OPEN TENDER N° BSGEE 2021-008

INSURANCES OF THE EUROPEAN SCHOOLS

TENDER SPECIFICATIONS

Part 1 – Administrative specifications
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1. **SCOPE AND DESCRIPTION OF THE PROCUREMENT**

1.1. Contracting authority: who is the buyer?

This call for tenders is inter-school. The following bodies (hereafter the *participating entities*) will participate as contracting authorities to the framework contract(s) resulting from this call for tenders:

<table>
<thead>
<tr>
<th>Acronym</th>
<th>Name and address</th>
</tr>
</thead>
</table>
| OSGES   | Office of the Secretary general of the European Schools  
Rue de la Science 23 – 1040 Brussels |
| BERG    | European School of Bergen – Netherlands  
Molenweidtje 5 – 1862 BC Bergen SH |
| EEB1    | European School of Brussels 1 – Uccle & Berkendael - Belgique  
2 sites:  
- 46, avenue du Vert Chasseur - 1180 Bruxelles  
- Rue de Berkendael 70 - 1190 Forest |
| EEB2    | European School of Brussels 2 – Woluwe – Belgium  
2 sites:  
- Avenue Oscar Jespers 75, 1200 Brussels  
- Evere, Brussels |
| EEB3    | European School of Brussels 3 – Ixelles – Belgium  
Boulevard du Triomphe, 135 - 1050 Brussels |
| EEB4    | European School of Brussels 4 – Laeken – Belgium  
Drève Sainte-Anne 86, 1020 Brussels |
| MOL     | European School of Mol – Belgium  
Europawijk 100 - 2400 Mol |
| LUX     | European School of Luxembourg 1 – Luxembourg  
23 Boulevard Konrad Adenauer - L-1115 Luxembourg |
| MAM     | European School of Luxembourg 2 (Mamer) – Luxembourg  
6, rue Gaston Thorn L-8268 Bertrange |
| FRANK   | European School of Frankfurt – Germany  
Praunheimer Weg 126, 60439 Frankfurt am Main |
| KARL    | European School of Karlsruhe – Germany  
Albert-Schweitzer-Straße 1, 76139 Karlsruhe |
| MUN     | European School of München – Germany  
2 sites:  
Elise-Aulinger-Straße 21, 81739 München  
Auguste-Kent-Platz 3; 81549 München |
| ALI     | European School of Alicante – Spain  
Av Locutor Vincente Hipolito – 03540 Alicante |
| VAR     | European School of Varese – Italy  
118 Via Montello It-21100 Varese |

The European Schools (hereinafter also referred to as 'the schools') are official educational establishments set up jointly by the European Union and the governments of the Member States. The mission of the European Schools is to provide a multilingual and multicultural education for nursery, primary and secondary level pupils.

The main task of the Office of the Secretary-General of the European Schools (hereinafter referred to as ‘the OSGES’) is to provide the European Schools with advice and assistance on pedagogical, administrative, financial, legal and human resources issues.
The European Schools and the OSGES form together an international organisation governed by public law, set up by an international convention.

More information about the European Schools and their activities is available on the OSGES’s website at the address https://www.eursc.eu/en, and on each European Schools’ websites via the address https://www.eursc.eu/en/European-Schools/locations.

You can find also a short risk profile for each school in the section “Risk profile per school” of part II “Technical specifications” of this tender.

The list of participating entities may be extended to include any other European school created on the basis of the Luxembourg Convention definite the Statute of the European Schools of 21 June 1994 after the launch of this procedure.

The lead contracting authority is the OSGES. The OSGES, acting as an agent for the participating entities for the purposes of this call for tender and the resulting framework contracts, publishes the call for tenders, organises the evaluation, signs and manages the framework contracts for each lot (including any amendments thereto) on behalf of all participating entities.

Each of the participating entities may avail itself of the resulting framework contract autonomously by concluding specific contracts with the contractor.

References to the Contracting authority in these Tender specifications and their annexes shall be understood, depending on the context, as referring to one of the following:

– the OSGES acting in its capacity as lead contracting authority;

– all the participating entities, in relation to their collective rights and obligations with the contractor(s), as one of the parties to the framework contract;

– any of the participating entities acting in its own capacity, for matters related to the conclusion, execution or termination of specific contracts with the contractor.

More details regarding the functioning of the inter-school aspect of the contract are set out in Article I.13 of the draft Framework Contract.

1.2. Subject: what is this call for tenders about?

The subject of this call for tenders is:

- Insurance against Material damage of the equipment owned by the OSGES and of the schools and occupant’s liability for damages on the buildings used by them;

- Insurance for General Civil liability of the schools and their personnel;

- Insurance in the case of Accident & Natural death of the personnel, including accidents at work of the personnel working in Belgium;

- students’ accident insurance.
1.3. Lots: is this call for tenders divided into lots?

This call for tenders is divided into 5 (five) lots:

<table>
<thead>
<tr>
<th>Lot number</th>
<th>Lot title</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Material damage of the equipment owned by the OSGES and by the schools and occupant’s liability for damages on the buildings used by them</td>
</tr>
<tr>
<td>2</td>
<td>General Liability</td>
</tr>
<tr>
<td>3</td>
<td>Accidents &amp; Natural death of the seconded personnel</td>
</tr>
<tr>
<td>4</td>
<td>Work accidents /accidents du travail/ of the locally recruited personnel in Belgium</td>
</tr>
<tr>
<td>5</td>
<td>Accidents of students</td>
</tr>
</tbody>
</table>

Tenders may be submitted for all 5 lots together or only for some of the lots.

Each lot will be assessed independently of any other lots. Tenders which cover only part of one lot or are declared as being conditional on the award of any other lots are not permitted.

1.4. Description: what do we want to buy through this call for tenders (technical specifications)

The services that are subject of this call for tender, including any minimum requirements, are described in detail in the document *Tender Specifications – part 2: Technical specifications*, hereafter referred to as *Technical specifications*.

Variants (alternatives to the model solution described in the Tender Specifications) are not allowed. The Contracting authority will disregard any variants described in a tender.

1.4.1. Background and objectives

Please see Tender Specifications – part 2: Technical specifications.

1.4.2. Detailed characteristics of the purchase

OSGES and all European Schools want to organise for the first time a common inter-school tender for the main types of insurance used by them. The main characteristics and goals by lot are described below:

Lot 1 – European schools are not an owner of their buildings, but they use premises provided by the state or by the city at their location. Therefore, they plan to insure their occupant’s liability for damages on the buildings /first part of the lot/, as well as the general content that they owe: furniture, equipment and other movable property /second part of the lot/ and their electronic equipment /All risks electronics - third part of this lot/. Tenderers must obligatory submit their financial offer for all three parts of the lot, according to the *Financial bid – Annex No 4.1* to these specifications.
Lot 2 – Insurance for all actions that could engage the civil liability of the OSGES/schools, their personnel and students in the course of or in connection with the performance of their normal duties and activities.

Lot 3 – Collective insurance against the risk of all types of accidents of the seconded personnel of the OSGES and schools, accidents at private life of the locally recruited personnel of some of the schools – see the Overview of requested coverage in Lot III of the Technical Specifications; This lot comprises also insurance against the risk of natural death for a special category of Seconded personnel – those having the right of family allowances, according to the internal Regulations for members of the seconded staff of the European schools.

Lot 4 - Collective insurance against the risk of work related accidents /accidents de travail/, according to the mandatory requirements of the Belgian "Accidents at Work Law" of 10 April 1971, extended against the risk of private life accidents of the locally recruited personnel of the OSGES and all Belgian schools, thus encompassing the locally recruited teachers /LRT/, the locally recruited managerial staff (personnel) /LRMS/ and the administrative and ancillary personnel /AAS/ of these institutions. Seconded staff are NOT insured in this lot.

Lot 5 – Collective insurance against all accidents of students, covering reimbursement to pupils who are victims of accidents, or to persons entitled under them, of expenses (medical treatment, hospitalisation, etc.) and payment of a lump-sum compensation.

Further details about the required insurance coverage and applicable minimum requirements could be found in the description of each lot in the document “Tender specifications, Part II – Technical specifications”.

1.5. Place of performance: where will the contract be performed?

The services will be performed at the following locations:

- the contractor's premises;
- the location(s) of the European schools and the OSGES indicated in section 1.1 above.

1.6. Nature of the contract: how will the contract be implemented?

The procedure will result in the conclusion of a single framework contract for each lot.

A framework contract establishes a mechanism for future repetitive purchases by the Contracting authority to be awarded in the form of specific contracts. The signature of a framework contract does not impose an obligation on the Contracting authority to conclude specific contracts with a framework contractor. However, once the framework contract by lot will be concluded, the Contracting authority undertakes to respect its exclusivity and not to sign any new contract with another service provider for the same insurance services covered by the corresponding lot.

The framework contract will be concluded with one contractor. Specific contracts shall be awarded on the basis of the terms laid down in the framework contract, refined or, in duly justified circumstances, supplemented to reflect the particular circumstances of the specific contract. The details are set out in Article I.4.3 of the Draft framework contract.

Tenderers need to take full account of the provisions of the Draft framework contract as the latter will define and govern the contractual relationship(s) to be established between the
Contracting authority and the successful tenderer(s). Special attention is to be paid to the provisions specifying the rights and obligations of the contractor, in particular those on payments, performance of the contract, confidentiality, and checks and audits.

1.7. Volume and value of the contract: how much do we plan to buy?

The framework contract ceiling for each lot, for its maximum duration of 60 months, is indicated in Heading II.2.6 of the contract notice:

Lot 1 – 1.600.000 EUR
Lot 2 - 600.000 EUR
Lot 3 – 8.000.000 EUR
Lot 4 – 1.500.000 EUR
Lot 5 – 600.000 EUR

These volumes are estimates only and there is no commitment as to the exact quantities to be ordered. The actual volumes will depend on the quantities which the Contracting authority will order through specific contracts. In any case the framework contract ceiling, i.e. the maximum amount to be spent under the framework contract, for each lot shall not be exceeded.

The list of participating entities may be extended to include any other European school(s), created on the basis of the Luxembourg Convention definite the Statute of the European Schools of 21 June 1994 after the launch of this procedure, or any new site(s) or extension of existing site.

In that case, the initial framework contract ceiling will be increased via an amendment, according to the rules and conditions of art. 172, 2 and 3 of the Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018.

Within three years following the signature of the framework contract(s) resulting from the current call for tenders, the Contracting authority may use the negotiated procedure under point 11.1.e of Annex 1 to Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union to procure new services from the contractor(s) up to a maximum of 40 % of the initial framework contract ceiling for each lot. These services will consist in the repetition of similar services entrusted to the contractor(s) and will be awarded under the following conditions:

- Establishment, after the launch of this procedure, of new European school(s), created on the basis of the Luxembourg Convention definite the Statute of the European Schools, or of any new sites/locations, or extension of existing sites of the school.
- Considerable raise in the number of students and/or personnel.
- Decision, taken for important and urgent reasons, to amplify the level of coverage of some of the insurances contracts stemming from the different lots.
1.8. Duration of the contract: how long do we plan to use the Framework contracts, resulting from the different lots?

The framework contracts resulting from the award of this call for tenders will be concluded for at most 60/sixty/ months. The details of the initial contract duration and possible renewals are set out in Article I.3 of the Draft framework contract.
2. **GENERAL INFORMATION ON TENDERING**

2.1. Legal basis: what are the rules?

This call for tenders is governed by the provisions of:

- Financial regulation applicable to the budget of the European Schools and

The Contracting authority has chosen to award the contract resulting from this call for tenders through an open procedure pursuant to Article 164(1) (a) of the Financial Regulation. In an open procedure any interested economic operator (any natural or legal person who offers to supply products, provide services or execute works) may submit a tender.

2.2. Rules on access to procurement: who may submit a tender?

Participation in this call for tenders is open on equal terms to all natural and legal persons established in the European Union.

