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Self-declaration for public procurement procedures by contracting entities

To be completed by the contracting entity

A contracting entity means:
a. a contracting authority,
b. a public undertaking,
c. an undertaking or entity that has been granted a special right or exclusive right by a contracting authority, if that authority, that undertaking or that entity carries out activities referred to in Sections 3.1 to 3.6 of the Public Procurement Act (*Aanbestedingswet*), unless that activity is excluded from the application scope in Section 3.21 of the Public Procurement Act.

With public procurement procedure

Name contracting entity:

Syntus B.V.

Name public procurement procedure:

Supply of EMU rolling stock for The Netherlands

With reference number:

1 General information

To be completed by the enterprise

"Enterprise" means a contractor, supplier, or service provider.

1.1 Name enterprise:

1.2 Details enterprise:
Registered address:

Street and house number:

Postcode:

Town/city:

Country of registration:

Phone number:

E-mail:

Correspondence address:

P.O. Box:

Postcode:

Town/city:

1.3 Number of entry in the Dutch Trade Register (*handelsregister*)¹ or a comparable trade register in the enterprise's country of registration:

This means the person within the enterprise specified in 1.1 who will act as the contact for this public procurement procedure.

1.4 Details of enterprise's contact person:

Name:

Phone number:

E-mail:

¹ Article 2, Trade Registers Act (*Handelsregisterwet*) 2007

A group of enterprise's (consortium) means a number of enterprise's that tender for the award of a contract jointly. The enterprise's making up the consortium must be listed in 1.5. Each member of the consortium must complete a separate Self-declaration.

Important: The above refers to the situation in which there is a consortium. It does not refer to the situation in which the enterprise relies on a third party. The third party the enterprise relies on for the fulfilment of requirements does not need to complete a Self-declaration.

1.5 (If applicable)
Other member(s) of the consortium

Name:	Phone number:

E-mail:	

Name:	Phone number:

E-mail:	

Name:	Phone number:

E-mail:	

Name:	Phone number:

E-mail:	

In the case a consortium tenders, at 1.6 at least the name of the enterprise that acts as the intermediary on behalf of the consortium must be noted.

1.6 (If applicable)
Name of the intermediary of the consortium:

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The information requested in this Self-declaration must be equal to what is requested in the other procurement documents.

> The undersigned hereby declares that:

IN THE CASE OF A PUBLIC PROCUREMENT PROCEDURE WITH EXCLUSION GROUNDS:

To be ticked by the contracting entity

2 Exclusion grounds

(The contracting entity ticks, if it has declared any exclusion grounds applicable to this public procurement procedure, the boxes of those criteria. If it ticks point 2.10, the contracting entity must specify that exclusion ground.)

If the contracting entity has declared optional exclusion grounds applicable, it should indicate which of the criteria apply to the public procurement procedure. A contracting entity that is the State, a province, a municipality, a water board or a body governed by public law, or a consortium of such authorities or bodies governed by public law is obligated to apply the exclusion grounds under points 2.1–2.4 for public procurement procedures above the European procurement thresholds. No provisions are included for contracting entities and public procurement procedures that do not fall into this category. In these cases contracting entities are therefore at liberty to determine whether they will apply exclusion grounds, and if so which criteria they apply. If the contracting entity does apply exclusion grounds, it must consider for each public procurement procedure whether it is relevant and proportionate to apply those exclusion grounds.

- 2.1 in the four years prior to the request to participate or the tender, a court has not imposed a conviction by final judgement, on the enterprise or a director of the enterprise because of participation in a criminal organisation; this includes the following conduct:
1. conduct by any person who, with intent and with knowledge of either the aim and general criminal activity of the organisation or the intention of the organisation to commit the offences in question, actively takes part in:
 - activities of a criminal organisation, which shall be taken to mean a structured association, established over a period of time, of more than two persons, acting in concert with a view to committing offences which are punishable by deprivation of liberty or a detention order of a maximum of at least four years or by a more serious penalty, whether such offences are an end in themselves or a means of obtaining material benefits and, where appropriate, of improperly influencing the operation of public authorities, even where that person does not take part in the actual execution of the offences concerned and, subject to the general principles of the criminal law of the Member State concerned, even where the offences concerned are not actually committed;
 - the organisation's other activities in the further knowledge that its participation will contribute to the achievement of the above-mentioned criminal activities of the organisation;
 2. conduct by any person consisting in an agreement with one or more persons that an activity should be pursued which, if carried out, would amount to the commission of an offence as mentioned above, even if that person does not take part in the actual execution of the activity;
- 2.2 in the four years prior to the request to participate or the tender, a court has not imposed a sentence, of a conviction by final judgement, on the enterprise or a director of the enterprise because of corruption; corruption shall be taken to mean deliberately promising or giving, directly or through an intermediary, an advantage of any kind whatsoever to an official, for himself or for a third party for him to act or refrain from acting in accordance with his duty or in the exercise of his functions in breach of his official duties; or in the private sector, directly or through an intermediary, deliberately promising, offering or giving an undue advantage of any kind whatsoever, for himself or for a third party, in the course of business activities of that person in order that the person should perform or refrain from performing an act, in breach of his duties;
- 2.3 in the four years prior to the request to participate or the tender, a court has not imposed a sentence, of a conviction by final judgement, on the enterprise or a director of the enterprise because of fraud; fraud meaning both expenditure fraud and revenue fraud. This means any act or deliberate omission involving the use or presentation of false, incorrect or incomplete statements or documents which has as its effect the misappropriation or wrongful retention of funds from, or the illegal diminution of the resources of the general budget of the European Communities or budgets managed by, or on behalf of, the European Communities, non-disclosure of information in violation of a specific obligation, with the same effect, the misapplication of such funds for the purpose other than those for which they were originally granted or the misapplication of a legally obtained benefit with the same effect;
- 2.4 in the four years prior to the request to participate or the tender, a court has not imposed a sentence, of a conviction by final judgement, on the enterprise or a director of the enterprise because of money laundering, which shall be taken to mean:
1. the conversion or transfer of property, knowing that such property is derived from criminal activity or from an act of participation in such activity, for the purpose of concealing or disguising the illicit origin of the property or of assisting any person who is involved in the commission of such activity to evade the legal consequences of his actions;
 2. the concealment or disguise of the true nature, source, location, disposition, movement, rights with respect to, or ownership of property, knowing that such property is derived from criminal activity or from an act of participation in such activity;
 3. the acquisition, possession or use of property, knowing, at the time of receipt, that such property was derived from criminal activity or from an act of participation in such activity;
 4. participation in, association to commit, attempts to commit and aiding, abetting, facilitating and counselling the commission of any of the actions mentioned in the foregoing three paragraphs;

