item 1 (5) of the PPL Act, in the procedure for awarding a public Contract conducted in the open tender mode by Łukasiewicz Research Network – Institute of Microelectronics and Photonics for:

**the delivery of: …………………………….**

I/we\*, the undersigned, having read the information from the opening of bids, hereby represent that:

* **I/we do not belong** to the same capital group as defined in the Act of February 16 2007 on the Protection of Competition and Consumers (Journal of Laws of 2020, items 1076 and 1086) as another Contractor, who placed a separate bid, partial bid, or a motion to participate in the procedure\*,
* **that I/we belong to the same capital group** as another Contractor who placed a separate bid or a partial bid or a statement on being a member of the same capital group, along with the documents or information that confirm that the bid or partial bid has been prepared independently from another Contractor belonging to the same capital group\*.

1)………………………………………………………………………………………………..........

2)………………………………………………………………………………………………………

**(\*) Delete as appropriate**

Pursuant to art. 4 item 14 of the Act of February 16 2007 on Competition and Consumer Protection, a capital group shall mean all undertakings, which act under the direct or indirect supervision of one undertaking, including the undertaking;

I hereby represent that any and all information provided in this Statement are up-to-date and accurate and that they I/we are fully aware of the consequences of providing the Contracting Authority with misleading information.

Together with the Statement, the Contractor may present evidence that the relations to another Contractor do not interfere with competition in the procedure for awarding a public Contract.

**Note!**

The information about belonging to a capital group specified in Art. 108, item 1 (6) of the PPL Act shall be provided separately by each of the Contractors who jointly apply for the Contract.

**Appendix No. 6 to the Terms of Reference**

**OBLIGATION OF AN ENTITY TO PROVIDE THE CONTRACTOR WITH THE RESOURCES NECESSARY FOR PERFORMING THE CONTRACT**

Having read the content of the announcement of the Contract and the Terms of Reference for the procedure for awarding a public Contract conducted in form of an open tender by ……………………………………………………….. for: **………………………….**, we:……………… (*first name and surname of the person signing the statement)* hereby represent that we are duly authorised to perform this action, acting on behalf of:…………………………………………………………. (*enter the name of the entity providing resources)* with its seat in: ………………………. ……………………. *(enter the address of the entity providing resources)* we hereby commit ourselves to provide access to the resources in our possession necessary to realise the Contract, to: ………………. *(enter the name)* with its seat in: ……………, hereinafter referred to as the Contractor.

1. The scope of the resources available to the Contractor:
   1. ………………………………………………………………………………………………

*(please specify the provided resources)*

* 1. ………………………………………………………………………………………………

*(please specify the provided resources)*

1. Manner of using the resources in the realisation of the Contract: …………………………………………………………………………………………………................................................
2. Scope and duration of our participation in performing the Contract: ………………………………………………………………………………………………….................................................
3. We will provide the following services being parts of the subject of the Contract:

……………………………………………………………………………………………………….................................................

Due to the above, we hereby provide these resources to the disposal of the Contractor who may use them in the realisation of the subject of the Contract (if its bid is selected and the Contract granted in the said procedure).

**Appendix No. 8 – List of deliveries performed**

**Contractor: Date:……………….**

………………………………………

………………………………………

*(Full name/Company name, address)*

**LIST OF DELIVERIES PERFORMED**

By placing a bid in the procedure conducted as an open tender procedure, for the **delivery of an Electron Beam Lithography (EBL) system**  we hereby represent that during the period of three years preceding the date of placing bids (for a shorter period of business activity – during this period) we performed the following deliveries:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Item | Subject of delivery | Value of delivery | Date of delivery | Entity for whom the delivery was made  *(name and address)* |
| ***1*** | ***2*** | ***3*** | ***4*** | ***5*** |
| 1. |  |  |  |  |

*Note! Please attach the relevant proof confirming that the item was duly delivered for each delivery listed in the table.*

..............................................................

Signature of persons authorised

to represent the Contractor

**Appendix No. 9 to ToR**

**Contractors who jointly apply for a contract:**

………………………………………

………………………………………

(Full name/Company name, address)

represented by:

……………………………………………………………………..

*(Name, position / basis for representation)*

**STATEMENT OF THE CONTRACTOR ABOUT THE SCOPE OF PERFORMANCE OF THE CONTRACT BY THE CONTRACTORS WHO JOINTLY APPLY FOR A CONTRACT**

submitted on the basis of art. 117 item 4 of the Act of September 11, 2019 - Public Procurement Law (Official Journal of 2019, item 2019 with later changes)

in the procedure for awarding a public Contract for

**………………………………………………………………………………………..**

we declare that:

1. Contractor …………………………………………………………………………………………………….…………….…..

*(name and address name and address of one of the Contractors who jointly apply for a contract, e.g. a consortium member or partner in a civil partnership)*

will perform the following supplies, services or construction works \*:…………………………………………

1. Contractor ……………………………………………………………………………………………….……………..……..

*(name and address name and address of one of the Contractors who jointly apply for a contract, e.g. a consortium member or partner in a civil partnership)*

will perform the following supplies, services or construction works \*:…………………………………………

NOTE!

It should be indicated which supplies/services/construction works \* included in scope of the subject of the contract are performed by individual contractors (consortium members or partners of a civil partnership)

**STATEMENT REGARDING THE INFORMATION PROVIDED**

I/We\* hereby represent that any and all information provided in this Statement are up-to-date and accurate and that they I/we are fully aware of the consequences of providing the Contracting Authority with misleading information.

*\* Delete as appropriate*

**………………………………….. ………………………………….**

*place, date signature of the Contractor*

***Information for the contractor:***

*The statement must be provided by the person or persons authorized to represent the Contractor with a* ***qualified electronic signature, a trusted signature or a personal signature****.*

***Note:*** *This statement is filled in by Contractors when they jointly apply for the award of the contract, in order to demonstrate the fulfillment of the conditions for participating in the procedure in the scope of - the authorization to conduct a specific type of business or professional activity if it is required by separate legal regulations and technical or professional capacity*

1. Commission Services will make the electronic ESPD-service available, free of charge, for contracting authorities, contracting entities, economic operators, providers of electronic services and other interested parties. [↑](#footnote-ref-1)
2. 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**. [↑](#footnote-ref-2)
3. *Information to be copied from Section I, Point I.1, of the relevant notice*, In case of joint procurement, please indicate the names of all involved contracting entities. [↑](#footnote-ref-3)
4. *See points II.1.1 and II.1. 3 of the relevant notice* [↑](#footnote-ref-4)
5. *See point II.1.1 of the relevant notice* [↑](#footnote-ref-5)
6. Please repeat the information concerning contact persons as many times as needed. [↑](#footnote-ref-6)
7. Cf. Commission Recommendation of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises, (Official Journal L 124, 20.5.2003, p. 36).This information is required for statistical purposes only. **Micro enterprises**: enterprise **which employs fewer than 10 persons** and whose annual turnover and/or annual balance sheet total **does not exceed EUR 2 million**.

   **Small enterprises**: an enterprise **which employs** **fewer than 50 persons** and whose annual turnover and/or annual balance sheet total **does not exceed EUR 10 million**;