To enable the Contracting authority to verify the access, each tenderer must indicate its country of establishment (and in case of joint tender – the country of establishment of each group member) in Annex 1.1 and must present the supporting evidence normally acceptable under the law of that country/ies if so requested by the contracting Authority. The same document(s) could be used to prove country/ies of establishment and the delegation(s) of the authorisation to sign as described in Section 4.3 of these specifications.

2.3. Ways to submit a tender: how can economic operators organise themselves to submit a tender?

The following three different methods of participation are acceptable:

- an insurance company acting in its own name as a sole tenderer;
- several insurance companies, one of which acts as the group leader, and
- one or more insurance companies represented by an insurance intermediary (broker).

Notwithstanding which of the three methods is applied, the tenderer can rely on the capacities of subcontractors or other entities (not subcontractors), in order to fulfil the selection criteria set out in Section 3.2.

The role of each entity involved in a tender (hereafter referred to as involved entity) must be clearly specified: sole tenderer, member of a group or Group leader, subcontractor or an entity on whose

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capacities the tenderer relies to fulfil the selection criteria. This applies also where the involved entities belong to the same economic group.

2.3.1. Joint tenders

A joint tender is a situation where a tender is submitted by a group (with or without legal form) of economic operators regardless of the link they have between them. The group as a whole is considered a tenderer.

Group members must appoint a Group leader and a single point of contact authorised to act on their behalf in connection with the submission of the tender and all relevant questions, clarification requests, notifications, etc., that may be received during the evaluation, award and until the contact signature. The model power of attorney attached in Annex 1.2 is to be used.

The joint tender must clearly indicate the role and tasks of each member and of the Group leader who will act as the Contracting authority's contact point for the contract's administrative or financial aspects and operational management. The Group leader will have full authority to bind the group and each of its members during contract execution. If the joint tender is successful, the Contracting authority shall sign the contract with the Group leader, authorized by the other members to sign the contract on their behalf via power of attorney drawn up in the model attached in Annex 1.2.

In this case, all members of the group assume joint and several liability towards the Contracting authority for the performance of the contract as a whole.

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In the case of a tender by several insurers acting under the principle of co-insurance (without obligation of solidarity between insurers) – the group must be represented by a lead insurer and in case of award - the contract will be signed by each insurer.

In this case the lead insurer will act as the contact point for the contracting authority and as the manager of the contract during its execution – see Annex 1.2.

In the case of a tender by several insurers acting under the principle of co-insurance and represented by a broker (without obligation of solidarity neither between the insurers - nor between the insurers on the one hand and the broker on the other), in case of award, the contract will be signed jointly by each insurer and the broker.

In this case, the broker will act as the contact point for the contracting authority and as the manager of the contract during its execution. The broker will be paid directly by the insurer(s). The broker may

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2 Such an entity is not considered a subcontractor, see Section 2.3.4.

3 References to tenderer or tenderers in this document shall be understood as covering both sole tenderers and groups of economic operators submitting a joint tender.

4 Co-insurance: horizontal sharing of the same risk between several insurance companies, each of them is the guarantor of only the part it has agreed to take on. Each company therefore undertakes to take a share (as a percentage) of the risk it decides to co-insure.
receive the payment of premiums and will act as an intermediary in the handling of claims. Finally, the broker will also provide general and specific advice as required by the contracting authority.

The insurer or co-insurers, as the case may be, will be subject to an obligation of result which will consist in providing insurance (100% cover) in accordance with the provisions of the specifications, without interruption, throughout the duration of the contract.

Changes in the composition of the group during the procurement procedure (after the submission deadline and before contract signature) shall lead to rejection of the tender except in case of a merger or takeover of a member of the group (universal succession), provided that the new entity has access to procurement (see Section 2.2) and is not in an exclusion situation, (see Section 3.1).

In any case the selection criteria must be still fulfilled by the group and the terms of the originally submitted tender may not be altered substantially, i.e. all the tasks assigned to the former entity must be taken over by the new entity member of the group, the change must not make the tender non-compliant with the Tender specifications, and the evaluation of award criteria of the originally submitted tender may not be modified.

Exclusion criteria (see Section 3.1) will be assessed in relation to each member of the group individually. Selection criteria (see Section 3.2) will be assessed in relation to the group as a whole, unless otherwise stated in the tender documents.

2.3.2. Insurance Intermediaries (brokers)

The insurance company or companies may appoint an insurance intermediary (broker) as the sole point of contact for administrative purposes during the tender procedure and, if awarded the contract, for the administrative management of the contract after it has been signed.

To this end, the insurance company or companies must complete the model mandate (Annex 1.3) conferring on the insurance intermediary (broker) all powers necessary to act on its/their behalf as regards the provision of services under this tender procedure. This mandate consists of the following tasks in particular:

☐ The designated administrative point of contact has full powers to submit a participation request/tender for this procedure, other than the power to sign the contract, which must be signed by the tendering insurance company or companies;

☐ The designated administrative point of contact will draw up all necessary invoices, after the signature of the contract, for the services provided on behalf of the insurance company or companies. In particular, it will take payment of premiums and act as an intermediary for the reimbursement of claims;

☐ The designated administrative point of contact will coordinate the services provided by the insurance company or companies and ensure the proper performance of the contract.

The insurance intermediary (broker) does not share liability for the risks covered; these will be assumed by the insurance company or companies only. The broker will, however, be responsible for the proper performance of the tasks associated with its role as administrative point of contact.
Insurance intermediaries (brokers) appointed as the sole point of contact must furnish proof of registration with the competent authority of their home Member State according to art. 3 of the Directive (EU) 2016/97 of the European Parliament and of the Council of 20 January 2016 on insurance distribution.

For the evaluation of the tenders, the selection criteria (see point 3.2 below) will not apply in principle to the insurance intermediary (broker), unless explicitly mentioned in that same point.

2.3.3. Subcontracting

Subcontracting is the situation where the contractor enters into legal commitments with other economic operators which will perform part of the contract on its behalf. The contractor retains full liability towards the Contracting authority for performance of the contract as a whole.

The following shall not be considered subcontracting:

a) Use of workers posted to the contractor by another company owned by the same group and established in a Member State (“intra-group posting” as defined by Article 1, 3, (b) of Directive 96/71/EC concerning the posting of workers in the framework of the provision of services).

b) Use of workers hired out to the contractor by a temporary employment undertaking or placement agency established in a Member State (“hiring out of workers” as defined by Article 1, 3, (c) of Directive 96/71/EC concerning the posting of workers in the framework of the provision of services).

c) Use of workers temporarily transferred to the contractor from an undertaking established outside the territory of a Member State and that belongs to the same group (“intra-corporate transfer” as defined by Article 3, (b) of Directive 2014/66/EU on the conditions of entry and residence of third-country nationals in the framework of an intra-corporate transfer).

d) Use of staff without employment contract (“self-employed persons working for the contractor”) to perform substantially the same tasks as the staff with employment contract (“employees”), without the tasks of the self-employed persons being particular well-defined parts of the contract.

e) Use of suppliers and/or transporters by the contractor, in order to perform the contract at the place of performance, unless the economic activities of the suppliers and/or the transporting services are within the subject of this call for tender (see Section 1.4).

f) Performance of part of the contract by members of an EEIG (European Economic Interest Grouping), when the EEIG is itself a contractor or a group member.

The persons mentioned in points a), b), c) and d) above will be considered as “personnel” of the contractor as defined in the contract.

All contractual tasks may be subcontracted unless the Technical specifications expressly reserve the execution of certain critical tasks to the sole tenderer itself, or in case of a joint tender, to a member of the group.

By filling in the form available in Annex 1.4, tenderers are required to give an indication of the proportion of the contract that they intend to subcontract, as well as to identify and describe briefly the envisaged contractual roles/tasks of subcontractors meeting any of these conditions (hereafter referred to as identified subcontractors):
• on whose capacities the tenderer relies upon to fulfil the selection criteria as described under Section 3.2;
• whose individual share of the contract, known at the time of submission, is **above 20%**.

Any such subcontractor must provide the tenderer with a commitment letter drawn up in the model attached in *Annex 1.4* and signed by its authorised representative.

Changes concerning subcontractors identified in the tender (withdrawal/replacement of a subcontractor, additional subcontracting) during the procurement procedure (after the submission deadline and before contract signature) require the prior written approval of the *Contracting authority* subject to the following verifications:

• any new subcontractor is not in an exclusion situation;
• the tenderer still fulfils the selection criteria and the new subcontractor fulfils the selection criteria applicable to it individually, if any;
• the terms of the originally submitted tender are not altered substantially, i.e. all the tasks assigned to the former subcontractor are taken over by another involved entity, the change does not make the tender non-compliant with the Tender specifications, and the evaluation of award criteria of the originally submitted tender is not modified.

Subcontracting to subcontractors identified in a tender that was accepted by the *Contracting authority* and resulted in a signed contract, is considered authorised.

### 2.3.4. Entities on whose capacities the tenderer relies to fulfil the selection criteria

In order to fulfil the selection criteria a tenderer may also rely on the capacities of other entities, regardless of the legal nature of the links it has with them. It must in that case prove that it will have at its disposal the resources necessary for the performance of the contract by producing a commitment letter in the model attached in *Annex 1.5*, signed by the authorised representative of such an entity, and the supporting evidence that those other entities have the respective resources.

If the contract is awarded to a tenderer intending to rely on another entity to meet the minimum levels of economic and financial capacity, the *Contracting authority* may require the entity to sign the contract or, alternatively, to provide a joint and several first-call financial guarantee for the performance of the contract.

With regard to technical and professional selection criteria, a tenderer may only rely on the capacities of other entities where the latter will perform the works or services for which these capacities are required (i.e. the latter will assume the role of subcontractors).

| Relying on the capacities of other entities is only necessary when the capacity of the tenderer is not sufficient to fulfil the required minimum levels of capacity. Abstract commitments that other entities will put resources at the disposal of the tenderer will be disregarded. |
3. EVALUATION AND AWARD

The evaluation of the tenders that comply with the submission conditions will consist of the following elements:

- Check if the tenderer has access to procurement (see Section 2.2);
- Verification of administrative compliance (if the tender is drawn up in the required language and signed by duly authorised representative(-s) of the tenderer);
- Verification of non-exclusion of tenderers on the basis of the exclusion criteria;
- Selection of tenderers on the basis of selection criteria;
- Verification of compliance with the minimum requirements defined in the Tender specifications;
- Evaluation of tenders on the basis of the award criteria.

The Contracting authority will evaluate the abovementioned elements in the order that it considers to be the most appropriate. If the evaluation of one or more elements demonstrates that there are grounds for rejection, the tender will be rejected and will not be subjected to further full evaluation.

The unsuccessful tenderers will be informed of the ground for rejection without being given feedback on the non-assessed content of their tenders. Only tenderer(s) for whom the verification of all elements did not reveal grounds for rejection can be awarded the contract.

The evaluation will be based on the information and evidence contained in the tenders and, if applicable, on additional information and evidence provided at the request of the Contracting authority during the procedure.

For the purposes of the evaluation related to exclusion and selection criteria the Contracting authority may also refer to publicly available information, in particular evidence that it can access on a national database free of charge.

3.1. Exclusion criteria

The objective of the exclusion criteria is to assess whether the tenderer is in any of the exclusion situations listed in Article 136(1) of the Financial Regulation.

As evidence of non-exclusion each tenderer needs to submit with its tender a Declaration on Honour in the model available in Annex 2. The declaration must be signed by an authorised representative of the entity providing the declaration.

The initial verification of non-exclusion of tenderers will be done on the basis of the submitted declarations. The documents mentioned as supporting evidence in the Declaration on Honour need to be provided whenever requested and where this is necessary to ensure the proper conduct of the procedure within a deadline given by the Contracting authority.

5 The obligation to provide the supporting evidence will be waived in the following situations:
   - if such evidence can be accessed by the Contracting Authority on a national database free of charge, in which case the economic operator shall provide the Contracting authority with the internet address of the database and, if needed, the necessary identification data to retrieve the document;
   - if there is a material impossibility to provide such evidence.
In the case of a joint tender, this declaration – dated and signed by a duly authorised legal representative – must be submitted by each member of the grouping of tenderers, insurance broker included.