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IN THE CASE OF A PUBLIC PROCUREMENT PROCEDURE WITH REQUIREMENTS:

To be ticked and completed by the contracting entity

3

Requirements (optional)

(The contracting entity ticks, if it has declared any requirements concerning capacity, ability, suitability to pursue the professional activity or other requirements applicable to this public procurement procedure, the boxes of those requirements. If it ticks 3.4, the contracting entity must specify the applicable requirements.)

If the contracting entity has declared requirements applicable, it should indicate which of the requirements apply to the public procurement procedure. When deciding whether to apply requirements or what requirements to apply, the contracting entity must determine whether the requirements are proportionate in light of the contract.

- 3.1 his enterprise complies with the requirements set out in the procurement documents regarding financial and economic standing as included in:

Document name:

Page or section number:

Selection Guidelines

Paragraph 3.4

- 3.2 his enterprise complies with the requirements set out in the procurement documents regarding technical and/or professional ability as included in:

Document name:

Page or section number:

Selection Guidelines

Paragraph 3.4

The contracting entity can request an enterprise to proof its entry in a professional or trade register in accordance with the regulations applying in the Member State of origin. If candidates or tenderers in a public procurement procedure have to possess a particular authorization or be a member of a particular organisation in their country of origin in order to be able to perform the service concerned, the contracting entity may require such candidates or tenderers to prove that they hold such authorization or membership. The enterprise must provide the name and registration number of that organisation in the Self-declaration.

- 3.3 his enterprise complies with the requirements set out in the procurement documents regarding suitability to pursue the professional activity as included in:

Document name:

Page or section number:

(In the case of a public procurement procedure for services, if the enterprise is a member of a particular organisation) Name and registration number of the organisation concerned:

To be completed by the enterprise

The Public Procurement Act provides scope for applying other requirements in addition to those referred to above regarding capacity, ability or suitability to pursue the professional activity. The contracting entity can indicate the relevant requirements under point 3.4. When deciding whether to apply additional requirements or what requirements to apply, the principle of proportionality must of course be taken into account.

To be ticked and completed by the contracting entity

- 3.4 (a requirement specified by the contracting entity):

IN THE CASE OF A PUBLIC PROCUREMENT PROCEDURE WITH TECHNICAL SPECIFICATIONS AND PERFORMANCE CONDITIONS:

To be ticked and completed by the contracting entity

4 Technical specifications and performance conditions (optional)

(The contracting entity ticks the box, if it has declared any technical specifications and performance conditions applicable to this public procurement procedure)

The contracting entity can apply technical specifications and impose special conditions for performance of the contract. Technical specifications and special conditions for the performance of the contract fall within the scope of this Self-declaration if they relate to the environment and animal welfare, or are based on social considerations. If the contracting entity has imposed such technical specifications or special conditions, it must tick point 4.1. When doing this, the principle of proportionality must of course be taken into account. It must be clear to tenderers which technical specifications and conditions in the procurement documents are being referred to; it is therefore advisable for the contracting entity to place all the technical specifications and performance conditions together in the procurement documents so that tenderers can easily find what technical specifications and performance conditions have been applied in this regard.

