

DATA SHEET FOR THE PROCUREMENT

Instructions for Tenderers / Candidates

Notice Type: Contract Notice

Legislation Type: Law no. 98 / 23.05.2016

Electronic System: SEAP (Public Procurement Electronic System)

Has a market consultation been organized: No

Section I: Contracting Authority

1.1) Name and Addresses: Municipality of Sibiu

Fiscal Identification Code: 4270740

Address: Street: Brukenthal Samuel, nr. 2; City: Sibiu; Post Code: 550178; Country: Romania

NUTS Code: RO126 Sibiu

E-mail: codruta.sirbu@sibiu.ro

Telephone: +40 269208880

Fax: +40 269208813

Contact Person: CODRUTA SIRBU

URL Main Website: <https://www.sibiu.ro>

URL Buyer Profile: <https://www.e-licitatie.ro>

1.2) Joint Procurement: The contract involves a joint procurement: No

Central Procurement: The contract is awarded by a central procurement body: No

Role of Central Procurement Body: -

1.3) Communication: The public procurement documents are available for direct, unrestricted, full, and free access at (Website): <https://www.e-licitatie.ro>

Clarifications Deadline: Number of days before the deadline for submission of tenders/candidacies up to which clarifications can be requested: 20

1.4) Type of Contracting Authority: Regional or local authority

1.5) Main Activity: General public services

Section II: Scope of the Contract

II.1) Object of the Procurement

II.1.1) Title: DESIGN SERVICES (TP+ED+TDBP+TDEO), TECHNICAL ASSISTANCE, AND EXECUTION OF WORKS FOR THE PROJECT IN-DEPTH ENERGY REFURBISHMENT OF THE TECHNICAL ENERGY COLLEGE'

Reference Number: 4270740_2026_PAAPD1597366

II.1.2) Main CPV Code: 45214000-0 Construction work for buildings relating to education and research (Rev.2)

Secondary CPV Codes:

- 09331200-0 Solar photovoltaic modules (Rev.2)
- 45310000-3 Electrical machinery installation work (Rev.2)
- 45315000-8 Electrical installation work of heating and other electrical building equipment (Rev.2)
- 45321000-3 Thermal insulation work (Rev.2)
- 45331000-6 Heating, ventilation and air-conditioning installation work (Rev.2)
- 45333000-0 Gas-fitting installation work (Rev.2)
- 45343000-3 Fire-prevention installation work (Rev.2)
- 45453000-7 General repair and renovation work (Rev.2)
- 71322000-1 Engineering design services for the construction of public works (Rev.2)
- 71356200-0 Technical assistance services (Rev.2)

II.1.3) Type of Contract: Works (Design and Execution)

II.1.4) Short Description of the Contract or Procurement(s)

Contract having as scope: DESIGN SERVICES (TP+ED+TDBP+TDEO), TECHNICAL ASSISTANCE, AND EXECUTION OF WORKS FOR THE PROJECT IN-DEPTH ENERGY REFURBISHMENT OF THE TECHNICAL ENERGY COLLEGE", according to the specifications in the tender documentation.

Estimated Value of the Contract: 50,099,124.19 RON without VAT, of which:

- Estimated value for design services = 819,622.00 RON without VAT
- Estimated value for execution works = 49,279,502.19 RON without VAT

Contract duration: 27 months, structured as follows:

1) Design shall be completed within 7 months from contract signing, a period that mandatory includes documentation development, technical verification, and implementation of all necessary modifications, as follows:

- 4 months for the development of the Technical Project (PT) and Execution Details (DDE), from the date of contract signing until its delivery to the Contracting Authority (confirmed via Handover-Acceptance Protocol);
- 2 months for the technical verification of the project by certified verifiers, a period starting from the date of issuance of the PT Handover-Acceptance Protocol;
- 1 month allocated for eventual modifications or updates of the documentation resulting from the technical verification by certified verifiers, as well as due to observations from the Contracting Authority, the Ministry of Development (Programme Operator), or Swiss partners, as applicable.

2) Works execution: 18 months from the date of issuing the order to commence works;

3) Carrying out the reception upon works completion: 2 months from the notification regarding the works completion.

Works Warranty Period: Minimum 60 months from the date of approving the reception protocol upon works completion.

Clarifications Request Deadline: 20 days before the tender submission deadline.

Authority Response to Clarifications: The contracting authority will send the response to clarifications on the 11th day before the tender submission deadline.

II.1.5) Total Estimated Value

Estimated Value without VAT: 50,099,124.19; Currency: RON

Participation Bond Value: 500,000 RON (1.00%)

II.1.6) Division into Lots : No

II.2) Description

II.2.3) Place of Performance

NUTS Code: RO126 Sibiu

Main Place of Performance: Municipality of Sibiu

II.2.4) Description of the Public Procurement

Contract for design and execution of works, having as scope DESIGN SERVICES (TP+ED+TDBP+TDEO), TECHNICAL ASSISTANCE, AND EXECUTION OF WORKS FOR THE PROJECT IN-DEPTH ENERGY REFURBISHMENT OF THE TECHNICAL ENERGY COLLEGE" compliant to the technical specifications in the awarding documentation.

Estimated Value: 50,099,124.19 RON without VAT, breakdown:

- Estimated value for design services = 819,622.00 RON without VAT
- Estimated value for execution works = 49,279,502.19 RON without VAT

Contract Duration: 27 months as follows:

1) The design will be completed within 7 months from signing the contract, period that necessarily includes the development of the documentation, technical verification and the implementation of all necessary changes, as follows:

- 4 months for the development of the Technical Project (TP) and the Execution Details (ED), from the date of signing the contract until its delivery to the Contracting Authority (confirmed by the Handover-Reception Protocol);

- 2 months for the technical verification of the project by certified verifiers, period starting from the date of issuing the TP handover-reception protocol

- 1 month allocated for any changes or updates to the documentation resulting from the technical verification by certified verifiers, as well as following the observations of the Contracting Authority, the Ministry of Development (Programme Operator) or the Swiss partners, as the case may be.

2) Works execution: 18 months from the date of issuing the order to start the works;

3) Carrying out the reception upon works completion: 2 months from the notification regarding the works completion.

Warranty period of the works: minimum 60 months from the date of approving the reception protocol upon works completion

II.2.5) Award Criteria

Criterion: Best price-quality ratio

Evaluation Factor Name	Description	Share
Tender Price	Financial component	40% (Max 40 points)
Calculation algorithm: The score is awarded as follows: a) For the lowest price, the maximum score is awarded; b) For the other prices offered, the score P(n) is calculated proportionally, as follows: $P(n) = (\text{Minimum price offered} / \text{Price } n) \times \text{maximum score allocated}$		
Technical Factor - Project Manager Experience	Specific experience as Project Manager / Project Coordinator / Project Leader	16% (Max 16 points)
Calculation algorithm: Calculation algorithm: In accordance with: Instructions for tenderers regarding evaluation factors		
Technical Factor - Civil Design Engineer Experience	Specific experience as Engineer for Civil Building Design - Nearly Zero-Energy Buildings (nZEB) or Zero-Energy Buildings (ZEB)	12% (Max 12 points)
Calculation algorithm: Calculation algorithm: In accordance with: Instructions for tenderers regarding evaluation factors		
Technical Factor - Electrical Design Engineer Experience	Specific experience as Engineer for Electrical Installations Design for nearly zero-energy buildings (nZEB) or zero-energy buildings (ZEB)	6% (Max 6 points)
Calculation algorithm: Calculation algorithm: In accordance with: Instructions for tenderers regarding evaluation factors		
Technical Factor - Thermal Design Engineer Experience	Specific experience as Engineer for Thermal Installations Design for nearly zero-energy buildings (nZEB) or zero-energy buildings (ZEB)	6% (Max 6 points)
Calculation algorithm:: In accordance with: Instructions for tenderers regarding evaluation factors		
Technical evaluation factor - Warranty period granted for the works execution	Technical warranty period granted for the works: minimum 60 months – maximum 84 months The warranty granted for the works relating to the contract represents the time limit running from the date of drawing up the acceptance report to the completion of the works and the final acceptance during which the contractor assumes responsibility for remedying the defects, at its own expense (without additional costs to the contracting authority), if the deficiencies are not attributable to the beneficiary (i.e. in the situation where their occurrence is due to the contractor's fault in relation to the quality level of the works executed/performed).	20% (Max. 20 points)
Calculation algorithm: In accordance with: Instructions for tenderers regarding evaluation factors		
Total maximum score: 100		

II.2.7) Duration of the contract, framework agreement or dynamic purchasing system

Duration in months: 27

The contract is subject to renewal: No

II.2.10) Information about variants

Variants will be accepted: No

II.2.11) Information about options

Options: No

II.2.12) Information about electronic catalogues

Tenders must be submitted in the form of electronic catalogues: No

II.2.13) Information about European Union funds

The procurement is related to a project/programme financed by EU funds: Yes

Project Identification: "Energy Efficiency and Renewable Energy Programme", Thematic Area "Energy Efficiency and Renewable Energy", under the Swiss-Romanian Cooperation Programme aiming to reduce economic and social disparities within the European Union."

Funding Type: Programme/Project (Other programmes/projects)

II.2.14) Additional Information

Is this procedure a resumption of a past procedure/lot? No

Is it necessary to complete the form with equipment available for the contract? No (According to GR nr. 342/2022)

Classification of procurement in green products/services categories:

Category Code	Category	Object of Procurement	Contract Type
RO 20	Design, construction and management of buildings	Detailed design and performance requirements	Works

Strategic Procurement (BT-06): No (Does not exclusively target social or innovative procurement explicitly under this indicator)

Green Procurement (BT-774): Yes (The contract implies a procurement process with reduced environmental impact throughout its life cycle)

Environmental Impact targeted: 1. Climate change adaptation; 2. Climate change mitigation

Green Procurement Criteria: Other criteria regarding green public procurement

Social Procurement - The contract pursues a social goal promoted by the works, goods or services concerned (e.g. fair working conditions). (BT-775): No

Innovation Procurement The contract involves the purchase of innovative works, goods or services (BT-776): No

Accessibility - Are there used in the technical specifications accessibility criteria for disabled people (BT-754): No

II.3) Price Adjustment of the Contract

Method of adjustment: The parties agree that the contract price shall be revised through the following adjustment formula:

$$A_n = a_v + (1 - a_v) * I_n / I_o$$

Where:

- 'An' is the adjustment coefficient to be applied to the estimated contract value for works performed in month 'n';
 - 'av' is the percentage value of the advance payment relative to the Contract Price;
 - 'In' is the total construction cost index, published by the National Institute of Statistics (INS) in the Price Statistical Bulletin, table 15, applicable 60 days prior to the last day of month 'n';
 - 'Io' is the total construction cost index applicable at the Reference Date.
- The Reference Date is the date 30 days prior to the deadline for tender submission.

Profit will not be adjusted. The price adjustment shall be applied after 6 months from the date of issue of the work starting order, until the completion of the works related to the investment site, according to the legal provisions in force on the date of reception, based on the work reports acquired by the contractor, site manager and approved by the contracting authority, following the justified request from the contractor. In the event that during the course of the contract additional works appear that have an equivalent in the initial tender, the value of the payment request shall be adjusted according to the formula above. For additional works that do not have an equivalent in the initial tender, the reference date is the month of concluding the negotiation protocol.

Section III: Legal, Economic, Financial and Technical Information

III.1) Conditions for Participation

III.1.1 a) Personal situation of the candidate or tenderer

Requirement 1: Exclusion Ground: Violation of obligations in the fields of environmental law

Description: Requirement a) Tenderers, supporting third parties and subcontractors must NOT found themselves in the situations provided for in art. 164, 165 and 167 of Law no. 98/2016. Tenderers, supporting third parties and subcontractors will complete the corresponding requirement in the DUAE form in the award documentation. In order to prove that they are not found in the situations provided by art. 164, 165 and 167 of Law 98/2016 on public procurement, the DUAE will be completed in accordance with art. 193-200 of Law no. 98/2016 The Single European Procurement Document (SUPD) will be completed by both tenderers, associated tenderers and, if applicable, by subcontractors and supporting third parties:.

Fulfillment method:

The DUAE will be completed and submitted by the business operators participating to the award procedure with the information related to their situation.

The supporting documents proving the fulfillment of the obligations undertaken by completing the DUAE are to be submitted, following the request of the contracting authority, only by the tenderer ranked first in the intermediate ranking drawn up upon completion of the evaluation of the tenders, after applying the award criteria.

These supporting documents are:

1. Tax certification certificate issued by the tax administration body of the territorial administrative unit within which the business operator has its registered office, VALID at the time of submitting the tax certificate to the general consolidated budget.
2. Tax certification certificate regarding local taxes and fees, for the main office VALID at the time of submitting the tax certificate to the local budget.
3. Statement on own liability for secondary offices and work point(s) regarding the fulfillment of obligations to pay taxes, fees or contributions due to the general consolidated budget.

Foreign legal entities/individuals will present: any supporting documents, issued by competent authorities in the country where they are residents, proving that they have fulfilled their obligations to pay taxes, fees and social security contributions to the budgets that comprise the general consolidated budget, in accordance with the legal provisions in force in the country of residence.

4. The criminal record of the business operator and of the members of the administrative, management or supervisory body of the respective business operator, or of those who have power of representation, decision or control within it, as shown in the certificate of assessment issued by ONRC/the articles of association;

5. where applicable, documents proving that the business operator can benefit from the derogations provided by art. 166 paragraph (2), art. 167 paragraph (2), art. 171 of Law 98/2016 on public procurements;

6. other supporting documents, where applicable.

If documents such as those provided for above are not issued in the country of origin or the country where the tenderer/third supporting party/subcontractor is established or the said documents do not cover all the situations provided by art. 164, 165 and 167 of Law no. 98/2016, the contracting authority/entity is obliged to accept a statement on own liability or, if in the respective country there are no legal provisions regarding the statement on own liability, an authenticated statement given before a notary, an administrative or judicial authority or a professional association with competence in this regard, in Romania.

The documents will be submitted in Romanian in a legible copy. Documents submitted in other language than Romanian will be accompanied by a certified translation.

Description:

Requirement: b) Tenderers, supporting third parties and subcontractors must NOT found themselves in the situations provided by art. 59 and 60 of Law no. 98/2016.

Tenderers, supporting third parties and subcontractors will complete the corresponding requirement in the DUAE form in the award documentation.

In order to prove that they are not in the situations provided for in art. 59 and 60 of Law 98/2016 on public procurements, the DUAE will be completed in accordance with art. 193-200 of Law no. 98/2016.

The Single European Procurement Document (SEPD) will be completed both by tenderers, associated tenderers and, where applicable, by subcontractors and supporting third parties

Method of completion:

The SEPD will be completed and submitted by the business operators participating to the award procedure with the information related to their situation.

If a situation potentially generating a conflict of interest is detected, the contracting entity will implement the necessary measures to remove the circumstances that generated the conflict of interest, in accordance with art. 62 of Law 98/2016 on public procurements.

The persons with decision-making functions within the contracting entity are:

Mayor – Astrid Cora Fodor;

Deputy Mayor – Helmut Lerner;

Deputy Mayor – Mihai Cercel Onițiu;

Public Manager – Teodor Birt;

Economic Manager – Dorian Ioan Dăncăneț;

Head of the Procurement and Emergency Situations Department - Monica Dancu;

Head of the Public Procurement Service - Codruta Sirbu

Head of the Legal Department - Andreea Maria Patachi;

Head of the European Funds Projects Service - Alina Stefan;

Advisor to the European Funds Projects Service - Radu Alexandrescu;

Advisor to the European Funds Projects Service - Cristina Moldovan;

Consultants/Advisors: Radu Alexandrescu, Cristina Moldovan, Andreea Albu

Requirement 2: Exclusion Ground: Violation of obligations in the fields of social law

Description: Requirement a) Tenderers, supporting third parties and subcontractors must NOT found themselves in the situations provided for in art. 164, 165 and 167 of Law no. 98/2016. Tenderers, supporting third parties and subcontractors will complete the corresponding requirement in the DUAE form in the award documentation. In order to prove that they are not found in the situations provided by art. 164, 165 and 167 of Law 98/2016 on public procurement, the DUAE will be completed in accordance with art. 193-200 of Law no. 98/2016 The Single European Procurement Document (SEPD) will be completed by both tenderers, associated tenderers and, if applicable, by subcontractors and supporting third parties:.

Fulfillment method:

The DUAE will be completed and submitted by the business operators participating to the award procedure with the information related to their situation.

The supporting documents proving the fulfillment of the obligations undertaken by completing the DUAE are to be submitted, following the request of the contracting authority, only by the tenderer ranked first in the intermediate ranking drawn up upon completion of the evaluation of the tenders, after applying the award criteria.

These supporting documents are:

1. Tax certification certificate issued by the tax administration body of the territorial administrative unit within which the business operator has its registered office, VALID at the time of submitting the tax certificate to the general consolidated budget.
2. Tax certification certificate regarding local taxes and fees, for the main office VALID at the time of submitting the tax certificate to the local budget.
3. Statement on own liability for secondary offices and work point(s) regarding the fulfillment of obligations to pay taxes, fees or contributions due to the general consolidated budget.

Foreign legal entities/individuals will present: any supporting documents, issued by competent authorities in the country where they are residents, proving that they have fulfilled their obligations to pay taxes, fees and social security contributions to the budgets that comprise the general consolidated budget, in accordance with the legal provisions in force in the country of residence.

4. The criminal record of the business operator and of the members of the administrative, management or supervisory body of the respective business operator, or of those who have power of representation, decision or control within it, as shown in the certificate of assessment issued by ONRC/the articles of association;
5. where applicable, documents proving that the business operator can benefit from the derogations provided by art. 166 paragraph (2), art. 167 paragraph (2), art. 171 of Law 98/2016 on public procurements;
6. other supporting documents, where applicable.

If documents such as those provided for above are not issued in the country of origin or the country where the tenderer/third supporting party/subcontractor is established or the said documents do not cover all the situations provided by art. 164, 165 and 167 of Law no. 98/2016, the contracting authority/entity is obliged to accept a statement on own liability or, if in the respective country there are no legal provisions regarding the statement on own liability, an authenticated statement given before a notary, an administrative or judicial authority or a professional association with competence in this regard, in Romania.

The documents will be submitted in Romanian in a legible copy. Documents submitted in other language than Romanian will be accompanied by a certified translation.

Description:

Requirement: b) Tenderers, supporting third parties and subcontractors must NOT found themselves in the situations provided by art. 59 and 60 of Law no. 98/2016.

Tenderers, supporting third parties and subcontractors will complete the corresponding requirement in the DUAE form in the award documentation.

In order to prove that they are not in the situations provided for in art. 59 and 60 of Law 98/2016 on public procurements, the DUAE will be completed in accordance with art. 193-200 of Law no. 98/2016.

The Single European Procurement Document (SEPD) will be completed both by tenderers, associated tenderers and, where applicable, by subcontractors and supporting third parties

Method of completion:

The SEPD will be completed and submitted by the business operators participating to the award procedure with the information related to their situation.

If a situation potentially generating a conflict of interest is detected, the contracting entity will implement the necessary measures to remove the circumstances that generated the conflict of interest, in accordance with art. 62 of Law 98/2016 on public procurements.

The persons with decision-making functions within the contracting entity are:

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Deputy Mayor – Mihai Cercel Onițiu;

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Economic Manager – Dorian Ioan Dăncăneț;

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Advisor to the European Funds Projects Service - Radu Alexandrescu;

Advisor to the European Funds Projects Service - Cristina Moldovan;

Consultants/Advisors: Radu Alexandrescu, Cristina Moldovan, Andreea Albu

Requirement 3: Exclusion Ground: Violation of obligations in the fields of labor law

Description: Requirement a) Tenderers, supporting third parties and subcontractors must NOT found themselves in the situations provided for in art. 164, 165 and 167 of Law no. 98/2016. Tenderers, supporting third parties and subcontractors will complete the corresponding requirement in the DUAE form in the award documentation. In order to prove that they are not found in the situations provided by art. 164, 165 and 167 of Law 98/2016 on public procurement, the DUAE will be completed in accordance with art. 193-200 of Law no. 98/2016 The Single European Procurement Document (SUPD) will be completed by both tenderers, associated tenderers and, if applicable, by subcontractors and supporting third parties:.

Fulfillment method:

The DUAE will be completed and submitted by the business operators participating to the award procedure with the information related to their situation.

The supporting documents proving the fulfillment of the obligations undertaken by completing the DUAE are to be submitted, following the request of the contracting authority, only by the tenderer ranked first in the intermediate ranking drawn up upon completion of the evaluation of the tenders, after applying the award criteria.

These supporting documents are:

1. Tax certification certificate issued by the tax administration body of the territorial administrative unit within which the business operator has its registered office, VALID at the time of submitting the tax certificate to the general consolidated budget.
2. Tax certification certificate regarding local taxes and fees, for the main office VALID at the time of submitting the tax certificate to the local budget.
3. Statement on own liability for secondary offices and work point(s) regarding the fulfillment of obligations to pay taxes, fees or contributions due to the general consolidated budget.

Foreign legal entities/individuals will present: any supporting documents, issued by competent authorities in the country where they are residents, proving that they have fulfilled their obligations to pay taxes, fees and social security contributions to the budgets that comprise the general consolidated budget, in accordance with the legal provisions in force in the country of residence.

4. The criminal record of the business operator and of the members of the administrative, management or supervisory body of the respective business operator, or of those who have power of representation, decision or control within it, as shown in the certificate of assessment issued by ONRC/the articles of association;
5. where applicable, documents proving that the business operator can benefit from the derogations provided by art. 166 paragraph (2), art. 167 paragraph (2), art. 171 of Law 98/2016 on public procurements;
6. other supporting documents, where applicable.

If documents such as those provided for above are not issued in the country of origin or the country where the tenderer/third supporting party/subcontractor is established or the said documents do not cover all the situations provided by art. 164, 165 and 167 of Law no. 98/2016, the contracting authority/entity is obliged to accept a statement on own liability or, if in the respective country there are no legal provisions regarding the statement on own liability, an authenticated statement given before a notary, an administrative or judicial authority or a professional association with competence in this regard, in Romania.

The documents will be submitted in Romanian in a legible copy. Documents submitted in other language than Romanian will be accompanied by a certified translation.

Description:

Requirement: b) Tenderers, supporting third parties and subcontractors must NOT found themselves in the situations provided by art. 59 and 60 of Law no. 98/2016.

Tenderers, supporting third parties and subcontractors will complete the corresponding requirement in the DUAE form in the award documentation.

In order to prove that they are not in the situations provided for in art. 59 and 60 of Law 98/2016 on public procurements, the DUAE will be completed in accordance with art. 193-200 of Law no. 98/2016.

The Single European Procurement Document (SEPD) will be completed both by tenderers, associated tenderers and, where applicable, by subcontractors and supporting third parties

Method of completion:

The SEPD will be completed and submitted by the business operators participating to the award procedure with the information related to their situation.

If a situation potentially generating a conflict of interest is detected, the contracting entity will implement the necessary measures to remove the circumstances that generated the conflict of interest, in accordance with art. 62 of Law 98/2016 on public procurements.

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Advisor to the European Funds Projects Service - Radu Alexandrescu;

Advisor to the European Funds Projects Service - Cristina Moldovan;

Consultants/Advisors: Radu Alexandrescu, Cristina Moldovan, Andreea Albu

Requirement 4: Exclusion Ground: Bankruptcy

Description: Requirement a) Tenderers, supporting third parties and subcontractors must NOT found themselves in the situations provided for in art. 164, 165 and 167 of Law no. 98/2016. Tenderers, supporting third parties and subcontractors will complete the corresponding requirement in the DUAE form in the award documentation. In order to prove that they are not found in the situations provided by art. 164, 165 and 167 of Law 98/2016 on public procurement, the DUAE will be completed in accordance with art. 193-200 of Law no. 98/2016 The Single European Procurement Document (SUPD) will be completed by both tenderers, associated tenderers and, if applicable, by subcontractors and supporting third parties:.

Fulfillment method:

The DUAE will be completed and submitted by the business operators participating to the award procedure with the information related to their situation.

The supporting documents proving the fulfillment of the obligations undertaken by completing the DUAE are to be submitted, following the request of the contracting authority, only by the tenderer ranked first in the intermediate ranking drawn up upon completion of the evaluation of the tenders, after applying the award criteria.

These supporting documents are:

1. Tax certification certificate issued by the tax administration body of the territorial administrative unit within which the business operator has its registered office, VALID at the time of submitting the tax certificate to the general consolidated budget.
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4. The criminal record of the business operator and of the members of the administrative, management or supervisory body of the respective business operator, or of those who have power of representation, decision or control within it, as shown in the certificate of assessment issued by ONRC/the articles of association;
 5. where applicable, documents proving that the business operator can benefit from the derogations provided by art. 166 paragraph (2), art. 167 paragraph (2), art. 171 of Law 98/2016 on public procurements;
 6. other supporting documents, where applicable.

If documents such as those provided for above are not issued in the country of origin or the country where the tenderer/third supporting party/subcontractor is established or the said documents do not cover all the situations provided by art. 164, 165 and 167 of Law no. 98/2016, the contracting authority/entity is obliged to accept a statement on own liability or, if in the respective country there are no legal provisions regarding the statement on own liability, an authenticated statement given before a notary, an administrative or judicial authority or a professional association with competence in this regard, in Romania.

The documents will be submitted in Romanian in a legible copy. Documents submitted in other language than Romanian will be accompanied by a certified translation.

Description:

Requirement: b) Tenderers, supporting third parties and subcontractors must NOT found themselves in the situations provided by art. 59 and 60 of Law no. 98/2016.

Tenderers, supporting third parties and subcontractors will complete the corresponding requirement in the DUAE form in the award documentation.

In order to prove that they are not in the situations provided for in art. 59 and 60 of Law 98/2016 on public procurements, the DUAE will be completed in accordance with art. 193-200 of Law no. 98/2016.

The Single European Procurement Document (SEPD) will be completed both by tenderers, associated tenderers and, where applicable, by subcontractors and supporting third parties

Method of completion:

The SEPD will be completed and submitted by the business operators participating to the award procedure with the information related to their situation.

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The persons with decision-making functions within the contracting entity are:

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Advisor to the European Funds Projects Service - Radu Alexandrescu;
Advisor to the European Funds Projects Service - Cristina Moldovan;
Consultants/Advisors: Radu Alexandrescu, Cristina Moldovan, Andreea Albu

Requirement 5: Exclusion Ground: Insolvency

Description: Requirement a) Tenderers, supporting third parties and subcontractors must NOT found themselves in the situations provided for in art. 164, 165 and 167 of Law no. 98/2016. Tenderers, supporting third parties and subcontractors will complete the corresponding requirement in the DUAE form in the award documentation. In order to prove that they are not found in the situations provided by art. 164, 165 and 167 of Law 98/2016 on public procurement, the DUAE will be completed in accordance with art. 193-200 of Law no. 98/2016 The Single European Procurement Document (SUPD) will be completed by both tenderers, associated tenderers and, if applicable, by subcontractors and supporting third parties:.

Fulfillment method:

The DUAE will be completed and submitted by the business operators participating to the award procedure with the information related to their situation.

The supporting documents proving the fulfillment of the obligations undertaken by completing the DUAE are to be submitted, following the request of the contracting authority, only by the tenderer ranked first in the intermediate ranking drawn up upon completion of the evaluation of the tenders, after applying the award criteria.

These supporting documents are:

1. Tax certification certificate issued by the tax administration body of the territorial administrative unit within which the business operator has its registered office, VALID at the time of submitting the tax certificate to the general consolidated budget.
 2. Tax certification certificate regarding local taxes and fees, for the main office VALID at the time of submitting the tax certificate to the local budget.
 3. Statement on own liability for secondary offices and work point(s) regarding the fulfillment of obligations to pay taxes, fees or contributions due to the general consolidated budget.
- Foreign legal entities/individuals will present: any supporting documents, issued by competent authorities in the country where they are residents, proving that they have fulfilled their obligations to pay taxes, fees and social security contributions to the budgets that comprise the general consolidated budget, in accordance with the legal provisions in force in the country of residence.
4. The criminal record of the business operator and of the members of the administrative, management or supervisory body of the respective business operator, or of those who have power of representation, decision or control within it, as shown in the certificate of assessment issued by ONRC/the articles of association;
 5. where applicable, documents proving that the business operator can benefit from the derogations provided by art. 166 paragraph (2), art. 167 paragraph (2), art. 171 of Law 98/2016 on public procurements;
 6. other supporting documents, where applicable.