In the case of subcontracting, when the share of the contract to be performed by the subcontractor exceeds the threshold of 20% of the value of the contract, this declaration – dated and signed by a duly authorised legal representative – must be submitted by each subcontractor.

The exclusion criteria apply individually to each member of the grouping and to each subcontractor or insurance broker concerned.

Please note that a request for evidence in no way implies that the tenderer has been successful.

3.2. Selection criteria

The objective of the selection criteria is to assess whether the tenderer has the legal, regulatory, economic, financial, technical and professional capacity to perform the contract.

The selection criteria for this call for tenders, including the minimum levels of capacity, the basis for assessment and the evidence required, are specified in the following subsections.

Tenders submitted by tenderers not meeting the minimum levels of capacity will be rejected.

When submitting its tender each tenderer shall declare on honour that it fulfils the selection criteria for the lots for which it applies. The model Declaration on Honour available in Annex 2 shall be used.

The initial assessment of whether a tenderer fulfils the selection criteria will be done on the basis of the submitted declaration(s).

The selection criteria are applicable to all the members of the grouping and/or the subcontractors identified (combined capacity of all the members and/or of the subcontractors identified).

The subsections below specify which selection criteria evidence must be provided with the tender or may be requested later, at any time during the procurement procedure. In any case, to the extent that there is no ground for a waiver, the evidence must be provided, upon request and within a deadline given by the Contracting authority.

Please note that a request for evidence in no way implies that the tenderer has been successful.

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6 The obligation to provide the supporting evidence will be waived in the following situations if such evidence can be accessed by the Contracting Authority on a national database free of charge, in which case the economic operator shall provide the Contracting authority with the internet address of the database and, if needed, the necessary identification data to retrieve the document.
3.2.1. Legal and regulatory capacity

Tenderers must prove that they have legal capacity to perform the contract and the regulatory capacity to pursue the professional activity necessary to carry out the work subject to this call for tenders.

Tenderers must prove that they have obtained the prior authorisation of the relevant supervisory authorities to carry out insurance activities in accordance with Article 14 of Directive 2009/138/EC of 25 November 2009 on the taking-up and pursuit of the business of insurance and reinsurance (Solvency II).

The authorisation shall be granted for the following particular classes of insurance, corresponding to the classification in Part A of Annex I or in Annex II of the Directive Solvency II:

For Lot 1 – classes of insurance 8 (Fire and natural forces) and 9 (Other damage to property) of Part I of Annex I;

For Lot 2 - class of insurance 13 (General liability) of Part I of Annex I;

For Lot 3 - class of insurance 1 (Accident) of Part I of Annex I and class of insurance I of Annex II;

For Lot 4 - class of insurance 1 (Accident) of Part I of Annex I and class of insurance I of Annex II, corresponding to the branches 1b “Accidents de travail et les maladies professionnelles” and 21, according to the Belgian categorisation.

Additionally, for this lot, tenderers governed by the law of another Member State of the European Union must prove that they have fulfilled the requirements to carry out insurance against accidents at work in Belgium through a branch or under the freedom to provide services, in accordance with the Belgian Law of 13 March 2016 on the status and supervision of insurance or reinsurance undertakings.

Namely, they must be registered in one of the lists of the National Bank of Belgium, under the insurance classes 1b “Accidents de travail et les maladies professionnelles” and 21:

https://www.nbb.be/fr/supervision-financiere/controle-prudentiel/domaines-de-controle/entreprises-dassurance-et-de-15 - for Branches in Belgium of insurance undertakings governed by the law of another Member State, or

https://www.nbb.be/fr/supervision-financiere/controle-prudentiel/domaines-de-controle/entreprises-dassurance-et-de-16 - for Freedom to provide services in Belgium of insurance undertakings governed by the law of another Member State

For Lot 5 – classes of insurance 1 (Accident) of Part I of Annex I and class of insurance I of Annex II of the Directive Solvency II.

The legal and regulatory capacity shall be proven by the evidences listed below:

- Proof of authorisation by the relevant supervisory authorities of its country of establishment to carry out insurance activities for the particular classes listed above according to each lot.
• For Lot 4 – proof of the registration in one of the lists of the National Bank of Belgium mentioned above.

The evidences must be submitted with the tender and they apply to each member of the group in case of a joint tender for a respective lot.

3.2.2. Economic and financial capacity

Tenderers must comply with the following selection criteria in order to prove that they have the necessary economic and financial capacity to perform the contract.

**Lot 1 - Material damage of the equipment owned by the OSGES and by the schools and occupant’s liability for damages on the buildings used by them**

<table>
<thead>
<tr>
<th>Lot 1 - Criterion F1</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Minimum level of capacity</strong></td>
</tr>
<tr>
<td><strong>Basis for assessment</strong></td>
</tr>
<tr>
<td><strong>Evidence</strong></td>
</tr>
</tbody>
</table>

Only the statement/declaration under point a) must be provided with the tender. The other evidence under this criterion may be requested by the Contracting authority at any time during the procedure. **Please note that a request for evidence in no way implies that the tenderer has been successful.**

<table>
<thead>
<tr>
<th>Lot 1 - Criterion F2</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Minimum level of capacity</strong></td>
</tr>
<tr>
<td>Candidates must be in compliance with the rules regarding solvency in force in the Member State in which their registered office is located and must not currently be the subject of any administrative procedure by the competent inspection authorities in that Member State, e.g. reorganisation measures or liquidation proceedings to rectify or penalise any failing(s) likely to compromise solvency of the company or the fulfilment of their commitments to insured parties in the future.</td>
</tr>
</tbody>
</table>
**Basis for assessment**

This criterion will be applied for each member of the group in case of joint tender; and to insurance brokers and identified subcontractors as well.

**Evidence**

Attestation by the competent fiscal, judicial or inspection authority in the Member State in which their registered office is located, or, failing that, declaration duly signed by the tenderer.

† The above specified evidence under this criterion must be provided with the tender.

† For both selection criteria, if, for some exceptional reason which the contracting authority considers to be justified, the candidate is unable to produce one of the required documents specified above, it may provide evidence of its economic and financial capacity by means of any other document which the contracting authority deems suitable. In any event, the contracting authority must at least be notified of the exceptional reason and the explanation for it. The contracting authority reserves the right to demand any other document allowing it to verify the candidate's economic and financial capacity.

In the case of subcontractors performing part of the contract that accounts for more than 20% of the total value of the contract, the required details and evidence above must be provided individually for each subcontractor.

**In addition, in the case of a group and/or subcontracting, a document summarising the information for the group and/or subcontractors must be submitted. In this case it is the combined capacity of the members of the group and/or the identified subcontractors, taken as a whole, which will be taken into account.**

**Lot 2 - General Liability**

<table>
<thead>
<tr>
<th><strong>Lot 2 - Criterion F1</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Minimum level of capacity</strong></td>
</tr>
<tr>
<td><strong>Basis for assessment</strong></td>
</tr>
<tr>
<td><strong>Evidence</strong></td>
</tr>
<tr>
<td></td>
</tr>
</tbody>
</table>

† Only the statement/declaration under point a) must be provided with the tender. The other evidence under this criterion may be requested by the Contracting authority at any time during
the procedure. **Please note that a request for evidence in no way implies that the tenderer has been successful.**

<table>
<thead>
<tr>
<th>Lot 2 - Criterion F2</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Minimum level of capacity</strong></td>
<td><strong>Compliance with the solvency rules.</strong></td>
</tr>
<tr>
<td></td>
<td>Candidates must be in compliance with the rules regarding solvency in force in the Member State in which their registered office is located and must not currently be the subject of any administrative procedure by the competent inspection authorities in that Member State, e.g. reorganisation measures or liquidation proceedings to rectify or penalise any failing(s) likely to compromise solvency of the company or the fulfilment of their commitments to insured parties in the future.</td>
</tr>
<tr>
<td><strong>Basis for assessment</strong></td>
<td>This criterion will be applied for each member of the group in case of joint tender; and to insurance brokers and identified subcontractors as well.</td>
</tr>
<tr>
<td><strong>Evidence</strong></td>
<td>Attestation by the competent fiscal, judicial or inspection authority in the Member State in which their registered office is located, or, failing that, declaration duly signed by the tenderer.</td>
</tr>
</tbody>
</table>

◊ The above specified evidence under this criterion must be provided with the tender.  

◊ For both selection criteria, if, for some exceptional reason which the contracting authority considers to be justified, the candidate is unable to produce one of the required documents specified above, it may provide evidence of its economic and financial capacity by means of any other document which the contracting authority deems suitable. In any event, the contracting authority must at least be notified of the exceptional reason and the explanation for it. The contracting authority reserves the right to demand any other document allowing it to verify the candidate's economic and financial capacity.

In the case of subcontractors performing part of the contract that accounts for more than 20% of the total value of the contract, the required details and evidence above must be provided individually for each subcontractor.

*In addition, in the case of a group and/or subcontracting, a document summarising the information for the group and/or subcontractors must be submitted. In this case it is the combined capacity of the members of the group and/or the identified subcontractors, taken as a whole, which will be taken into account.*

**Lot 3 - Accidents & Natural death of the seconded personnel**

<table>
<thead>
<tr>
<th>Lot 3 - Criterion F1</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Minimum level of capacity</strong></td>
<td><strong>Tenderers must demonstrate an annual average turnover in the insurance sector of more than EUR 2.000.000 /two millions euros/ over the last three financial years for which accounts have been closed.</strong></td>
</tr>
<tr>
<td><strong>Basis for assessment</strong></td>
<td>This criterion applies to the tenderer as a whole, i.e. a consolidated assessment of the combined capacities of all</td>
</tr>
</tbody>
</table>
involved entities will be carried out, with the exception of the capacities of any insurance intermediary (broker).

**Evidence**

a) a statement/declaration showing the average overall annual turnover in the insurance sector for each of the last three years for which accounts have been closed;

b) copies of the annual balance sheets and profit and loss accounts for each of the last three years for which accounts have been closed, or, failing that, appropriate statements from banks.

⚠ Only the statement/declaration under point a) must be provided with the tender. The other evidence under this criterion may be requested by the Contracting authority at any time during the procedure. **Please note that a request for evidence in no way implies that the tenderer has been successful.**

<table>
<thead>
<tr>
<th>Lot 3 - Criterion F2</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Minimum level of capacity</strong></td>
</tr>
<tr>
<td><strong>Basis for assessment</strong></td>
</tr>
<tr>
<td><strong>Evidence</strong></td>
</tr>
</tbody>
</table>

⚠ The above specified evidence under this criterion must be provided with the tender.

⚠ For both selection criteria, if, for some exceptional reason which the contracting authority considers to be justified, the candidate is unable to produce one of the required documents specified above, it may provide evidence of its economic and financial capacity by means of any other document which the contracting authority deems suitable. In any event, the contracting authority must at least be notified of the exceptional reason and the explanation for it. The contracting authority reserves the right to demand any other document allowing it to verify the candidate’s economic and financial capacity.

In the case of subcontractors performing part of the contract that accounts for more than 20 % of the total value of the contract, the required details and evidence above must be provided individually for each subcontractor.
In addition, in the case of a group and/or subcontracting, a document summarising the information for the group and/or subcontractors must be submitted. In this case it is the combined capacity of the members of the group and/or the identified subcontractors, taken as a whole, which will be taken into account.

Lot 4 - Work accidents /accidents du travail/ of the of the locally recruited personnel in Belgium

<table>
<thead>
<tr>
<th>Lot 4 - Criterion F1</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Minimum level of capacity</strong></td>
</tr>
<tr>
<td><strong>Basis for assessment</strong></td>
</tr>
<tr>
<td><strong>Evidence</strong></td>
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<tr>
<td></td>
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</tbody>
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Only the statement/declaration under point a) must be provided with the tender. The other evidence under this criterion may be requested by the Contracting authority at any time during the procedure. Please note that a request for evidence in no way implies that the tenderer has been successful.