- 4.1 his enterprise complies or will comply with the technical specifications and performance conditions set out in the procurement documents regarding environmental and animal welfare, or are based on social considerations, as included in:

Document name:

Page or section number:

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IN THE CASE OF A PUBLIC PROCUREMENT PROCEDURE IN WHICH AN ENTERPRISE DOES NOT COMPLY WITH ONE OR MORE OF THE EXCLUSION GROUNDS/REQUIREMENTS THAT APPLY:

To be ticked and completed by the enterprise

5 Explanation enterprise for not complying with exclusion grounds/requirements

(The enterprise should only complete this section if it fails to comply, even on the basis of the consortium in which it takes part or with the assistance of one or more third parties, in so far as the Public Procurement Act permits such, with the exclusion grounds and/or requirements.)

No changes may be made to the text of the Self-declaration. The signatory can state at point 5.1 that there is an exclusion ground and/or requirement that is not complied with, with an explanation of why the enterprise finds that not complying should not lead to exclusion of the enterprise from the public procurement procedure. Requirements shall be taken to mean criteria and technical specifications and performance conditions. In order to be taken into account for the award of the contract despite not complying with an exclusion ground and/or requirement, the enterprise must of course give thoroughly and properly substantiated reasons for consideration by the contracting entity. The contracting entity will need to consider whether the explanation given for the enterprise not complying with the exclusion ground and/or the requirement is sufficient for the enterprise to still be admitted to the public procurement procedure. Important: The enterprise should only complete this section if it fails to comply with the applicable exclusion grounds and/or requirements even on the basis of the consortium in which it takes part or with the assistance of one or more third parties.

- 5.1 (if applicable) the enterprise does not comply with:

Exclusion ground/requirement:

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Explanation:

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IN THE CASE OF A PUBLIC PROCUREMENT PROCEDURE IN WHICH AN ENTERPRISE TAKES PART IN A CONSORTIUM OR RELIES ON ONE OR MORE THIRD PARTIES:

To be completed by the enterprise

6 Consortium or relying on one or more third parties

(In the case of a consortium, the enterprise indicates at 6.1 the requirements for which the enterprise is engaged. If the enterprise relies on one or more third parties to fulfil requirements, it must indicate at 6.2 the requirements for which it relies on one or more third parties.)

If the enterprise has indicated at 1.5 that the tender is submitted by a consortium, the enterprise must indicate at 6.1 the requirements with which it complies.

6.1 (In the case of a consortium) his enterprise is engaged for the following requirements:

Requirement:

Requirement:

Requirement:

Requirement:

Requirement:

Requirement:

Requirement:

Requirement:

Requirement:

Requirement:

If the enterprise relies on one or more third parties, it must indicate at 6.2 the requirement/requirements for which it does so.

6.2 (If applicable) his enterprise relies on the following third party/third parties for the fulfilment of the following requirements:

Requirement:

Third party:

Requirement:

Third party:

Requirement:

Third party:

Requirement:

Third party:

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Requirement:	Third party:
Requirement:	Third party:
Requirement:	Third party:
Requirement:	Third party:
Requirement:	Third party:
Requirement:	Third party:

To be completed by
the enterprise

7 Signing

Annex 1 also forms part of this Self-declaration. If selection criteria apply, this must be indicated in that annex.

- 7.1 he has signed this declaration and, if applicable, the attached annex, unconditionally and without any reservation; he is aware that providing incorrect or incomplete information can be considered by the contracting entity as serious misrepresentation in supplying information within the meaning of point 2.9 of this Self-declaration, and that this may lead to unconditional exclusion for the remainder of this public procurement procedure;
- 7.2 he has made no changes to the text of this declaration;
- 7.3 the declaration has been signed by a person with authority to represent the enterprise, as appears from the Dutch Trade Register (*handelsregister*) or a comparable trade register in the enterprise's country of registration:

"Authority to represent" means that the person or persons who signs/sign the Self-declaration must be registered in the Trade Register as a person/persons with authority to represent the enterprise. If the entry in the Trade Register indicates that two or more persons are only authorised to represent the enterprise jointly, the Self-declaration must be signed by those two or more persons. Account must be taken of any limitations on the authority to represent the enterprise.

Name of signatory with authority to represent the enterprise: _____ Date: _____

Signature: _____

Name of signatory with authority to represent the enterprise: _____ Date: _____

Signature: _____

Name of signatory with authority to represent the enterprise: _____ Date: _____

Signature: _____

The form must be completed in full and signed before being submitted. An annex may be attached to the Self-declaration if any of the fields to be completed do not allow sufficient space. The title of the annex must be clearly indicated in the field where reference is made to it.

To be completed by the contracting entity and the enterprise

Annex 1: Selection criteria

If, in the case of a restricted procedure or a negotiation procedure with prior publication, a contracting entity makes use of selection criteria to reduce the number of candidates that the contracting entity will invite to tender to a predetermined number, the contracting entity must indicate the applicable selection criteria below. If selection criteria apply, the enterprise must indicate for each of them how it complies with the criterion concerned.

The contracting entity should, if it has declared selection criteria applicable to this public procurement procedure, indicate the selection criteria that apply. When deciding whether to apply selection criteria or what selection criteria to apply, the contracting entity must determine whether the criterion is proportionate in light of the contract.

1.1 Selection criterion contracting entity:

Response enterprise:

1.2 Selection criterion contracting entity:

Response enterprise:
