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APPLICATION FOR EIB-FUNDED WORKS CONTRACT

Contract notice: EIB-GtP/27/22/SS&TK

Contract title: Reconstruction and modernization of railway line “Niš-Dimitrovgrad” – Design, Supply and Installation of Signalling and Telecommunication Equipment

Please supply one signed application (for each lot, if the tender procedure is divided into lots), together with **three copies**. For economic and ecological reasons, we strongly recommend that you submit your files on paper (no plastic folder or divider). We also suggest you use double-sided printing wherever possible. Your application must include a signed declaration using the annexed format from each legal entity making the application. **All data included in this application must concern only the legal entity or entities making the application.**

Any documentation (brochures, letters etc.) sent in addition to what has been requested with your application will not be taken into consideration. Applications submitted by a **consortium** (i.e. either a permanent, legally-established grouping or a grouping set up informally for a specific tender procedure) must follow the instructions applicable to the consortium leader and its members.

An economic operator may, where appropriate and for a particular contract, rely on the capacities of other entities, regardless of the legal nature of the links which it has with them. If they do, they must prove to the contracting authority that they have the resources needed to perform the contract, for example by producing a commitment from those entities to place resources at their disposal. Such entities, for instance the parent company of the economic operator, must respect the same rules of eligibility and nationality as the economic operator, as well as the relevant selection criteria. With regard to technical and professional criteria, a applicant may only rely on the capacities of other entities where the latter will perform the works for which these capacities are required. With regard to economic and financial criteria, the entities upon whose capacity the applicant relies, become jointly and severally liable for the performance of the contract.

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

	Name(s) of legal entity or entities making this application	Nationality ¹
Leader²		
Member		
Etc ...		

¹ Country in which the legal entity is registered.

² Add / delete additional lines for consortium members as appropriate.

Note that a subcontractor is not considered to be a consortium member for the purposes of this application form. Subsequently, data on subcontractors must not appear in the data related to the economic, financial and professional capacity. However, data on specialist subcontractors may appear in the data related to professional and technical capacity.

If this application is submitted by an individual legal entity, the name of that legal entity should be entered as 'Leader' (and all other lines should be deleted). Any change in the identity of the leader and/or any consortium members between the deadline for receipt of applications indicated in the contract notice and the award of the contract is not permitted without the prior written consent of the contracting authority.

2 CONTACT PERSON (for this application) _____

Name	
Organisation	
Address	
Telephone	
Fax	
e-mail	

3 DECLARATION(S)

As part of their application, each legal entity identified under point 1 of this application, including every consortium member, as well as each capacity-providing entity and (if already identified at this stage) each subcontractor, must submit the signed declarations and Covenants of Integrity using the attached templates (Annex I, Annex II and Annex III). The declarations and covenants may be in original or in copy. If copies are submitted, the originals must be sent to the contracting authority upon request.

4 STATEMENT

I, the undersigned, the authorised signatory of the above applicant (for consortiums, this includes all consortium members), hereby declare that we have examined the contract notice for the restricted tender procedure referred to above. If our application is short-listed, we fully intend to submit a tender to provide the works requested in the tender dossier.

We understand that our tender may be excluded if we use staff who has been involved in preparing this project or employ them as advisers in the preparation of our tender. We also understand that this may mean exclusion from other tender procedures and contracts funded by the EIB.

We are fully aware that, for consortiums, the composition of the consortium cannot be changed in the course of the tender procedure, unless the contracting authority has given its prior approval in writing. We are also aware that the consortium members have joint and several liability towards the contracting authority concerning participation in the above tender procedure and any contract awarded to us as a result of it.

Signed on behalf of the applicant

Name	
Signature	
Date	

This application includes the following annexes:

- ANNEX I – a DECLARATION REFERRED TO IN POINT 3 OF THE APPLICATION FORM**
ANNEX I – b DECLARATION ON HONOUR ON EXCLUSION CRITERIA AND SELECTION CRITERIA
ANNEX II COVENANT OF INTEGRITY OF EIB
ANNEX III ENVIRONMENTAL AND SOCIAL COVENANT OF EIB

ANNEX I - a

**DECLARATION REFERRED TO IN POINT 3
OF THE APPLICATION FORM**

To be submitted on the headed notepaper of the legal entity concerned

<Date>

<Name and address of the contracting authority — see point 5 of the contract notice >

Your ref: < Publication reference >

Dear Sir/Madam

In response to your contract notice < publication reference >, we, < name(s) of legal entity or entities >, confirm that we intend to submit a tender for the contract for “Reconstruction and modernisation of the railway lines “Niš-Dimitrovgrad” – Design, Supply and Installation of Signalling and Telecommunication Equipment if we are invited to do so.

We hereby declare that we:

- are making this application [on an individual basis]* [as member of the consortium led by [< name of the leader] [ourselves]]* for this contract. We confirm that we are not involved in any other application for the same contract, in any form (as a member, leader, in a consortium or as an individual applicant);
- agree to abide by the ethics clauses in Section 2.5.6. of the Practical Guide on Contract Procedure for European Union External Action (PRAG), version 24 June 2022 (hereinafter “the practical guide”), have not been involved in the preparation of the project which is the subject of this tender procedure unless it is proved that the involvement in previous stages of the project does not constitute unfair competition, and have no professional conflicting of interests and/or any equivalent relation with other applicants or other parties in the tender procedure or behaviour which may distort competition at the time of submission of this application according to Section 2.5.5. of the practical guide;
- [have attached a current list of the enterprises in the same group or network as ourselves] [are not part of a group or network]* and have only included data in the application form concerning the resources and experience of [our legal entity] [our legal entity and the entities for which we attach a written undertaking]*; and
- will inform the contracting authority immediately if there is any change in the above circumstances at any stage during the implementation of the tasks.

We also undertake, if required, to provide evidence of our financial and economic standing and our technical and professional capacity according to the selection criteria for this call for tender specified in the contract notice.

[* Delete as applicable]

Yours faithfully,

<Signature of authorised representative>

<Name and position of authorised representative>

ANNEX I - b**TO BE COMPLETED INDIVIDUALLY BY**

EACH LEGAL ENTITY IDENTIFIED IN THE APPLICATION FORM, INCLUDING EVERY CONSORTIUM MEMBER), AS WELL AS EACH CAPACITY-PROVIDING ENTITY AND EACH SUBCONTRACTOR PROVIDING MORE THAN 10% OF THE ESTIMATED CONTRACT AMOUNT

DECLARATION ON HONOUR ON EXCLUSION CRITERIA AND SELECTION CRITERIA

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

(only for natural persons) himself or herself	(only for legal persons) the following legal person:
ID or passport number:	Full official name:
	Official legal form:
	Statutory registration number:
	Full official address:
	VAT registration number:
('the person')	('the person')

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 national legislation or regulations;	<input type="checkbox"/>	<input type="checkbox"/>
(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 law of the country in which it is established, with those of the country in which the Contracting Authority is located or those of the country of the performance of the contract;	<input type="checkbox"/>	<input type="checkbox"/>
(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 selection criteria or in the performance of a contract;	<input type="checkbox"/>	<input type="checkbox"/>
(ii) entering into agreement with other persons with the aim of distorting competition;	<input type="checkbox"/>	<input type="checkbox"/>
(iii) violating intellectual property rights;	<input type="checkbox"/>	<input type="checkbox"/>
(iv) attempting to influence the decision-making process of the Contracting Authority during the award procedure;	<input type="checkbox"/>	<input type="checkbox"/>
(v) attempting to obtain confidential information that may confer upon it undue advantages in the award procedure;	<input type="checkbox"/>	<input type="checkbox"/>
(d) it has been established by a final judgement that the person is guilty of the following:		
(i) fraud, within the meaning of Article 1 of the Convention on the protection of the European Communities' financial interests, drawn up by the Council Act of 26 July	<input type="checkbox"/>	<input type="checkbox"/>

1995;		
(ii) corruption, as defined in Article 3 of the Convention on the fight against corruption involving officials of the European Communities or officials of EU Member States, drawn up by the Council Act of 26 May 1997, and in Article 2(1) of Council Framework Decision 2003/568/JHA, as well as corruption as defined in the legal provisions of the country where the Contracting Authority is located, the country in which the person is established or the country of the performance of the contract;	<input type="checkbox"/>	<input type="checkbox"/>
(iii) participation in a criminal organisation, as defined in Article 2 of Council Framework Decision 2008/841/JHA;	<input type="checkbox"/>	<input type="checkbox"/>
(iv) money laundering or terrorist financing, as defined in Article 1 of Directive 2005/60/EC of the European Parliament and of the Council;	<input type="checkbox"/>	<input type="checkbox"/>
(v) terrorist-related 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;	<input type="checkbox"/>	<input type="checkbox"/>
(vi) child labour or other forms of trafficking in human beings as defined in Article 2 of Directive 2011/36/EU of the European Parliament and of the Council;	<input type="checkbox"/>	<input type="checkbox"/>
(e) the person has shown significant deficiencies in complying with the main obligations in the performance of a contract financed by a National Authority or the European 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 an National Authorities, Authorising Officer, OLAF or the Court of Auditors;	<input type="checkbox"/>	<input type="checkbox"/>
(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;	<input type="checkbox"/>	<input type="checkbox"/>
(g) for the situations of grave professional misconduct, fraud, corruption, other criminal offences, significant deficiencies in the performance of the contract or irregularity, the applicant is subject to: i. facts established in the context of audits or investigations carried out by a National Authority, the European Court of Auditors, OLAF or internal audit, or any other check, audit or control performed under the responsibility of a National Authority or an authorising officer of an EU institution, of a European office or of an EU agency or body; ii. 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. decisions of the ECB, the EIB, the European Investment Fund or international organisations; iv. decisions of the Commission relating to the infringement of the Union's competition rules or of a national competent authority relating to the infringement of Union or national competition law; or v. decisions of exclusion by a National Authority, or an authorising officer of an EU institution, of a European office or of an EU agency or body.	<input type="checkbox"/>	<input type="checkbox"/>

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

(2) declares that a natural 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 company directors, members of management or supervisory bodies, and cases where one natural person holds a majority of shares) is in one of the following situations:	YES	NO	N/A
Situation (c) above (grave professional misconduct)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Situation (d) above (fraud, corruption or other criminal offence)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Situation (e) above (significant deficiencies in performance of a contract)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Situation (f) above (irregularity)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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:	YES	NO	N/A
Situation (a) above (bankruptcy)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Situation (b) above (breach in payment of taxes or social security contributions)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

IV – Grounds for rejection from this procedure

(4) declares that the above-mentioned person:	YES	NO
(h) has distorted competition by being previously involved in the preparation of procurement documents for this procurement procedure.	<input type="checkbox"/>	<input type="checkbox"/>

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. 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 the persons that are members of the administrative, management or supervisory body. It must also provide the following evidence concerning the person itself and concerning the natural or legal persons which assume unlimited liability for the debt of the person:

For situations described in (a), (c), (d) or (f), 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 (a) or (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 procurement procedure to 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 with the Contracting Authority and confirms that there has been no change in its situation:

Document	Full reference to previous procedure
<i>Insert as many lines as necessary.</i>	

VII – Selection criteria

(5) declares that the above-mentioned person complies with the selection criteria applicable to it individually as provided in Section 18 of the Contract Notice.	YES	NO	N/A
(a) It has the legal and regulatory capacity to pursue the professional activity needed for performing the contract as required in Section 18 of the Contract Notice.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(b) It fulfills the applicable economic and financial criteria indicated in Section 18 of the Contract Notice.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(c) It fulfills the applicable technical and professional criteria indicated in Section 18 of the Contract Notice.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(6) if the above-mentioned person is the sole applicant or the leader in case of joint tender , declares that:	YES	NO	N/A
(d) the applicant, including all members of the group in case of JVCA and including subcontractors and suppliers, if applicable, complies with all the selection criteria for which a consolidated assessment will be made as provided in the Contract Notice.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

VII – 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 requirements 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 to the 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:

Document	Full reference to previous procedure
<i>Insert as many lines as necessary.</i>	

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.

Name and first name: [.....]

Duly authorised to sign this tender on behalf of:

[.....]

Place and date: [.....]

Stamp of the firm/company:

ANNEX II

TO BE COMPLETED ON BEHALF OF THE APPLICANT

COVENANT OF INTEGRITY OF EIB

Tendering No: EIB-GtP/27/22/SS&TK

[Name of lead tenderer] hereby declare and covenant, on our behalf and on that of our joint venture partners, if any, for Reconstruction and modernization of the railway lines “Niš-Dimitrovgrad” – Design, Supply and Installation of Signalling and Telecommunication Equipment managed by Serbian Railways Infrastructure JSC (the “**Contract**”), that neither we nor anyone, including any of our directors, employees, agents or subcontractors for the Contract, acting on our behalf with due authority or with our knowledge or consent or facilitated by us (together, the “**Associated Entities and Persons**”), nor any of our parent, subsidiary or affiliate companies,

- (i) have engaged in any Prohibited Conduct³ in connection with the tendering process, nor will we or the Associated Entities and Persons engage in such Prohibited Conduct during the execution of the Contract;
- (ii) are listed or otherwise subject to EU/United Nations sanctions;⁴
- (iii) are the subject of a current decision of exclusion by the European Investment Bank;
- (iv) during the 5 (five) years immediately preceding the date of this Covenant, have been convicted in any court or sanctioned⁵ by any authority (irrespective of whether such conviction or sanction is still in force) of any offence on grounds comparable to Prohibited Conduct in connection with a tendering process or any provision of works, goods or services; or
- (v) are excluded or subject to enforcement actions or otherwise sanctioned⁶ by the EU institutions or bodies, or any multilateral development bank,⁷ on grounds comparable to Prohibited Conduct, or have been under such exclusion, enforcement action or sanction the effectiveness of which ceased no more than 5 (five) years immediately preceding the date of this Covenant.

We will immediately inform you if any instance described under (i) to (v) above in respect of us or any of the Associated Entities and Persons comes to the attention of any person in our organisation having responsibility for ensuring compliance with this Covenant at any time during the tendering process and, if successful, during the Contract.

We further declare and covenant that, if successful, neither us nor any of the Associated Entities and Persons will act in contravention of EU/United Nations sanctions during the execution of the Contract.

If applicable, we provide below the details of all convictions, exclusions or other sanctions, exclusion/sanctions proceedings, and/or enforcement actions, listed above under paragraphs (i) to (v), in respect of us or any of the Associated Entities and Persons, together with details of the measures taken, or to be taken, to ensure that no Prohibited Conduct is committed in connection with the tendering process or with the execution of the Contract (*if not applicable, please indicate not applicable in the table below*):

³ Corruption, fraud, collusion, coercion, obstruction, theft at EIB Group premises, misuse of EIB Group resources or assets, money laundering or financing of terrorism, all as defined in the EIB Group Anti-Fraud Policy, available at <https://www.eib.org/en/publications/anti-fraud-policy> and as amended from time to time.

⁴ EU sanctions or restrictive measures pursuant to Chapter 2 of Title V of the EU Treaty and the objectives of the Common Foreign and Security Policy set out in Article 21 of the EU Treaty and Article 215 of the Treaty on the Functioning of the EU, either autonomously or pursuant to the sanctions decided by the United Nations Security Council on the basis of Article 41 of the United Nations Charter.

⁵ Including a fine or any other financial penalty, irrespective of whether paid yet or not.

⁶ Including any decision having an effect similar to conditional non-exclusion, temporary suspension, letters of reprimand, or self-restraint.

⁷ Including the World Bank Group, the African Development Bank, the Asian Development Bank, the European Bank for Reconstruction and Development, the European Investment Bank and the Inter-American Development Bank.

Name of entity	Details of disclosure	Measures taken or to be taken

We, or any of the Associated Entities and Persons, have paid, or will pay, the following commissions, gratuities or fees with respect to the tendering process or execution of the Contract [*insert complete name of each recipient, its full address, the reason for which each commission, gratuity or fee was paid, or will be paid, and the amount and currency of each such commission, gratuity or fee*]:

Name of recipient	Address	Reason	Amount

For the duration of the tendering process and, if we are successful, for the duration of the Contract, we will appoint and maintain in office an officer who shall be a person reasonably satisfactory to you and to whom you shall have full and immediate access, having the duty, and the necessary powers, to ensure compliance with this Covenant.

We grant the Serbian Railways Infrastructure JSC, the European Investment Bank, and any persons appointed by it and/or any authority or European Union institution or body having competence under European Union law, the right to (i) visit the sites, installations and works, (ii) interview our representatives and any other relevant person and (iii) inspect and copy our books and records in connection with the tendering process or the Contract, and we shall require our Associated Entities and Persons with knowledge of the Contract to respond to questions from the European Investment Bank and to provide to it any information or documents necessary for the investigation of allegations of Prohibited Conduct.

We agree to preserve our books and records and ensure that the books and records of the Associated Entities are preserved generally in accordance with applicable law but in any case, for at least 6 (six) years from the date of tender submission and, in the event, we are awarded the Contract, at least 6 (six) years following the date of substantial performance of the Contract. We shall ensure that in any agreements with Associated Entities concerning the execution of the Contract provisions to the effect of this paragraph are included.

We acknowledge that any failure to comply with the obligations under this Covenant of Integrity (including any omission or misrepresentation, made knowingly or recklessly, of a past conviction, exclusion, other sanction or enforcement action), or any unauthorised amendment to the Covenant, may be considered a breach of the EIB Group Anti-Fraud Policy and thus result in the rejection of our tender for the Contract and/or cause the initiation of exclusion proceedings by the EIB against us and/or any of the Associated Entities and Persons.

SIGNED by a duly authorised representative with the requisite power and authority to sign on behalf of its company and, in the case of a joint venture bid, on behalf of each member thereof:

Date:

Name of company:

Name of signatory:

Position of signatory:

Signature:

ANNEX III

TO BE COMPLETED ON BEHALF OF THE TENDERER

ENVIRONMENTAL AND SOCIAL COVENANT OF EIB

Publication No: EIB-GtP/27/22/SS&TK

To: Serbian Railways Infrastructure JSC (for the purposes of this Covenant, hereinafter the “Contracting Authority”)

We, [*name of lead tenderer*], shall, and shall ensure that all of our joint venture members and subcontractors, if any, for Reconstruction and modernization of railway line “Niš-Dimitrovgrad” – Design, Supply and Installation of Signalling and Telecommunication Equipment managed by Serbian Railways Infrastructure JSC (the “Contract”), comply with all labour and health and safety laws and regulations applicable in the country of implementation of the Contract, as well as all national legislation and regulations and any obligation in the relevant international conventions and multilateral agreements on the environment that are applicable, ratified and in force in the country of implementation of the Contract.

Labour standards

We commit to adhere to the principles of the Fundamental Conventions of the International Labour Organization,⁸ and, in particular, we explicitly pledge not to employ child labour or forced labour, in line with Standard 8 of the EIB’s Environmental and Social Standards.⁹

We will require our subcontractors not to employ child labour or forced labour [*and to cascade these requirements throughout their respective supply chains*].¹⁰ We shall:

- (i) pay rates of wages and benefits and observe conditions of work (including working time) that are fair and not lower than those established for the trade or industry where the work is carried out and ensure that wages are paid promptly and regularly; and
- (ii) keep complete and accurate records of employment of workers at the site.

Workers’ relations

We shall, in line with Standard 8 of the EIB’s Environmental and Social Standards, [*insert “have in place” / “develop and implement”*] labour management policy and procedures commensurate to the size and workforce that will be applicable to the project (including a grievance mechanism in line with good international practice to address both labour and occupational health and safety considerations). We will regularly monitor and report on implementation of the grievance mechanism to the Serbian Railways Infrastructure JSC, including on any corrective measures deemed necessary.

Occupational and public health, safety and security

We shall:

- (i) comply with all applicable occupational health and safety laws in the country of implementation of the Contract;
- (ii) develop and implement the necessary health and safety management plans and systems commensurate with the project risks and impacts, in accordance with the measures defined in the Project’s environmental and social management plans or equivalent and/or in the relevant

⁸ <https://www.ilo.org/global/standards/introduction-to-international-labour-standards/conventions-and-recommendations/lang--en/index.htm>.

⁹ <https://www.eib.org/en/publications/eib-environmental-and-social-standards>.

¹⁰ Text between brackets to be added in case the Bank’s risk assessment identifies the presence or a significant risk of child labour, forced labour or sexual exploitation or abuse at the primary supplier, or when risks are known or have been reported in lower tiers of the supply chain.

studies and International Labour Organization guidelines on occupational safety and management systems;¹¹

- (iii) provide workers employed in relation to the Contract access to adequate, safe and healthy facilities as well as living quarters for workers living on-site, if relevant, in line with the EIB's Environmental and Social Standards;
- (iv) communicate all occupational health and safety rules, instructions and signage in a language understood by the workforce;
- (v) provide qualified [emergency response/] first aid arrangements at all times;
- (vi) develop and implement a code of conduct and adopt specific measures to prevent and address inter alia gender-based violence, sexual exploitation and human trafficking for all workers, including those of our subcontractors;
- (vii) use security management arrangements that are consistent with international human rights standards and principles¹² where such arrangements are required for the delivery of the Contract;
- (viii) establish procedures and systems for investigating, recording and reporting any type of accident and incident (whether they happen on-site or within the Contract influence area) that occurs as a direct consequence of the implementation works or Contract activities;
- (ix) report, investigate, document and analyse any environmental and health and safety incidents, accidents or circumstances and their impact or the effect arising or likely to arise from them, including permanent disabilities, ill health or fatalities occurring in relation to the Contract, and take due actions to address and prevent any future similar event, keep the EIB informed of the ongoing implementation of these measures and, where required by national law, notify the relevant authorities of such occurrences and cooperate with them in this respect.

Protection of the environment

We shall take all reasonable steps to protect the environment, biodiversity and ecosystems on and off the site and to limit the nuisance to people and property resulting from pollution, noise, traffic and other outcomes of the operations. To this end, emissions, discharges to the surface, ground and marine environments and effluent from our activities will comply with the limits, specifications or stipulations as defined in [insert name of the relevant document]¹³ and the international and national legislation and regulations applicable in the country of implementation of the Contract.

Environmental and social performance

We shall comply with the measures prescribed to us in the Contract and any corrective or preventative actions in the annual environmental and social monitoring report or other environmental and social action plan required by the Contract, if any and submit [insert the periodicity as indicated in the Contract, if any] environmental and social monitoring reports to the Serbian Railways Infrastructure JSC.

Our tender price as offered for the Contract includes all costs related to our environmental and social performance obligations under the Contract. We shall:

- (i) reassess, in consultation with the Serbian Railways Infrastructure JSC, any changes that may potentially cause negative environmental or social impacts;
- (ii) provide the Serbian Railways Infrastructure JSC with a written notice and in a timely manner of any unanticipated environmental or social risks or impacts that arise during the implementation of the Contract previously not taken into account; and
- (iii) in consultation with the Serbian Railways Infrastructure JSC, adjust environmental and social monitoring and mitigation and/or compensatory and/or remedy measures as necessary to assure compliance with our environmental and social obligations.

¹¹ http://www.ilo.org/safework/info/standards-and-instruments/WCMS_107727/lang--en/index.htm.

¹² For example, the United Nations Voluntary Principles on Security and Human Rights (<https://www.voluntaryprinciples.org/>), the United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (<https://www.ohchr.org/en/professionalinterest/pages/useofforceandfirearms.aspx>), the United Nations Code of Conduct for Law Enforcement Officials (<https://www.ohchr.org/EN/ProfessionalInterest/Pages/LawEnforcementOfficials.aspx>) and the International Code of Conduct for Private Security Providers (https://www.icoca.ch/en/the_icoc).

¹³ For instance an environmental and social impact assessment and respective permits.

Environmental and social staff

We shall facilitate the Serbian Railways Infrastructure JSC ongoing monitoring and supervision of our compliance with the environmental and social obligations described above.

Environmental and social management team

For this purpose, we shall appoint and maintain in office until the completion of the Contract an environmental and social management team (scaled to the size and complexity of the Contract) that shall be reasonably satisfactory to the Serbian Railways Infrastructure JSC and to whom the Serbian Railways Infrastructure JSC shall have full and immediate access, having the duty and the necessary powers to ensure compliance with this Environmental and Social Covenant.

We accord the Serbian Railways Infrastructure JSC and the EIB, and auditors appointed by either of them, the right to inspect all our accounts, records, electronic data and documents related to the environmental and social aspects of the current Contract, as well as all those of our joint venture members and subcontractors.

SIGNED by a duly authorised representative with the requisite power and authority to sign on behalf of its company and, in the case of a joint venture, on behalf of each member thereof:

Date:

Name of company:

Name of signatory:

Position of signatory:

Signature:

FORM 1**GENERAL INFORMATION ABOUT THE APPLICANT**

All individual companies and each partner of a joint venture/consortium applying for prequalification are requested to complete the information in this form.

The attached legal entity form should also be completed.

1. Name of company

.....

2. Registered address

.....

Telephone Fax

Telex

E-mail.....

3. Names and nationalities of principals/directors and associates

.....

.....

.....

.....

.....

4. Type of company (natural person, partnership, corporation etc.)

.....

5. Description of company (e.g. general civil engineering contractor)

.....

6. Company's nationality

.....

7. Number of years of experience as contractor

- in own country

- internationally

8. Registration details

.....

Please attach copy of the registration certificate

9. Equity in the company shares

(%)

.....

10. Name(s) and address(es) of companies involved in the project and whether parent/subsidiary/subcontractor/other

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

11. If your company is a subsidiary, what involvement, if any, will the parent company have in the project?

.....
.....

12. Foreign companies must state whether they are established in the state of the contracting authority in accordance with applicable regulations (for information only)

Signature:

(a person or persons authorised to sign on behalf of the applicant)

Date :

FORM 1.1

DATA ON JOINT VENTURE

1 Name

.....

2 Managing board's address

.....

Telex :

Telephone : Fax : E-mail :

3 Agency in the state of the contracting authority, if any (in the case of a joint venture/consortium with a foreign lead partner)

Office address :

Telex :

Telephone : Fax.....

4 Names of all partners of joint venture (if different then point 1 of the application form)

i)

ii)

iii)

Etc.

5 Name of lead partner of joint venture (if different then point 1 of the application form)

.....

.....

6 Agreement governing the formation of the joint venture/consortium

i) Date of signature:

ii) Place:

iii) Enclosure - joint venture/consortium agreement or declaration of intention to form joint venture/consortium including details of the participation of each party, including capital contribution and profit/loss agreements. Also specify the financial commitment in terms of the percentage of the value of the contract, and the responsibilities for execution of the contract.

7 Proposed proportion of responsibilities between partners (in %) with indication of the type of the works to be performed by each

.....

.....

.....

.....

.....

FORM 1.2**DATA ON SPECIALIST SUBCONTRACTOR(S) (if applicable)**

Specialist Subcontractor / Design Subcontractor name and address	Brief Description of the Services/Works, including expected share of the contract scope

Where the applicant proposes to use a specialist subcontractor(s) for the execution of civil works, telecommunication equipment and GSM-R, as well as laying of cables and installation of trackside equipment, the applicant shall provide the following information for each proposed specialist subcontractor(s):

- name, head office address;
- place of incorporation/registration;
- year of incorporation/registration and contact details;
- brief description and the estimated value of the part of the contract, which is intended to be subcontracted;
- description of the capability and resources of the named subcontractor(s) to perform the proposed part of the contract including:
 - (a) experience and past performance on the execution of similar works / provision of similar services;
 - (b) capabilities with respect to personnel, equipment, and construction; and
 - (c) financial position
- appropriate justification of the need for the use of the proposed specialist subcontractor for the execution of the contract

*[The data on specialist subcontractors should be supplied using the respective Forms (to be marked with *) for each subcontractor]*

FORM 2**FINANCIAL CAPACITY**

The applicant must demonstrate current soundness of its financial position and demonstrate access to, or availability of, financial resources to meet the overall cash flow requirements for this contract and its current commitments according to the criteria indicated in the contract notice.

All individual companies and all partners of a joint venture/consortium are requested to complete the following table of financial data based on its annual accounts and latest projections. Figures in all columns must be on the same basis to allow a direct, year-on-year comparison to be made (or, if the basis has changed, an explanation of the change must be provided as a footnote to the table). Any clarification or explanation which is judged necessary may also be provided.

Financial data and declarations presented by the applicant must be given in euro or national currency (NC) equivalent. Original bank statements may be also attached for reference.

1 Basic capital

Amount..... EUR or NC
 Currency..... EUR or NC
 Authorised..... EUR or NC
 Issued..... EUR or NC

2 Annual value of construction work undertaken for each of the last three years, and projected for the next two years.

Euro or NC	Year-3	Year-2	Last year	Current year	Year +1	Year +2
At home						
Abroad						
Total						

3 Approximate value of works in hand (at home and abroad)

(euro or national currency)

- 4 ¹Please attach copies of the company's certified financial statements of account for the last **three financial years** for which accounts have been closed (with translations into the procedural language, if necessary), with an independent audit report, from which the following basic data will be abstracted. Please provide estimates of the same information for the next **two years**.

Euro or NC	Year-2	Year-1	Last year	Current year	Year+1	Year+2
1.Total assets
2.Total liabilities
<i>Net value (1 minus 2)</i>	<u>.....</u>	<u>.....</u>	<u>.....</u>	<u>.....</u>	<u>.....</u>	<u>.....</u>

3.Liquid assets	.....	.....	.....	.....	.....	.....
4.Short-term debts	.....	.....	.....	.....	...	...
<i>Working capital (3 minus 4)</i>	<u>.....</u>	<u>.....</u>	<u>.....</u>	<u>.....</u>	<u>.....</u> ...	<u>.....</u> ...
5.Pre-tax profits	.....	.....	.....	.....	.....	.....
6.Losses	.....	.....	.....	.....	.....	.....

					

5 Name and address of banks (principal/others):

.....

6 Please enclose a reference/certificate about the financial situation of the company and its access to credit facilities (maximum amount of credit facility to be stated in euro or NC equivalent)

Signature:

(person(s) authorised to sign on behalf of the applicant)

Date

FORM 3.1

GENERAL CONSTRUCTION EXPERIENCE

Individual applicant Legal Name: _____

Joint venture / consortium Partner's Legal Name: _____ *(please delete if not applicable)*

Prequalification No: _____

Page _____ of pages

List of contracts of similar nature and scale completed during the past **ten (10) years**. This form is to be completed by the individual applicant and each partner of a joint venture / consortium.

The value should be based on the currencies of the contracts and equivalent value in Euro, at the date of final acceptance. The information is to be summarized, using Form 3.1 and/or Form 3.3, for each contract completed by the individual applicant or by each partner of a joint venture / consortium.

Contract No.	Starting Month / Year	Ending Month / Year	Contract Identification and Name Name and Address of Client Brief Description of the Works Executed by the applicant	Total Contract Amount (MEUR)	Value of the Works implemented by applicant (MEUR)	Role of applicant ¹⁴ in reference contract
01						
02						
03						
04						
05						
.....						

Signature

(person(s) authorised to sign on behalf of the applicant)

Date

¹⁴ Choose one: Main Contractor (M), Lead partner in JVCA (L), Other partner in JVCA (O), Subcontractor (S)

FORM 3.2**SPECIFIC CONTRACT ADMINISTRATION EXPERIENCE**

Individual applicant Legal Name: _____

Joint venture / consortium Partner's Legal Name: _____ *(please delete if not applicable)*

Prequalification No: _____

Page _____ of pages

List public infrastructure contracts as required under 3.2 b) that were completed during the past **ten (10) years**. This form is to be completed by the individual applicant and each partner of a joint venture / consortium.

The value should be based on the currencies of the contracts and equivalent value in Euro, at the date of final acceptance.

Contract No.	Starting Month / Year	Ending Month / Year	Contract Identification and Name Name and Address of Client Brief Description of the Works Executed by the applicant	Total Contract Amount (MEUR)	Value of the Works implemented by applicant (MEUR)	Role of applicant ¹⁵ in reference contract	Applied conditions of contract
01							
02							
03							
04							
05							
.....							

Signature

(person(s) authorised to sign on behalf of the applicant)

Date

¹⁵ Choose one: Main Contractor (M), Lead partner in JVCA (L), Other partner in JVCA (O)

Subcontractor's role to demonstrate specific contract administration experience is not acceptable.

FORM 3.3**SPECIFIC CONSTRUCTION EXPERIENCE**

Individual applicant Legal Name: _____

Joint venture / consortium Partner's legal name: _____ (please delete if not applicable)

Specialist electrification Subcontractor's legal name: _____ (please delete if not applicable)

Prequalification No: _____

Page _____ of pages

Complete one (1) form per contract

Contract No....of.....	Contract Identification and Name			
Award date:	Completion date:			
Role in contract:	<input type="checkbox"/> Main Contractor	<input type="checkbox"/> Leader in JVCA	<input type="checkbox"/> Other partner in JVCA	<input type="checkbox"/> Subcontractor ¹⁶
Total Contract Amount (MEUR)	(state the currency, as per Contract Notice Clause 28)			
If partner in a JVCA or subcontractor, specify participation of total Contract amount	Percent of Total (%)		Amount (MEUR)	
Client's name:				
Client' address:				
Telephone number:				
Fax Number:				
Email:				
Nature of works and special features relevant to the contract for which the applicant wishes to prequalify:				
Length of railway section equipped with:				
- c1) SS (km):		.....	
- c2) TC (km):		.....	
installed by the applicant.				
Information on system implemented:				
- d1) ETCS Level 2:		.....	
- d2) GSM-R for ETCS Level 2:		.....	
installed by the applicant.				

Please attach here copies of the respective certificates of final acceptance signed by the supervisors / contracting authority / Employer / the Engineer of the projects concerned, and reference to EC certificates of verification issued by a notified body. The contracting authority reserves the right to ask for further clarification from the supervisors/contracting authorities.

Signature
(person(s) authorised to sign on behalf of the applicant)

Date

¹⁶ Subcontractor's specific construction experience is acceptable for GSM-R system under d) only.

FORM 3.4**SPECIFIC DESIGN EXPERIENCE**

Individual applicant Legal Name: _____

Joint venture / consortium Partner's legal name: _____ (please delete if not applicable)

Specialist design Subcontractor's legal name: _____ (please delete if not applicable)

Prequalification No: _____

Page _____ of pages

Complete one (1) form per contract

Contract No....of.....	Contract Identification and Name		
Award date:	Completion date:		
Role in contract:	<input type="checkbox"/> Main Contractor	<input type="checkbox"/> Leader in JVCA	<input type="checkbox"/> Other partner in JVCA <input type="checkbox"/> Subcontractor ¹⁷
Total Contract Amount (MEUR)	(state the currency, as per Contract Notice Clause 28)		
If partner in a JVCA or subcontractor, specify participation of total Contract amount	Percent of Total (%)	Amount (MEUR)	
Client's name: Client' address: Telephone number: Fax Number: Email:			
Nature of design services and special features relevant to the contract for which the applicant wishes to prequalify:			
Length of railway section equipped with - c1) SS (km): - c2) TC (km): designed by the applicant.			
Information of system - d1) ETCS Level 2: - d2) GSM-R for ETCS Level 2: designed by applicant.			

Please attach here copies of the respective certificates of final acceptance signed by the client / contracting authority of the projects concerned. The contracting authority reserves the right to ask for further clarification from the client/contracting authorities.

Signature
 (person(s) authorised to sign on behalf of the applicant)

Date

¹⁷ Subcontractor's specific design experience is acceptable for GSM-R system under f) only.

FORM 4 PERSONNEL CAPABILITIES

Individual applicant Legal Name: _____

Joint venture / consortium Partner's Legal Name: _____ *(please delete if not applicable)*

Prequalification No: _____

Page _____ of page

This form is to be completed by the individual applicant and each partner of a joint venture / consortium.

i - Overview

- | | |
|------------------------------------|-------|
| a - Directors and management | ..... |
| b - Administrative staff | ..... |
| c - Technical staff | |
| - Engineers | ..... |
| - Environmental and Social experts | ..... |
| - Surveyors | |
| - Foremen | ..... |
| - Mechanics | |
| - Technicians | ..... |
| - Machine operators | |
| - Drivers | ..... |
| - Other skilled staff | |
| - Labourers and unskilled staff | ..... |

Total	=====
-------	-------

ii - Site operatives to be employed on the contract (if relevant)

- | | |
|---------------------------------|-------|
| a - Site management | ..... |
| b - Administrative staff | ..... |
| c - Technical staff | |
| - Engineers | ..... |
| - Surveyors | |
| - Foremen | ..... |
| - Mechanics | |
| - Technicians | ..... |
| - Machine operators | |
| - Drivers | ..... |
| - Other skilled staff | |
| - Labourers and unskilled staff | ..... |

Total	=====
-------	-------

Signature
(person(s) authorised to sign on behalf of the applicant)

Date

FORM 5
LITIGATION HISTORY

Individual applicant Legal Name:_____

Joint venture / consortium Partner’s Legal Name:_____ *(please delete if not applicable)*

Prequalification No:_____

Page_____ of page

This form is to be completed by the individual applicant and each partner of a joint venture / consortium.

Please provide information on any history of litigation or arbitration resulting from contracts executed, whether as main contractor or as consortium-member, during the **last five (5) years** (2019, 2020, 2021, 2022, 2023, 2024) or currently under execution.

Year	Ruling FOR or AGAINST applicant	Name of client, cause of litigation, and matter in dispute	Disputed amount (current value in euro or NC)

Signature
(person(s) authorised to sign on behalf of the applicant)

Date

FORM 6
COMPLIANCE WITH INTERNATIONAL STANDARDS

Individual applicant Legal Name: _____

Joint venture / consortium Partner's Legal Name: _____ *(please delete if not applicable)*

Prequalification No: _____

Page _____ of page

This form is to be completed by the individual applicant and each partner of a joint venture / consortium.

Please provide information on identification certificate (full name of the certificate), date of issue, areas covered by the certificate, expiry date, issuer name, address, telephone / fax number, email, and compliance with international standards (ISO 9001, ISO 14001 and ISO 45001).

In absence of ISO certificates or proof of conformity with ISO standards, the applicant shall provide the information on Health & Safety Policy, Environmental Management Policy, Declaration of compliance with ILO core labour standards in operations, Reviews, inspections and audits related to ESHS issues within the company and especially on construction sites, Internal and external integration and enforcement policy and Procedures on main ESHS issues.