<table>
<thead>
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<th>Lot 4 - Criterion F2</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Minimum level of capacity</strong></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td><strong>Basis for assessment</strong></td>
</tr>
<tr>
<td><strong>Evidence</strong></td>
</tr>
</tbody>
</table>
The above specified evidence under this criterion must be provided with the tender.

For both selection criteria, if, for some exceptional reason which the contracting authority considers to be justified, the candidate is unable to produce one of the required documents specified above, it may provide evidence of its economic and financial capacity by means of any other document which the contracting authority deems suitable. In any event, the contracting authority must at least be notified of the exceptional reason and the explanation for it. The contracting authority reserves the right to demand any other document allowing it to verify the candidate's economic and financial capacity.

In the case of subcontractors performing part of the contract that accounts for more than 10% of the total value of the contract, the required details and evidence above must be provided individually for each subcontractor.

In addition, in the case of a group and/or subcontracting, a document summarising the information for the group and/or subcontractors must be submitted. In this case it is the combined capacity of the members of the group and/or the identified subcontractors, taken as a whole, which will be taken into account.

Lot 5 - Accidents of students

<table>
<thead>
<tr>
<th>Lot 5 - Criterion F1</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Minimum level of capacity</strong></td>
</tr>
<tr>
<td><strong>Basis for assessment</strong></td>
</tr>
<tr>
<td><strong>Evidence</strong></td>
</tr>
<tr>
<td></td>
</tr>
</tbody>
</table>

Only the statement/declaration under point a) must be provided with the tender. The other evidence under this criterion may be requested by the Contracting authority at any time during the procedure. Please note that a request for evidence in no way implies that the tenderer has been successful.

<table>
<thead>
<tr>
<th>Lot 5 - Criterion F2</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Minimum level of capacity</strong></td>
</tr>
<tr>
<td></td>
</tr>
</tbody>
</table>
inspection authorities in that Member State, e.g. reorganisation measures or liquidation proceedings to rectify or penalise any failing(s) likely to compromise solvency of the company or the fulfilment of their commitments to insured parties in the future.

<table>
<thead>
<tr>
<th>Basis for assessment</th>
<th>This criterion will be applied for each member of the group in case of joint tender; and to insurance brokers and identified subcontractors as well.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Evidence</td>
<td>Attestation by the competent fiscal, judicial or inspection authority in the Member State in which their registered office is located, or, failing that, declaration duly signed by the tenderer.</td>
</tr>
</tbody>
</table>

The above specified evidence under this criterion must be provided with the tender.

For both selection criteria, if, for some exceptional reason which the contracting authority considers to be justified, the candidate is unable to produce one of the required documents specified above, it may provide evidence of its economic and financial capacity by means of any other document which the contracting authority deems suitable. In any event, the contracting authority must at least be notified of the exceptional reason and the explanation for it. The contracting authority reserves the right to demand any other document allowing it to verify the candidate's economic and financial capacity.

In the case of subcontractors performing part of the contract that accounts for more than 10% of the total value of the contract, the required details and evidence above must be provided individually for each subcontractor.

In addition, in the case of a group and/or subcontracting, a document summarising the information for the group and/or subcontractors must be submitted. In this case it is the combined capacity of the members of the group and/or the identified subcontractors, taken as a whole, which will be taken into account.

3.2.3. Technical and professional capacity

Tenderers must comply with the following selection criteria in order to prove that they have the necessary technical and professional capacity to perform the contract.

Lot 1 - Material damage of the equipment owned by the OSGES and by the schools and occupant’s liability for damages on the buildings used by them

<table>
<thead>
<tr>
<th>Lot 1 - Criterion T1</th>
</tr>
</thead>
<tbody>
<tr>
<td>The tenderer must prove experience in the field of the contract, as an insurer for damage to or loss of property, other than vehicles</td>
</tr>
</tbody>
</table>

| Minimum level of capacity | The tenderer must have carried out three contracts comparable in nature to the subject of this lot over the last three years. A comparable contract means any contract covering the insurance sectors of Property damage /other than vehicles/ and Occupant's /tenant's/ liability, with a minimum value for each of them € 60,000 as the annual amount of the insurance premium due. |
### Basis for assessment

This criterion applies to the tenderer as a whole, i.e. the combined capacities of all involved entities.

### Evidence

Tenderers must provide by way of references a detailed list of these contracts. This list must show:

- the main object of the contract,
- the volume of the services provided and amount invoiced yearly by the tenderer,
- the names of the customers,
- the dates on which the contract started and ended,
- the geographical location of the buildings.

If these contracts were carried out by a group, tenderers must state what proportion they carried out themselves.

In case of projects still on-going only the portion completed during the reference period will be taken into consideration.

The above mentioned list of contracts must be provided with the tender.

As additional supporting documents for each reference the Contracting authority may request statements issued by the clients and take contact with them.

<table>
<thead>
<tr>
<th>Lot 1 - Criterion T2</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Insurance rating</strong> – to check the applicability</td>
</tr>
<tr>
<td><strong>Minimum level of capacity</strong></td>
</tr>
<tr>
<td><strong>Basis for assessment</strong></td>
</tr>
<tr>
<td><strong>Evidence</strong></td>
</tr>
</tbody>
</table>

The above specified evidence under this criterion must be provided with the tender.

<table>
<thead>
<tr>
<th>Lot 1 - Criterion T3</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Availability of local servicing in the countries</strong> where the European Schools are situated, mentioned in the section 1.1</td>
</tr>
<tr>
<td><strong>Minimum level of capacity</strong></td>
</tr>
</tbody>
</table>
The existence of a single branch, agency or office for the Benelux countries /BEL, LUX, NL/, servicing into French, Dutch and German language /plus English/ could be accepted.

The requirement under this criterion could be replaced by the existence of a contract or cooperation with an identified local insurance broker, assuring the same level of service as required above, regarding its location in the country concerned, languages spoken and availability of on- and off-site service.

The broker could be the one mandated to represent the insurer(s) in the context of the joint tenders – see section 2.3.2 of these Specifications.

**Basis for assessment**

This criterion applies to the tenderer as a whole, i.e. the combined capacities of all involved entities.

**Evidence**

Attestation of the tenderer confirming the availability of the sub-units above, or the contract or cooperation with an identified local insurance broker, or presentation of its structure by country covering the countries depicted above.

*The above specified evidence under this criterion must be provided with the tender.*

**Lot 2 - General Liability**

<table>
<thead>
<tr>
<th>Lot 2 - Criterion T1</th>
</tr>
</thead>
<tbody>
<tr>
<td>The tenderer must prove experience in the field of the contract, as insurer for General Liability in public institutions.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Minimum level of capacity</th>
</tr>
</thead>
<tbody>
<tr>
<td>The tenderer must have carried out three contracts comparable in nature to the subject of this lot over the last five years. A comparable contract means any insurance contract covering General Liability in public institutions, with a minimum value for each of them €30,000 as the annual amount of the insurance premium due and a minimum number of personnel in the insured institution amounting to 200 persons.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Basis for assessment</th>
</tr>
</thead>
<tbody>
<tr>
<td>This criterion applies to the tenderer as a whole, i.e. the combined capacities of all involved entities.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Evidence</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tenderers must provide by way of references a detailed list of these contracts. This list must show:</td>
</tr>
<tr>
<td>– the main object of the contract,</td>
</tr>
<tr>
<td>– the number of end beneficiaries (personnel),</td>
</tr>
<tr>
<td>– the amount invoiced yearly by the tenderer,</td>
</tr>
<tr>
<td>– the name of the policy holder,</td>
</tr>
</tbody>
</table>
– the dates on which the contract started and ended,
– the geographical coverage.

If these contracts were carried out by a group, tenderers must state what proportion they carried out themselves.

In case of projects still on-going only the portion completed during the reference period will be taken into consideration.

The above mentioned list of contracts must be provided with the tender.

As additional supporting documents for each reference the Contracting authority may request statements issued by the clients and take contact with them.

<table>
<thead>
<tr>
<th>Lot 2 - Criterion T2</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Insurance rating</strong></td>
</tr>
<tr>
<td><strong>Minimum level of capacity</strong></td>
</tr>
<tr>
<td><strong>Basis for assessment</strong></td>
</tr>
<tr>
<td><strong>Evidence</strong></td>
</tr>
</tbody>
</table>

The above specified evidence under this criterion must be provided with the tender.

<table>
<thead>
<tr>
<th>Lot 2 - Criterion T3</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Availability of local servicing in the countries where the European Schools are situated, mentioned in the section 1.1</strong></td>
</tr>
</tbody>
</table>
| **Minimum level of capacity** | At least one branch, agency or office per country working directly with clients /policyholder, insured or injured persons/ into the local language and into English.

The personnel working into the local language must be able to meet clients both into its office or make visits at the school sites.

The existence of a single branch, agency or office for the Benelux countries /BEL, LUX, NL/, servicing into French, Dutch and German language /plus English/ could be accepted.

The requirement under this criterion could be replaced by the existence of a contract or cooperation with an identified local insurance broker, assuring the same level of service as required above, regarding its location in the country concerned, languages spoken and availability of on- and off-site service. |
The broker could be the one mandated to represent the insurer(s) in the context of the joint tenders – see section 2.3.2 of these Specifications.

### Basis for assessment

This criterion applies to the tenderer as a whole, i.e. the combined capacities of all involved entities.

### Evidence

Attestation of the tenderer confirming the availability of the sub-units above, or the contract or cooperation with an identified local insurance broker, or presentation of its structure by country covering the countries depicted above.

*The above specified evidence under this criterion must be provided with the tender.*

### Lot 3 - Accidents & Natural death of the seconded personnel

#### Lot 3 - Criterion T1

The tenderer must prove experience in the field of the contract, as insurer for Accidents & Natural death

#### Minimum level of capacity

The tenderer must have carried out three contracts comparable in nature to the subject of this lot over the last 3/3 years. A comparable contract means any contract covering the insurance sectors of Accidents and Natural death, with a minimum value for each of them €100,000 as the annual amount of the insurance premium due.

#### Basis for assessment

This criterion applies to the tenderer as a whole, i.e. the combined capacities of all involved entities.

#### Evidence

Tenderers must provide by way of references a detailed list of these contracts. This list must show:

- the main object of the contract,
- the number of end beneficiaries (personnel),
- the amount invoiced yearly by the tenderer,
- the name of the policy holder,
- the dates on which the contract started and ended,
- the geographical coverage.

If these contracts were carried out by a group, tenderers must state what proportion they carried out themselves.

In case of projects still on-going only the portion completed during the reference period will be taken into consideration.

*The above mentioned list of contracts must be provided with the tender.*

As additional supporting documents for each reference the Contracting authority may request statements issued by the clients and take contact with them.
### Lot 3 - Criterion T2

<table>
<thead>
<tr>
<th>Insurance rating</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Minimum level of capacity</strong></td>
</tr>
<tr>
<td><strong>Basis for assessment</strong></td>
</tr>
<tr>
<td><strong>Evidence</strong></td>
</tr>
</tbody>
</table>

*The above specified evidence under this criterion must be provided with the tender.*

### Lot 3 - Criterion T3

<table>
<thead>
<tr>
<th>Availability of local servicing in the countries where the European Schools are situated, mentioned in the section 1.1</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Minimum level of capacity</strong></td>
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<td></td>
</tr>
<tr>
<td><strong>Basis for assessment</strong></td>
</tr>
<tr>
<td><strong>Evidence</strong></td>
</tr>
</tbody>
</table>

*The above specified evidence under this criterion must be provided with the tender.*
Lot 4 - Work accidents /accidents du travail/ of the personnel working in Belgium

<table>
<thead>
<tr>
<th>Lot 4 - Criterion T1</th>
</tr>
</thead>
<tbody>
<tr>
<td>The tenderer must prove experience in the field of the contract, as insurer for accidents at work and occupational diseases</td>
</tr>
</tbody>
</table>

**Minimum level of capacity**

The tenderer must have carried out **three contracts** comparable in nature to the subject of this lot over the last 3/three/ years. A comparable contract means any contract covering the insurance sectors of **accidents at work and occupational diseases**, with a minimum value for each of them €50,000 as the annual amount of the insurance premium due, and a minimum number of staff/end beneficiaries amounting to 100 persons.

**Basis for assessment**

This criterion applies to the tenderer as a whole, i.e. the combined capacities of all involved entities.

**Evidence**

Tenderers must provide by way of references a detailed list of these contracts. This list must show:

- the main object of the contract,
- the number of end beneficiaries (personnel),
- the amount invoiced yearly by the tenderer,
- the name of the policy holder,
- the dates on which the contract started and ended,
- the geographical coverage.

If these contracts were carried out by a group, tenderers must state what proportion they carried out themselves. In case of projects still on-going only the portion completed during the reference period will be taken into consideration.

* The above mentioned list of contracts must be provided with the tender.

As additional supporting documents for each reference the Contracting authority may request statements issued by the clients and take contact with them.

<table>
<thead>
<tr>
<th>Lot 4 - Criterion T2</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Insurance rating</strong></td>
</tr>
</tbody>
</table>

**Minimum level of capacity**

Tenderers must have an insurance rating greater than or equal to ‘A’, that is valid at the time of submitting the tender.

**Basis for assessment**

This criterion will be applied for each member of the group in case of joint tender.

**Evidence**

A document proving that the candidate has an insurance rating greater than or equal to ‘A’.
Lot 4 - Criterion T3

Availability of local servicing in Belgium

<table>
<thead>
<tr>
<th>Minimum level of capacity</th>
<th>Tenderers, including those governed by the law of another Member State of the European Union, must possess at least one branch, agency or office in Belgium, who works directly with clients/policyholder, insured or injured persons/ into French, Dutch and English. Personnel working into these languages must be able to meet clients both into its office or make visits at the school sites. This requirement could be replaced by the existence of a contract or cooperation with an identified insurance broker, situated in Belgium, assuring the same level of service as required above, regarding languages spoken and availability of on- and off-site service. The broker could be the one mandated to represent the insurer(s) in the context of the joint tenders – see section 2.3.2 of these Specifications.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Basis for assessment</td>
<td>This criterion applies to the tenderer as a whole, i.e. the combined capacities of all involved entities.</td>
</tr>
<tr>
<td>Evidence</td>
<td>Attestation of the tenderer confirming the availability of a sub-unit in Belgium, or the contract or cooperation with an identified insurance broker in Belgium, or presentation of its structure by country covering the territory of Belgium as well.</td>
</tr>
</tbody>
</table>

The above specified evidence under this criterion must be provided with the tender.

Lot 5 - Accidents of students

Lot 5 - Criterion T1

The tenderer must prove experience in the field of the contract, as insurer for Accidents of students

<table>
<thead>
<tr>
<th>Minimum level of capacity</th>
<th>The tenderer must have carried out three insurance contracts comparable in nature to the subject of this lot over the last four years. A comparable contract means any contract covering insurance for Accidents of students, with a minimum value for each of them € 30,000 as the annual amount of the insurance premium due and a minimum number of students of the school amounting to 300 persons.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Basis for assessment</td>
<td>This criterion applies to the tenderer as a whole, i.e. the combined capacities of all involved entities.</td>
</tr>
</tbody>
</table>
| Evidence | Tenderers must provide by way of references a detailed list of these contracts. This list must show:  
– the main object of the contract, |

The above specified evidence under this criterion must be provided with the tender.
- the number of end beneficiaries (students),
- the amount invoiced yearly by the tenderer,
- the name of the policy holder,
- the dates on which the contract started and ended,
- the geographical coverage.

If these contracts were carried out by a group, tenderers must state what proportion they carried out themselves.

In case of projects still on-going only the portion completed during the reference period will be taken into consideration.

The above mentioned list of contracts must be provided with the tender.

As additional supporting documents for each reference the Contracting authority may request statements issued by the clients and take contact with them.

<table>
<thead>
<tr>
<th><strong>Lot 5 - Criterion T2</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Insurance rating</strong></td>
</tr>
<tr>
<td><strong>Minimum level of capacity</strong></td>
</tr>
<tr>
<td><strong>Basis for assessment</strong></td>
</tr>
<tr>
<td><strong>Evidence</strong></td>
</tr>
</tbody>
</table>

The above specified evidence under this criterion must be provided with the tender.

<table>
<thead>
<tr>
<th><strong>Lot 5 - Criterion T3</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Availability of local servicing in the countries where the European Schools are situated, mentioned in the section 1.1</strong></td>
</tr>
<tr>
<td><strong>Minimum level of capacity</strong></td>
</tr>
</tbody>
</table>
The requirement under this lot could be replaced by the existence of a contract or cooperation with an identified local insurance broker, assuring the same level of service as required above, regarding its location in the country concerned, languages spoken and availability of on- and off-site service.

The broker could be the one mandated to represent the insurer(s) in the context of the joint tenders – see section 2.3.2 of these Specifications.

<table>
<thead>
<tr>
<th>Basis for assessment</th>
<th>Evidence</th>
</tr>
</thead>
<tbody>
<tr>
<td>This criterion applies to the tenderer as a whole, i.e. the combined capacities of all involved entities.</td>
<td>Attestation of the tenderer confirming the availability of the sub-units above, or the contract or cooperation with an identified local insurance broker, or presentation of its structure by country covering the countries depicted above.</td>
</tr>
</tbody>
</table>

The above specified evidence under this criterion must be provided with the tender.

Involved entities must not be subject to conflicting interests which may negatively affect the contract performance. Where the Contracting authority has established such conflicting interests, it may conclude that the tenderer or an involved entity does not possess the required professional capacity to perform the contract to an appropriate quality standard.

The presence of conflicting interests shall be examined during the evaluation phase based on the statements made through the Declarations on Honour and, where applicable, the commitment letters (Annex 1.2 and Annex 1.5).

3.3. Compliance with the minimum requirements of the Tender specifications

By submitting a tender, the tenderer commits to perform the contract in full compliance with the terms and conditions of the procurement documents for this call for tender.

Particular attention is drawn to the minimum requirements for each lot, specified in the Technical specifications document (Tender specifications – part 2), where the mandatory level of risks covered, insured entities and persons, obligations of the insurer in case of claims, minimum level of indemnification, geographical scope and other requirements are described. Compliance with these requirements is mandatory and cannot be subject to any assumptions, limitations, conditions, or reservations on the part of a tenderer.

Tenders must also comply with applicable data protection, environmental, social and labour law obligations established by Union law, national legislation, collective agreements or the international environmental, social and labour conventions listed in Annex X to Directive 2014/24/EU.

The minimum requirements shall be observed throughout the entire duration of the contract.

Tenders that are not compliant with the applicable minimum requirements in the Tender specifications, part 1 “Administrative specifications” and part 2 “Technical specifications”, shall be rejected.
3.4. Award criteria

The objective of the award criteria is to evaluate the tenders with a view to choosing the most economically advantageous tender.

Tenders will be evaluated on the basis of the following award criterion:

1. Price.

The price considered for evaluation will be the total price of the tender, per lot, covering all the requirements set out in the Tender Specifications, parts 1 and 2.

3.5. Award (ranking of tenders)

For each lot, tenders shall be ranked in ascending order of the total price considered for evaluation, with the lowest price tender being ranked first.

For each lot, the contract shall be awarded to the tender ranked first, which complies with the Tender Specifications and is submitted by a tenderer having access to procurement, not in an exclusion situation and fulfilling with the selection criteria.
4. FORM AND CONTENT OF THE TENDER

4.1. Form of the tender: how to submit the tender?

Tenders are to be submitted according to the instructions laid down in the Invitation to tender letter.

Make sure you prepare and submit your tender early enough to ensure it is received within the deadline specified under Heading IV.2.2 of the contract notice. A tender received after this deadline will be rejected.

4.2. Content of the tender: what documents to submit with the tender?

The documents to be submitted with the tender are listed in Annex 1 “Checklist – Documentation to provide”.

Tenderers willing to submit tenders for more than one lot need to present separate documents for each lot, including the technical tender form and the financial offer, for each of the lots in which they are interested.

The following requirements apply to the technical tender form and the financial offer:

- **Technical tender form.**

  The technical specifications – Part 2 of this tender, are intended to describe in full the required level of insurance coverage and the other contractual conditions for each lot.

  The tenderer is not therefore required to submit a technical bid but must undertake, if awarded the contract, to perform it in accordance with the specifications, terms and clauses set out in the procurement documents. To this end, tenderers must complete and sign the declaration in the technical tender form attached (Annex 3).

  The evaluation committee will also check the technical tender form for compliance with the minimum requirements set out in the technical specifications - Part 2 of this tender.

  Any tender which departs from the requirements set out in the procurement documents or which fails to meet all those requirements may be rejected on the grounds of noncompliance with the procurement documents and will not be evaluated further. All compliant tenders will be evaluated according to the award method described in points 3.4 and 3.5.

- **Financial offer.**

  A complete financial offer. For this purpose, the Financial Model in Annex 4 and the accompanying excel table for each lot in which the tenderer participates (numbered as Annex 4.1 to Annex 4.5) shall be completed and duly signed.

  The financial tender form and the accompanying excel sheets may not include any items other than those requested. Consequently, it is strictly forbidden to propose options or other variants. Any bid failing to comply will be rejected.
In case of discrepancies between different documents, only the amount indicated in the financial offer will be taken into account.

Should there be an error in the calculation of the total, the unit price will prevail.

The financial offer shall be:

- expressed in euros. Tenderers from countries outside the euro zone have to quote their prices in euro. The price quoted may not be revised in line with exchange rate movements. It is for the tenderer to bear the risks or the benefits deriving from any variation.
- the premium quoted must be comprehensive and inclusive of all potential additional charges by the contractor, such as brokers’ fees, management costs and taxes, contract preparation costs, potentially compulsory contributions to social funds and other bodies, and any experts' fees chargeable to the contractor.
- quoted free of all duties, taxes and other charges, i.e. also free of VAT.

The European schools are exempt from such charges. Exemption is granted to the European Schools by the governments of the Member States. In Belgium, European schools are exempted through exemption No 450, Article 42, §3 paragraph 1°, 4° of the VAT code.

4.3. Signature policy: how can documents be signed?

Where a document needs to be signed, the signature must be either hand-written, a qualified electronic signature or an advanced electronic signature based on a qualified certificate as defined in Regulation (EU) No 910/2014 on electronic identification and trust services for electronic transactions in the internal market (the eIDAS Regulation).

All documents requested must be signed by the tenderer’s legal representative, i.e. a person duly authorised to represent the tenderer for this call for tenders and the signing of the contract.

If requested so by the contracting authority, the delegation of the authorisation to sign on behalf of the signatories (including, in the case of proxy(-ies), the chain of authorisations) must be evidenced by appropriate written evidence (copy of the notice of appointment of the persons authorised to represent the legal entity in signing contracts (together or alone), or a copy of the publication of such appointment if the legislation which applies to signatory requires such publication or a power of attorney). A document that the Contracting authority can access on a national database free of charge does not need to be submitted if the Contracting authority is provided with the exact internet link and, if applicable, the necessary identification data to retrieve the document.

4.4. Confidentiality of tenders: what information and under what conditions can be disclosed?

Once the Contracting authority has opened a tender, it becomes its property and shall be treated confidentially, subject to the following:

- For the purposes of evaluating the tender and, if applicable, implementing the contract, performing audits, benchmarking, etc., the Contracting authority is entitled to make available (any part of) the tender to its staff and the staff of other institutions, agencies and bodies, as well to other persons and entities working for the Contracting authority or cooperating with
it, including contractors or subcontractors and their staff provided that they are bound by an obligation of confidentiality.

- After the signature of the award decision tenderers whose tenders were received in accordance with the submission modalities, who have access to procurement, who are not found to be in an exclusion situation referred to in Article 136(1) of the FR, who are not rejected under Article 141 of the FR, whose tenders are not found to be incompliant with the procurement documents, and who make a request in writing will be notified of the name of the tenderer to whom the contract is awarded, the characteristics and relative advantages of the successful tender and the price of the offer and/or contract value. The Contracting authority may decide to withhold certain information that it assesses as being confidential, in particular where its release would prejudice the legitimate commercial interests of economic operators or might distort fair competition between them. Such information may include, without being limited to, confidential aspects of tenders such as unit prices included in the financial offer, technical or trade secrets.

- The Contracting authority may disclose the submitted tender in the context of a request for public access to documents, or in other cases where the applicable law requires its disclosure. Unless there is an overriding public interest in disclosure, the Contracting authority may refuse to provide full access to the submitted tender, redacting the parts (if any) that contain confidential information, the disclosure of which would undermine the protection of commercial interests of the tenderer, including intellectual property.

<table>
<thead>
<tr>
<th>7</th>
<th>For the definition of trade secrets please see Article 2 (1) of DIRECTIVE (EU) 2016/943 on the protection of undisclosed know-how and business information (trade secrets) against their unlawful acquisition, use and disclosure.</th>
</tr>
</thead>
<tbody>
<tr>
<td>8</td>
<td>See Article 4 (2) of the REGULATION (EC) No 1049/2001 regarding public access to European Parliament, Council and Commission documents.</td>
</tr>
</tbody>
</table>
5. **PROCESSING OF PERSONAL DATA**

Any personal data included in or relating to the TENDER, including its implementation, shall be processed in accordance with Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC. Such data shall be processed solely for the purposes of the monitoring of the tender by the data controller.

Tenderers or any other person whose personal data is processed by the data controller in relation to this contract has specific rights as a data subject under Regulation (EU) 2016/679, in particular the right to access, rectify or erase their personal data and the right to restrict or, where applicable, the right to object to processing or the right to data portability.

Should tenderers or any other person whose personal data is processed in relation to this contract have any queries concerning the processing of its personal data, it shall address itself to the data controller.

They may also address themselves to the Data Protection Officer of the data controller. They have the right to lodge a complaint at any time to the European Data Protection Supervisor.

Details concerning the processing of personal data can be requested to the data controller.

---

**APPENDIX: LIST OF REFERENCES**

- **Award criteria**: See Section 3.4
- **Contracting authority**: See Section 1.1
- **Entities on whose capacities the tenderer relies to fulfil the selection criteria**: See Section 2.3.44
- **Exclusion criteria**: See Section 3.1
- **Framework contract**: See Section 1.6
- **Framework contract ceiling**: See Section 1.7
- **Group leader**: See Section 2.3.1
- **Identified subcontractors**: See Section 2.3.33
- **Involved entities**: See Section 2.3

---

9 The data controller is the Secretary General for OSGES and the Director of the School for the European Schools.
<table>
<thead>
<tr>
<th><strong>Joint tender</strong></th>
<th>See Section 2.3.1</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Participating entities</strong></td>
<td>See Section 1.1</td>
</tr>
<tr>
<td><strong>Selection criteria</strong></td>
<td>See Section 3.2</td>
</tr>
<tr>
<td><strong>Sole tenderer</strong></td>
<td>See Section 2.3</td>
</tr>
<tr>
<td><strong>Subcontracting/subcontractor</strong></td>
<td>See Section 2.3.33</td>
</tr>
</tbody>
</table>
ANNEXES
Annex 1. Checklist – Documentation to provide

OPEN CALL FOR TENDERS No BSGEE – 2021-008

INSURANCES OF THE EUROPEAN SCHOOLS

ANNEX 1: CHECKLIST – DOCUMENTATION TO BE PROVIDED

The documents and information listed in the tables below MUST be submitted.

In each checklist, every box in the column entitled ‘Reference to the documents attached’ must be completed using the number of the relevant document and of the page of the tender on which the required document is to be found, unless otherwise specified.

Contact of the tenderer:

[Company name]
[Name of the Authorized representative]
[Country of registration]
[Official address]

Application for (please tick the relevant box):

☐ Lot 1 - Material damage of the equipment owned by the OSGES and the schools and occupant's liability for damages on the buildings used
☐ Lot 2 – General Liability
☐ Lot 3 - Accidents & Natural death of the seconded personnel
☐ Lot 4 - Work accidents /accidents du travail/ of the locally recruited personnel in Belgium
☐ Lot 5 - Accidents of students
# I. IDENTIFICATION OF THE TENDERER, JOINT TENDERS, INSURANCE INTERMEDIARY AND SUBCONTRACTING

<table>
<thead>
<tr>
<th></th>
<th>‘Legal identity’ identification form (where applicable, for all the members of the grouping)</th>
<th>Reference to the documents attached</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>(see Annex 1.1 to this document)</td>
<td>See document No ... on page... of the tender submitted</td>
</tr>
<tr>
<td></td>
<td>‘Bank account’ identification form (where applicable, for all the members of the grouping)</td>
<td>Document to submit upon request from the contracting authority</td>
</tr>
<tr>
<td></td>
<td>Where applicable: Questionnaire concerning joint tenders (accompained by Agreement/Power of Attorney) (see Annex 1.2 to this document)</td>
<td>See document No ... on page... of the tender submitted</td>
</tr>
<tr>
<td>4.</td>
<td>In the case of a tender with an insurance intermediary (broker), a mandate drawn up by the insurance company or companies entrusting the insurance intermediary (broker) with the tasks described in point 2.3.2 (See Annex 1.3 to this document)</td>
<td>See document No ... on page... of the tender submitted</td>
</tr>
<tr>
<td>5.</td>
<td>In the case of a tender with an insurance intermediary (broker), proof of registration of the broker with the competent authority of their home Member State in accordance with Article 3 of Directive (EU) 2016/97 of the European Parliament and of the Council of 20 January 2016 on insurance distribution.</td>
<td>See document No ... on page... of the tender submitted</td>
</tr>
<tr>
<td>6.</td>
<td>Where applicable: Questionnaire concerning subcontracting (where applicable, for each of the subcontractors, accompanied by declaration of intent or an existing agreement) (see Annex 1.4 to this document)</td>
<td>See document No ... on page... of the tender submitted</td>
</tr>
<tr>
<td></td>
<td>In the case of subcontracting, the tenderer must indicate the name, the contact details, the legal form and the legal status of the subcontracting company/companies. Those parts of the contract that are subcontracted will remain under the contractor’s responsibility.</td>
<td></td>
</tr>
<tr>
<td>7.</td>
<td>Where applicable: Questionnaire for tenderer intending to rely on another entity to meet the minimum levels of economic and financial capacity (see Annex 1.5 to this document)</td>
<td>See document No ... on page... of the tender submitted</td>
</tr>
</tbody>
</table>

# II. EXCLUSION CRITERIA
III. SELECTION CRITERIA

8. Declaration on honour on exclusion criteria and on selection criteria, duly completed and signed (where applicable, for all the members of the grouping and for the insurance intermediary in the case of point 2.3.2) (see Annex 2 to these specifications)

9. A recent extract from the judicial record is required or, failing that, an equivalent document recently issued by a judicial or administrative authority in the country of establishment of the person showing that those requirements are satisfied.

10. Recent certificates issued by the competent authorities of the State concerned attesting that the tenderer has fulfilled its obligations relating to the payment of taxes or social security contributions in accordance with the applicable law are required. Failing that: Documents providing evidence of the payment of all taxes, charges and social security contributions for which the person is liable, including VAT, income tax (natural persons only), company tax (legal persons only) and social security contributions.

11. Declaration on honour on exclusion criteria and on selection criteria, duly completed and signed (where applicable, for all the members of the grouping and for the insurance intermediary in the case of point 2.3.2) (see Annex 2 to the specifications)

12. Copy of registration in a relevant national trade register or database for economic operators

a) Legal and regulatory capacity (documents required by each member of the group in case of a joint tender)
<table>
<thead>
<tr>
<th></th>
<th><strong>Reference to the documents attached</strong></th>
<th><strong>Copy of legal status</strong> or, failing that, an equivalent document recently issued by a competent judicial or administrative authority.</th>
<th>Document to submit upon request from the contracting authority</th>
</tr>
</thead>
<tbody>
<tr>
<td>13.</td>
<td></td>
<td>Proof of authorisation by the relevant supervisory authorities to carry out insurance activities for the particular classes required for each lot</td>
<td>See document No … on page… of the tender submitted</td>
</tr>
<tr>
<td>14.</td>
<td></td>
<td>For Lot 4 – proof of the registration in one of the lists of the National Bank of Belgium mentioned in p. 3.2.1</td>
<td>Document to submit upon request from the contracting authority</td>
</tr>
<tr>
<td>15.</td>
<td></td>
<td>Insurance intermediaries (brokers) appointed as the sole point of contact must furnish proof of registration with the competent authority of their home Member State according to the Directive (EU) 2016/97 of 20 January 2016 on insurance distribution.</td>
<td>See document No … on page… of the tender submitted</td>
</tr>
<tr>
<td>16.</td>
<td></td>
<td>For legal persons, a legible copy of the instrument of appointment of the persons authorised to represent the candidate in relations with third parties and in legal action, or a copy of the publication of that instrument of appointment if the legislation applicable to the legal entity concerned requires such a publication; any delegation of this authorisation to another representative not mentioned in the official instrument of appointment must be certified.</td>
<td>See document No … on page… of the tender submitted</td>
</tr>
</tbody>
</table>

**b) Economic and financial capacity**

<table>
<thead>
<tr>
<th></th>
<th><strong>Reference to the documents attached</strong></th>
<th><strong>Evidence requested for criterion F 1</strong> – applicable to all lots</th>
<th><strong>Statement/declaration showing the average overall annual turnover in the insurance sector</strong> for each of the last three years for which accounts have been closed.</th>
</tr>
</thead>
<tbody>
<tr>
<td>18.</td>
<td></td>
<td></td>
<td>The most recent financial year must have been closed within the last 18 months.</td>
</tr>
<tr>
<td>19.</td>
<td></td>
<td>Evidence requested for criterion F 1 – applicable to all lots</td>
<td>Copies of the annual balance sheets and profit and loss accounts for each of the last three years for which accounts have been closed, or, failing that, appropriate statements from banks.</td>
</tr>
<tr>
<td>20.</td>
<td></td>
<td>Evidence requested for criterion F 2 – applicable to all lots</td>
<td>Attestation by the competent fiscal, judicial or inspection authority in the Member State in which their registered office is located, or, failing that, declaration duly signed by the tenderer.</td>
</tr>
</tbody>
</table>
c) Technical and professional capacity

<table>
<thead>
<tr>
<th>Evidence requested for criterion</th>
<th>Reference to the documents attached</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>T1</strong> – applicable to all lots</td>
<td>See document No ...</td>
</tr>
<tr>
<td>A detailed list of contracts</td>
<td>on page...</td>
</tr>
<tr>
<td>meeting the minimum capacity level, including the identity of three clients and their contact details. The OSGES reserves the right to contact previous clients in order to be able best to evaluate the tenderer's capacity to provide services similar to the ones delivered for those clients.</td>
<td>of the tender submitted</td>
</tr>
<tr>
<td><strong>T2</strong> – applicable to all lots</td>
<td>See document No ...</td>
</tr>
<tr>
<td>A document proving that the candidate has an insurance rating greater than or equal to ‘A’. In case of joint tender – applicable to each member of the group.</td>
<td>on page...</td>
</tr>
<tr>
<td><strong>T3</strong> – applicable to lots I, II, III and V</td>
<td>See document No ...</td>
</tr>
<tr>
<td>Attestation of the tenderer confirming the availability of the sub-units per county required, or presentation of its structure by country, covering the countries of the European schools.</td>
<td>on page...</td>
</tr>
<tr>
<td><strong>T3</strong> – applicable to lot IV</td>
<td>See document No ...</td>
</tr>
<tr>
<td>Attestation of the tenderer confirming the availability of a sub-unit in Belgium, or presentation of its structure by country covering the territory of Belgium as well.</td>
<td>on page...</td>
</tr>
<tr>
<td><strong>T3</strong> – applicable to all lots</td>
<td>See document No ...</td>
</tr>
<tr>
<td>Where necessary - Contract or cooperation with an identified local insurance broker – see the conditions of Criterion T3 in point 3.2.3 “Technical and professional capacity”.</td>
<td>on page...</td>
</tr>
</tbody>
</table>

IV. THE TENDER’S CONFORMITY WITH THE MINIMUM TECHNICAL SPECIFICATIONS

<table>
<thead>
<tr>
<th>Evidence requested for criterion</th>
<th>Reference to the documents attached</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>T3</strong> – applicable to all lots</td>
<td>See document No ...</td>
</tr>
<tr>
<td>By submitting a tender, the tenderer commits to perform the contract in full compliance with the terms and conditions of the procurement documents for this call for tender.</td>
<td>on page...</td>
</tr>
<tr>
<td>For certifying this and be eligible for further evaluation, please fill in the Annex 3 to these specifications, named “Technical tender form”. Tenderers must attach this form to their tender, duly dated and signed by the tenderer's legal representative.</td>
<td>of the tender submitted</td>
</tr>
</tbody>
</table>
V. AWARD CRITERIA - Price of the tender

<table>
<thead>
<tr>
<th>27.</th>
<th>Financial form:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Please fill in and sign the Annex 4 – Financial offer and the relevant excel table(s) attached (named Annex 4.1 – 4.5), depending on the lot for which you are participating.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Reference to the documents attached</th>
</tr>
</thead>
<tbody>
<tr>
<td>See document No ... on page... of the tender submitted</td>
</tr>
</tbody>
</table>

SIGNATURE AND DATE

I/We hereby certify that the information provided in the tender is accurate and complete on the date indicated below.

I/We understand that providing false information might lead to the tenderer’s exclusion.

I/We hereby undertake to inform the Contracting Authority without delay of any point that would change or complete any information contained in the tender submitted in response to this contract notice.

| Signature: | __________________________________________ |
| Name:      | __________________________________________ |
| Date:      | __________________________________________ |
TENDERER’S IDENTIFICATION FORM
(Annex 1.1)

This duly completed form should be submitted by the tenderer and, where applicable, by all the members of a group of tenderers. In the case of grouping, information about the person authorised to sign the contract and the contact person need only be given for the group leader.

Identification of the tenderer, acting as:

- Single tenderer
- Member of the group: please state whether agent (leader) or principal:

<table>
<thead>
<tr>
<th>Identity</th>
<th>Answer</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tenderer’s full official designation:</td>
<td></td>
</tr>
<tr>
<td>Official legal form:</td>
<td></td>
</tr>
<tr>
<td>Country of registration:</td>
<td></td>
</tr>
<tr>
<td>Address of tenderer’s registered office:</td>
<td></td>
</tr>
<tr>
<td>Legal registration number:</td>
<td></td>
</tr>
<tr>
<td>VAT registration number:</td>
<td></td>
</tr>
<tr>
<td>Person(s) authorised to sign the contract (surname, first name and function):</td>
<td></td>
</tr>
<tr>
<td>Please state whether this person or these persons are authorised to sign alone or together.</td>
<td></td>
</tr>
<tr>
<td>Designated contact person(s) for this call for tenders (surname, first name and function, telephone number, fax number, address and email address).</td>
<td></td>
</tr>
<tr>
<td>(In the case of grouping, to be given for the leader only).</td>
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</tbody>
</table>
QUESTIONNAIRE CONCERNING JOINT TENDERS (Annex 1.2)

To be completed in the case of a joint tender submitted by a group of tenderers.

1. Please give the name of the lead company of the group of tenderers (leader):

2. Please give the names of the principals (the other companies) that are participating in the tender:

   __________________________________________________________

   __________________________________________________________

   __________________________________________________________

   __________________________________________________________

NB: These companies must provide the identification form (see above), the declaration on honour on the exclusion criteria and, where applicable, the documents required for evaluation of economic and financial capacity and/or technical capacity.

3. If a group or a similar entity has already been formed, please give its name and legal status and provide any other information and any other document that is relevant in this context:

   __________________________________________________________

   __________________________________________________________

4. Please provide an Agreement/Power of attorney, drawn up in accordance with the power of attorney template appearing below, signed by the legal representatives of all the partners in the joint tender, which in particular:

   • gives power of attorney to one of the partners in the joint tender (leader) to represent the other parties for the purposes of the administration of the contract.
(DESIGNATING ONE OF THE COMPANIES AS LEADER AND APPOINTING IT AGENT/AUTHORISED REPRESENTATIVE)

The undersigned,

- Signatory 1 (name, function, company, registered office, VAT number)
- Signatory 2 (name, function, company, registered office, VAT number)
- ....
- Signatory No (name, function, company, registered office, VAT number)

Each having the legal capacity required to act on behalf of his/her company,

HAVE AGREED AS FOLLOWS:

1) As co-signatories to the Contract, all the members of the group:
   - will be liable to the European Schools and the OSGES for performance of the contract, according to the principle of co-insurance;
   - will abide by the terms and conditions of the Contract and will ensure that the services are properly provided on their respective parts.
   - will be subject to an obligation of result which will consist in providing insurance (100% cover) in accordance with the provisions of the specifications, without interruption, throughout the duration of the contract.

3) For this purpose, the member of the group hereby designates the company X as leader.
   [NB: The leader must be one of the members of the group].

4) The payments made by the European Schools and the OSGES for the services performed will be transferred into the leader’s bank account.
   [Please give the name and address of the bank, the account number, etc.]

5) The members of the group hereby grant to the leader all necessary powers to act on their behalf with regard to the services in question. This mandate includes in particular the following tasks:
   - The leader will sign all contractual documents – except the framework contract, the specific contracts and any amendments thereto – and will issue all invoices on behalf of the members of the group.
   - The leader will be the single point of contact of the European Schools and of the OSGES with respect to the associated services to be delivered under the Contract. It will coordinate performance of the services provided by the members of the group for the European Schools and the OSGES and will ensure proper performance of the Contract.
Any amendment of this agreement/power of attorney will be subject to the express agreement of the European Schools and of the OSGES.

This agreement/power of attorney will expire when all the contractual obligations of the members of the group to the European Schools and the OSGES related to the services to be delivered under the Contract have ceased to exist. Its termination before that date will be possible only with the agreement of the European Schools and of the OSGES.

Signed at ........................................, on .................

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<th>Name</th>
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<td>Function</td>
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<td>Company</td>
<td>Company</td>
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</table>
MANDATE DESIGNATING AN INSURANCE INTERMEDIARY (BROKER) AS THE SOLE POINT OF CONTACT FOR THIS TENDER PROCEDURE AND FOR THE ADMINISTRATIVE MANAGEMENT OF THE CONTRACT (Annex 1.3)

We, the undersigned:

- Signatory 1 (name, function, company)
- Signatory 2 (name, function, company)
- Signatory No (name, function, company),

Each of us having the legal capacity required to act on behalf of our insurance company/companies,

HAVE AGREED AS FOLLOWS:

1) The insurance company or companies hereby appoint [name of company], represented by [name of legal representative] as the sole point of contact for administrative purposes during the tender procedure and, if awarded the contract, for the administrative management of the contract after its signature.

2) The insurance company or companies hereby confer on the designated sole point of administrative contact all powers necessary to act on its/their behalf as regards the provision of services under this tender procedure. This mandate consists of the following tasks in particular:

- The designated administrative point of contact has full powers to submit the tender for this procedure, other than the power to sign the contract, which must be signed by the tendering insurance company or companies;
- The designated administrative point of contact will draw up all necessary invoices, after the signature of the contract, for the services provided on behalf of the insurance company or companies. In particular, it will take payment of premiums and act as an intermediary for the reimbursement of claims;
- It will coordinate the services provided by the insurance company or companies and ensure the proper performance of the contract.

3) The designated administrative point of contact does not share liability for the risks covered; these will be assumed by the insurance company or companies only. It will, however, be responsible for the proper performance of the tasks associated with its role as administrative point of contact.

Any amendment to this mandate is subject to the express prior approval of the contracting authority/authorities.

This mandate will expire when all the contractual obligations of the insurance company/companies towards the contracting authority/authorities in connection with the
services to be provided under the contract have lapsed. The parties may not terminate it before that date without the prior agreement of the contracting authority/authorities.

Signed at ………………………………, on ….. …………

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<th>Company</th>
<th>Company</th>
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<tr>
<td>Name</td>
<td>Name</td>
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<tr>
<td>Function</td>
<td>Function</td>
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</tbody>
</table>
QUESTIONNAIRE CONCERNING SUBCONTRACTING (Annex 1.4)

1. Does your tender provide for the use of subcontractors?  Yes ☐ No ☐

   *If so, please complete the following points:*

2. The share of the contract that you intend to subcontract:

   __________________________________________________
   __________________________________________________
   __________________________________________________

3. List of subcontractors:

   __________________________________________________
   __________________________________________________
   __________________________________________________

4. Justification for subcontracting and role, activities and responsibilities of subcontractors:

   *Please complete the following form for each of the subcontractors, including with it a declaration of intent from the subcontractor or an existing agreement (see Article II.5 of the specifications)*

<table>
<thead>
<tr>
<th>Justification for subcontracting and role, activities and responsibilities of subcontractors</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subcontractor’s name:</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>Official legal form:</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>Country of registration:</td>
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<tr>
<td></td>
</tr>
<tr>
<td>Legal registration number:</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>Full official address:</td>
</tr>
<tr>
<td></td>
</tr>
</tbody>
</table>
Contact person: 

__________________________________________________________________________

Telephone number: 

__________________________________________________________________________

Justification for subcontracting: 

__________________________________________________________________________

Subcontractor’s role, activities and responsibilities: 

__________________________________________________________________________

__________________________________________________________________________

__________________________________________________________________________

Volume or proportion of subcontracting: 

__________________________________________________________________________

__________________________________________________________________________

__________________________________________________________________________

NB: The subcontracted part of the contract remains under the tenderer’s responsibility.

The European Schools and the OSGES reserve the right to check the legal situation, the economic and financial capacity and the technical capacity of any subcontractors, either before the contract is signed if the subcontractors are indicated in the tender, or following an application for permission to use the services of subcontractors during the contract period. In the event of failure to submit such documents, use of the services of subcontractors will not be permitted.

__________________________________________________________________________

Date, stamp and signature of the tenderer:
Commitment letter by an entity on whose capacities is being relied (Annex 1.5)

[Letterhead, if any]

OFFICE OF THE SECRETARY GENERAL OF THE EUROPEAN SCHOOLS

Call for tenders Ref. BSGEE-2021-008

[Insert date]

Commitment letter by an entity on whose capacity is being relied

I, the undersigned,

Name:

Function:

Company:

Registered address:

VAT Number:

having the legal capacity required to act on behalf of the company [insert name of the entity] hereby confirm that our company authorises the [insert name of the tenderer] to rely on its financial and economic capacity in order to meet the minimum levels required for the Call for Tenders BSGEE-2021-008 “INSURANCES OF THE EUROPEAN SCHOOLS”, Lot [insert lot number].

In the event that the tender of the aforementioned tenderer is successful, [insert name of the entity] commits itself to make available the resources necessary for performance of the contract. It further declares that it is not subject to conflicting interests which may negatively affect the contract performance, and that it accepts the general conditions attached to the Tender Specifications for the above call for tender, in particular the contractual provisions related to checks and audits.

Done at:

Name:

Position:

Signature:
Annex 2. Declaration on Honour on exclusion and selection criteria

Declaration on honour on exclusion criteria and selection criteria

The undersigned [insert name of the signatory of this form], representing:

<table>
<thead>
<tr>
<th>(only for natural persons) himself or herself</th>
<th>(only for legal persons) the following legal person:</th>
</tr>
</thead>
<tbody>
<tr>
<td>ID or passport number:</td>
<td>Full official name:</td>
</tr>
<tr>
<td>(‘the person’)</td>
<td>Official legal form:</td>
</tr>
<tr>
<td></td>
<td>Statutory registration number:</td>
</tr>
<tr>
<td></td>
<td>Full official address:</td>
</tr>
<tr>
<td></td>
<td>VAT registration number:</td>
</tr>
<tr>
<td></td>
<td>(‘the person’)</td>
</tr>
</tbody>
</table>

The person is not required to submit the declaration on exclusion criteria if the same declaration has already been submitted for the purposes of another award procedure of the same contracting authority\(^\text{10}\), provided the situation has not changed, and that the time that has elapsed since the issuing date of the declaration does not exceed one year.