If documents such as those provided for above are not issued in the country of origin or the country where the tenderer/third supporting party/subcontractor is established or the said documents do not cover all the situations provided by art. 164, 165 and 167 of Law no. 98/2016, the contracting authority/entity is obliged to accept a statement on own liability or, if in the respective country there are no legal provisions regarding the statement on own liability, an authenticated statement given before a notary, an administrative or judicial authority or a professional association with competence in this regard, in Romania.

The documents will be submitted in Romanian in a legible copy. Documents submitted in other language than Romanian will be accompanied by a certified translation.

Description:

Requirement: b) Tenderers, supporting third parties and subcontractors must NOT found themselves in the situations provided by art. 59 and 60 of Law no. 98/2016.

Tenderers, supporting third parties and subcontractors will complete the corresponding requirement in the DUAE form in the award documentation.

In order to prove that they are not in the situations provided for in art. 59 and 60 of Law 98/2016 on public procurements, the DUAE will be completed in accordance with art. 193-200 of Law no. 98/2016.

The Single European Procurement Document (SEPD) will be completed both by tenderers, associated tenderers and, where applicable, by subcontractors and supporting third parties

Method of completion:

The SEPD will be completed and submitted by the business operators participating to the award procedure with the information related to their situation.

If a situation potentially generating a conflict of interest is detected, the contracting entity will implement the necessary measures to remove the circumstances that generated the conflict of interest, in accordance with art. 62 of Law 98/2016 on public procurements.

The persons with decision-making functions within the contracting entity are:

Mayor – Astrid Cora Fodor;
Deputy Mayor – Helmut Lerner;
Deputy Mayor – Mihai Cercel Onițiu;
Public Manager – Teodor Birt;
Economic Manager – Dorian Ioan Dăncăneț;
Head of the Procurement and Emergency Situations Department - Monica Dancu;
Head of the Public Procurement Service - Codruta Sirbu
Head of the Legal Department - Andreea Maria Patachi;
Head of the European Funds Projects Service - Alina Stefan;
Advisor to the European Funds Projects Service - Radu Alexandrescu;
Advisor to the European Funds Projects Service - Cristina Moldovan;
Consultants/Advisors: Radu Alexandrescu, Cristina Moldovan, Andreea Albu

Requirement 6: Exclusion Ground: Arrangement with creditors

Description: Requirement a) Tenderers, supporting third parties and subcontractors must NOT found themselves in the situations provided for in art. 164, 165 and 167 of Law no. 98/2016. Tenderers, supporting third parties and subcontractors will complete the corresponding requirement in the DUAE form in the award documentation. In order to prove that they are not found in the situations provided by art. 164, 165 and 167 of Law 98/2016 on public procurement, the DUAE will be completed in accordance with art. 193-200 of Law no. 98/2016 The Single European Procurement Document (SUPD) will be completed by both tenderers, associated tenderers and, if applicable, by subcontractors and supporting third parties:.

Fulfillment method:

The DUAE will be completed and submitted by the business operators participating to the award procedure with the information related to their situation.

The supporting documents proving the fulfillment of the obligations undertaken by completing the DUAE are to be submitted, following the request of the contracting authority, only by the tenderer ranked first in the intermediate ranking drawn up upon completion of the evaluation of the tenders, after applying the award criteria.

These supporting documents are:

1. Tax certification certificate issued by the tax administration body of the territorial administrative unit within which the business operator has its registered office, VALID at the time of submitting the tax certificate to the general consolidated budget.
 2. Tax certification certificate regarding local taxes and fees, for the main office VALID at the time of submitting the tax certificate to the local budget.
 3. Statement on own liability for secondary offices and work point(s) regarding the fulfillment of obligations to pay taxes, fees or contributions due to the general consolidated budget.
- Foreign legal entities/individuals will present: any supporting documents, issued by competent authorities in the country where they are residents, proving that they have fulfilled their obligations to pay taxes, fees and social security contributions to the budgets that comprise the general consolidated budget, in accordance with the legal provisions in force in the country of residence.
4. The criminal record of the business operator and of the members of the administrative, management or supervisory body of the respective business operator, or of those who have power of representation, decision or control within it, as shown in the certificate of assessment issued by ONRC/the articles of association;
 5. where applicable, documents proving that the business operator can benefit from the derogations provided by art. 166 paragraph (2), art. 167 paragraph (2), art. 171 of Law 98/2016 on public procurements;
 6. other supporting documents, where applicable.