   **Medium enterprises, enterprises which are neither micro nor small** and 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.** [↑](#footnote-ref-7)
8. See contract notice point III.1.5 [↑](#footnote-ref-8)
9. I.e. its main aim is the social and professional integration of disabled or disadvantaged persons. [↑](#footnote-ref-9)
10. The references and the classification data, if any, are set out on the certification. [↑](#footnote-ref-10)
11. Notably as part of a group, consortium, joint venture or similar. [↑](#footnote-ref-11)
12. E.g. for technical bodies involved in quality control: Part IV, Section C, point 3: [↑](#footnote-ref-12)
13. As defined in Article 2 of Council Framework Decision 2008/841/WSiSW of 24 October 2008 on the fight against organized crime (Official Journal L 300, 11.11.2008, p. 42). [↑](#footnote-ref-13)
14. As defined in Article 3 of the Convention on the fight against corruption involving officials of the European Communities or officials of Member States of the European Union, Official Journal C 195, 25.6.1997, p. 1, and in Article 2(1) of Council Framework Decision 2003/568/WSiSW of 22 July 2003 on combating corruption in the private sector (Official Journal L 192, 31.7.2003, p. 54). This exclusion ground also includes corruption as defined in the national law of the contracting authority (contracting entity) or the contractor. [↑](#footnote-ref-14)
15. Within the meaning of Article 1 of the Convention on the protection of the European Communities' financial interests (Official Journal C 316, 27.11.1995, p. 48). [↑](#footnote-ref-15)
16. As defined in Articles 1 and 3 of Council Framework Decision of 13 June 2002 on combating terrorism (Official Journal L 164, 22.6.2002, p. 3). This exclusion ground also includes inciting or aiding or abetting or attempting to commit an offence, as referred to in Article 4 of that Framework Decision. [↑](#footnote-ref-16)
17. As defined in Article 1 of Directive 2005/60/WE 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 (Official Journal L 309, 25.11.2005, p. 15). [↑](#footnote-ref-17)
18. As defined in Article 2 of Directive 2011/36/WE 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/WSiSW (Official Journal L 101, 15.4.2011, p. 1). [↑](#footnote-ref-18)
19. Please repeat as many times as needed. [↑](#footnote-ref-19)
20. Please repeat as many times as needed. [↑](#footnote-ref-20)
21. Please repeat as many times as needed. [↑](#footnote-ref-21)
22. In accordance with national provisions implementing Article 57(6) of Directive 2014/24/EU. [↑](#footnote-ref-22)
23. Taking into account the character of the crimes committed (punctual, repeated, systematic ... ), the explanation should show the adequacy of the measures to taken. [↑](#footnote-ref-23)
24. Please repeat as many times as needed. [↑](#footnote-ref-24)
25. See Article 57(4) of Directive 2014/24/WE [↑](#footnote-ref-25)
26. 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 2014/24/EU. [↑](#footnote-ref-26)
27. See national law, the relevant notice or the procurement documents. [↑](#footnote-ref-27)
28. This information needs not be given if exclusion of contractors in one of the cases listed under letter a to f has been made mandatory under the applicable national law without any possibility of derogation where the contractor is nevertheless able to perform the contract. [↑](#footnote-ref-28)
29. Where applicable, see definitions in national law, the relevant notice or the procurement documents. [↑](#footnote-ref-29)
30. As indicated in national law, the relevant notice or the procurement documents. [↑](#footnote-ref-30)
31. Please repeat as many times as needed. [↑](#footnote-ref-31)
32. As described in Annex XI of Directive 2014/24/UE; contractors from certain Member States may have to comply with other requirements set out in that Annex [↑](#footnote-ref-32)
33. Only if permitted in the relevant notice or the procurement documents. [↑](#footnote-ref-33)
34. Only if permitted in the relevant notice or the procurement documents. [↑](#footnote-ref-34)
35. E. g. the ratio between assets and liabilities. [↑](#footnote-ref-35)
36. E. g. the ratio between assets and liabilities. [↑](#footnote-ref-36)
37. Please repeat as many times as needed. [↑](#footnote-ref-37)
38. Contracting authorities may **require**  up to five years and **allow** experience dating from **more** than five years. [↑](#footnote-ref-38)
39. Contracting authorities may **require** up to three years and **allow** experience dating from **more** than three years. [↑](#footnote-ref-39)
40. In other words, **all** recipients should be listed and the list should include both public clients and private clients for the supplies or services concerned. [↑](#footnote-ref-40)
41. 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, Section C, separate ESPD forms must be filled in. [↑](#footnote-ref-41)
42. The check is to be performed by the contracting authority or, in case the latter consents to this, on its behalf by a competent official body of the country in which the supplier or service provider is established; [↑](#footnote-ref-42)
43. Please note that if the contractor **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, Section C above. [↑](#footnote-ref-43)
44. Please indicate clearly , which item the answer relates to. [↑](#footnote-ref-44)
45. Please repeat as many times as needed. [↑](#footnote-ref-45)
46. Please repeat as many times as needed. [↑](#footnote-ref-46)
47. On condition that the contractor has provided the necessary information *(*web address, issuing authority or body, precise reference of the documentation) allowing the contracting authority or contracting entity to do so. Where required, this must be accompanied by the relevant consent to such access. [↑](#footnote-ref-47)
48. Depending on the national implementation of the second subparagraph of Article 59 (5) of Directive 2014/24/UE. [↑](#footnote-ref-48)