In this case, the signatory declares that the person has already provided the same declaration on exclusion criteria for a previous procedure and confirms that there has been no change in its situation:

<table>
<thead>
<tr>
<th>Date of the declaration</th>
<th>Full reference to previous procedure</th>
</tr>
</thead>
</table>

I – Situation of exclusion concerning the person

(1) declares that the above-mentioned person is in one of the following situations: YES NO

(a) it is bankrupt, subject to insolvency or winding-up procedures, its assets are being administered by a liquidator or by a court, it is in an arrangement with creditors, its business activities are suspended or it is in any analogous situation arising from a similar procedure provided for under Union or national law;

\(^{10}\) The same school.
(b) it has been established by a final judgement or a final administrative decision that the person is in breach of its obligations relating to the payment of taxes or social security contributions in accordance with the applicable law;

(c) it has been established by a final judgement or a final administrative decision that the person is guilty of grave professional misconduct by having violated applicable laws or regulations or ethical standards of the profession to which the person belongs, or by having engaged in any wrongful conduct which has an impact on its professional credibility where such conduct denotes wrongful intent or gross negligence, including, in particular, any of the following:

(i) fraudulently or negligently misrepresenting information required for the verification of the absence of grounds for exclusion or the fulfilment of eligibility or selection criteria or in the performance of a contract or an agreement;

(ii) entering into agreement with other persons with the aim of distorting competition;

(iii) violating intellectual property rights;

(iv) attempting to influence the decision-making process of the contracting authority during the award procedure;

(v) attempting to obtain confidential information that may confer upon it undue advantages in the award procedure;

(d) it has been established by a final judgement that the person is guilty of any of the following:

(i) fraud, within the meaning of Article 3 of Directive (EU) 2017/1371 and Article 1 of the Convention on the protection of the European Communities' financial interests, drawn up by the Council Act of 26 July 1995;

(ii) corruption, as defined in Article 4(2) of Directive (EU) 2017/1371 or active corruption within the meaning of 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, drawn up by the Council Act of 26 May 1997, or conduct referred to in Article 2(1) of Council Framework Decision 2003/568/JHA, as well as corruption as defined in other applicable laws;

(iii) conduct related to a criminal organisation, as referred to in Article 2 of Council Framework Decision 2008/841/JHA;

(iv) money laundering or terrorist financing, within the meaning of Article 1(3), (4) and (5) of Directive (EU) 2015/849 of the European Parliament and of the Council;

(v) terrorist offences or offences linked to terrorist activities, as defined in Articles 1 and 3 of Council Framework Decision 2002/475/JHA, respectively, or inciting, aiding, abetting or attempting to commit such offences, as referred to in Article 4 of that Decision;

(vi) child labour or other offences concerning trafficking in human beings as referred to in Article 2 of Directive 2011/36/EU of the European Parliament and of the Council;

(e) it has shown significant deficiencies in complying with the main obligations in the performance of a contract or an agreement financed by the Union’s budget, which has led to its early termination or to the application of liquidated damages or other contractual penalties, or which has been discovered following checks,
audits or investigations by a contracting authority, the European Anti-Fraud Office (OLAF) or the Court of Auditors;

(f) it has been established by a final judgment or final administrative decision that the person has committed an irregularity within the meaning of Article 1(2) of Council Regulation (EC, Euratom) No 2988/95;

(g) it has been established by a final judgment or final administrative decision that the person has created an entity under a different jurisdiction with the intent to circumvent fiscal, social or any other legal obligations in the jurisdiction of its registered office, central administration or principal place of business.

(h) (only for legal persons) it has been established by a final judgment or final administrative decision that the person has been created with the intent provided for in point (g).

(i) for the situations referred to in points (c) to (h) above the person is subject to:
   i. facts established in the context of audits or investigations carried out by the European Public Prosecutor's Office after its establishment, the Court of Auditors, the European Anti-Fraud Office (OLAF) or the internal auditor, or any other check, audit or control performed under the responsibility of an authorising officer of an EU institution, of a European office or of an EU agency or body;
   ii. non-final judgments or non-final administrative decisions which may include disciplinary measures taken by the competent supervisory body responsible for the verification of the application of standards of professional ethics;
   iii. facts referred to in decisions of entities or persons being entrusted with EU budget implementation tasks;
   iv. information transmitted by Member States implementing Union funds;
   v. decisions of the Commission relating to the infringement of Union competition law or of a national competent authority relating to the infringement of Union or national competition law; or
   vi. decisions of exclusion by an authorising officer of an EU institution, of a European office or of an EU agency or body.

II – Situations of exclusion concerning natural or legal persons with power of representation, decision-making or control over the legal person and beneficial owners

Not applicable to natural persons, Member States and local authorities

(2) declares that a natural or legal person who is a member of the administrative, management or supervisory body of the above-mentioned legal person, or who has powers of representation, decision or control with regard to the above-mentioned legal person (this covers e.g. company directors, members of management or supervisory bodies, and cases where one natural or legal person holds a majority of shares), or a beneficial owner of the person (as referred to in point 6 of article 3 of Directive (EU) No 2015/849) is in one of the following situations:

Situation (c) above (grave professional misconduct)  YES  NO  N/A
Situation (d) above (fraud, corruption or other criminal offence)  YES  NO  N/A
| Situation (e) above (significant deficiencies in performance of a contract) | YES | NO | N/A |
| Situation (f) above (irregularity) | YES | NO | N/A |
| Situation (g) above (creation of an entity with the intent to circumvent legal obligations) | YES | NO | N/A |
| Situation (h) above (person created with the intent to circumvent legal obligations) | YES | NO | N/A |
| Situation (i) above | YES | NO | N/A |

### III – Situations of exclusion concerning natural or legal persons assuming unlimited liability for the debts of the legal person

(3) declares that a natural or legal person that assumes unlimited liability for the debts of the above-mentioned legal person is in one of the following situations:

| Situation (a) above (bankruptcy) | YES | NO | N/A |
| Situation (b) above (breach in payment of taxes or social security contributions) | YES | NO | N/A |

### IV – Grounds for rejection from this procedure

(4) declares that the above-mentioned person:

| Was previously involved in the preparation of the procurement documents used in this award procedure, where this entailed a breach of the principle of equality of treatment including distortion of competition that cannot be remedied otherwise. | YES | NO |

### V – Remedial measures

If the person declares one of the situations of exclusion listed above, it must indicate measures it has taken to remedy the exclusion situation, thus demonstrating its reliability. This may include e.g. technical, organisational and personnel measures to prevent further occurrence, compensation of damage or payment of fines or of any taxes or social security contributions. The relevant documentary evidence which illustrates the remedial measures taken must be provided in annex to this declaration. This does not apply for situations referred in point (d) of this declaration.

### VI – Evidence upon request

Upon request and within the time limit set by the contracting authority the person must provide information on natural or legal persons that are members of the administrative, management or supervisory body or that have powers of representation, decision or control, including legal and natural persons within the ownership and control structure and beneficial owners.

It must also provide the following evidence concerning the person itself and the natural or legal persons on whose capacity the person intends to rely, or a subcontractor and concerning the natural or legal persons which assume unlimited liability for the debts of the person:
For situations described in (a), (c), (d), (f), (g) and (h), production of a recent extract from the judicial record is required or, failing that, an equivalent document recently issued by a judicial or administrative authority in the country of establishment of the person showing that those requirements are satisfied.

For the situation described in point (b), production of recent certificates issued by the competent authorities of the State concerned are required. These documents must provide evidence covering all taxes and social security contributions for which the person is liable, including for example, VAT, income tax (natural persons only), company tax (legal persons only) and social security contributions. Where any document described above is not issued in the country concerned, it may be replaced by a sworn statement made before a judicial authority or notary or, failing that, a solemn statement made before an administrative authority or a qualified professional body in its country of establishment.

The person is not required to submit the evidence if it has already been submitted for another award procedure of the same contracting authority. The documents must have been issued no more than one year before the date of their request by the contracting authority and must still be valid at that date.

The signatory declares that the person has already provided the documentary evidence for a previous procedure and confirms that there has been no change in its situation:

<table>
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<tr>
<th>Document</th>
<th>Full reference to previous procedure</th>
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<td>Insert as many lines as necessary.</td>
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</table>

**VII – Selection criteria**

(1) declares that the above-mentioned person complies with the selection criteria applicable to it individually as provided in the tender specifications:

<table>
<thead>
<tr>
<th>YES</th>
<th>NO</th>
<th>N/A</th>
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</table>

(a) It has the legal and regulatory capacity to pursue the professional activity needed for performing the contract as required in section [insert] of the tender specifications;

(b) It fulfills the applicable economic and financial criteria indicated in section [insert] of the tender specifications;

(c) It fulfills the applicable technical and professional criteria indicated in section [insert] of the tender specifications.

(2) if the above-mentioned person is the **sole tenderer** or the **leader in case of joint tender**, declares that:

<table>
<thead>
<tr>
<th>YES</th>
<th>NO</th>
<th>N/A</th>
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(d) the tenderer, including all members of the group in case of joint tender and including subcontractors if applicable, complies with all the

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11 The same school.
selection criteria for which a consolidated assessment will be made as provided in the tender specifications.

**VIII – Evidence for selection**

The signatory declares that the above-mentioned person is able to provide the necessary supporting documents listed in the relevant sections of the tender specifications and which are not available electronically upon request and without delay.

The person is not required to submit the evidence if it has already been submitted for another procurement procedure of the same contracting authority\(^{12}\). The documents must have been issued no more than one year before the date of their request by the contracting authority and must still be valid at that date.

The signatory declares that the person has already provided the documentary evidence for a previous procedure and confirms that there has been no change in its situation:

<table>
<thead>
<tr>
<th>Document</th>
<th>Full reference to previous procedure</th>
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<tr>
<td>Insert as many lines as necessary.</td>
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</tbody>
</table>

*The above-mentioned person must immediately inform the contracting authority of any changes in the situations as declared.*

*The above-mentioned person may be subject to rejection from this procedure and to administrative sanctions (exclusion or financial penalty) if any of the declarations or information provided as a condition for participating in this procedure prove to be false.*

Full name  
Date  
Signature

---

\(^{12}\) The same school.
Annex 3. Technical Tender Form

OPEN CALL FOR TENDERS No BSGEE 2021-008
INSURANCES OF THE EUROPEAN SCHOOLS

ANNEX 3: TECHNICAL TENDER FORM

NB:

Use of this form is compulsory. Do NOT add any comments or make any changes to it or your bid may be rejected.

The tenderer undertakes, if awarded the contract, to perform it in accordance with the specifications, terms and conditions and clauses of the procurement documents, consisting of the contract notice, the invitation to tender, the tender specifications, the annexes thereto and the draft contract.

Submission of a tender implies that you waive your own general terms of insurance.

Date and tenderer's/group leader's/broker's signature:

Contact of the tenderer:

[Company name]
[Name of the Authorized representative]
[Country of registration]
[Official address]
Annex 4. Financial offer

OPEN CALL FOR TENDERS No BSGEE 2021-008

Insurances of the European schools

ANNEX 4: FINANCIAL OFFER

Please fill in according to the instructions therein, sign by a duly authorized representative of the tenderer and attach the excel sheets numbered:

Annex 4.1 “FINANCIAL BID LOT 1” – for lot 1
Annex 4.2 “FINANCIAL BID LOT 2” – for lot 2
Annex 4.3 “FINANCIAL BID LOT 3” – for lot 3
Annex 4.4 “FINANCIAL BID LOT 4” – for lot 4
Annex 4.5 “FINANCIAL BID LOT 5” – for lot 5

Contact of the tenderer:

[Company name]
[Name of the Authorized representative]
[Country of registration]
[Official address]