If documents such as those provided for above are not issued in the country of origin or the country where the tenderer/third supporting party/subcontractor is established or the said documents do not cover all the situations provided by art. 164, 165 and 167 of Law no. 98/2016, the contracting authority/entity is obliged to accept a statement on own liability or, if in the respective country there are no legal provisions regarding the statement on own liability, an authenticated statement given before a notary, an administrative or judicial authority or a professional association with competence in this regard, in Romania.

The documents will be submitted in Romanian in a legible copy. Documents submitted in other language than Romanian will be accompanied by a certified translation.

Description:

Requirement: b) Tenderers, supporting third parties and subcontractors must NOT found themselves in the situations provided by art. 59 and 60 of Law no. 98/2016.

Tenderers, supporting third parties and subcontractors will complete the corresponding requirement in the DUAE form in the award documentation.

In order to prove that they are not in the situations provided for in art. 59 and 60 of Law 98/2016 on public procurements, the DUAE will be completed in accordance with art. 193-200 of Law no. 98/2016.

The Single European Procurement Document (SEPD) will be completed both by tenderers, associated tenderers and, where applicable, by subcontractors and supporting third parties

Method of completion:

The SEPD will be completed and submitted by the business operators participating to the award procedure with the information related to their situation.

If a situation potentially generating a conflict of interest is detected, the contracting entity will implement the necessary measures to remove the circumstances that generated the conflict of interest, in accordance with art. 62 of Law 98/2016 on public procurements.

The persons with decision-making functions within the contracting entity are:

Mayor – Astrid Cora Fodor;
Deputy Mayor – Helmut Lerner;
Deputy Mayor – Mihai Cercel Onițiu;
Public Manager – Teodor Birt;
Economic Manager – Dorian Ioan Dăncăneț;
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Head of the Public Procurement Service - Codruta Sirbu
Head of the Legal Department - Andreea Maria Patachi;
Head of the European Funds Projects Service - Alina Stefan;
Advisor to the European Funds Projects Service - Radu Alexandrescu;
Advisor to the European Funds Projects Service - Cristina Moldovan;
Consultants/Advisors: Radu Alexandrescu, Cristina Moldovan, Andreea Albu

Requirement 7: Exclusion Ground: Similar situations under national legislation

Description: Requirement a) Tenderers, supporting third parties and subcontractors must NOT found themselves in the situations provided for in art. 164, 165 and 167 of Law no. 98/2016. Tenderers, supporting third parties and subcontractors will complete the corresponding requirement in the DUAE form in the award documentation. In order to prove that they are not found in the situations provided by art. 164, 165 and 167 of Law 98/2016 on public procurement, the DUAE will be completed in accordance with art. 193-200 of Law no. 98/2016 The Single European Procurement Document (SUPD) will be completed by both tenderers, associated tenderers and, if applicable, by subcontractors and supporting third parties..

Fulfillment method:

The DUAE will be completed and submitted by the business operators participating to the award procedure with the information related to their situation.

The supporting documents proving the fulfillment of the obligations undertaken by completing the DUAE are to be submitted, following the request of the contracting authority, only by the tenderer ranked first in the intermediate ranking drawn up upon completion of the evaluation of the tenders, after applying the award criteria.

These supporting documents are:

1. Tax certification certificate issued by the tax administration body of the territorial administrative unit within which the business operator has its registered office, VALID at the time of submitting the tax certificate to the general consolidated budget.
 2. Tax certification certificate regarding local taxes and fees, for the main office VALID at the time of submitting the tax certificate to the local budget.
 3. Statement on own liability for secondary offices and work point(s) regarding the fulfillment of obligations to pay taxes, fees or contributions due to the general consolidated budget.
- Foreign legal entities/individuals will present: any supporting documents, issued by competent authorities in the country where they are residents, proving that they have fulfilled their obligations to pay taxes, fees and social security contributions to the budgets that comprise the general consolidated budget, in accordance with the legal provisions in force in the country of residence.
4. The criminal record of the business operator and of the members of the administrative, management or supervisory body of the respective business operator, or of those who have power of representation, decision or control within it, as shown in the certificate of assessment issued by ONRC/the articles of association;
 5. where applicable, documents proving that the business operator can benefit from the derogations provided by art. 166 paragraph (2), art. 167 paragraph (2), art. 171 of Law 98/2016 on public procurements;
 6. other supporting documents, where applicable.

If documents such as those provided for above are not issued in the country of origin or the country where the tenderer/third supporting party/subcontractor is established or the said documents do not cover all the situations provided by art. 164, 165 and 167 of Law no. 98/2016, the contracting authority/entity is obliged to accept a statement on own liability or, if in the respective country there are no legal provisions regarding the statement on own liability, an authenticated statement given before a notary, an administrative or judicial authority or a professional association with competence in this regard, in Romania.

The documents will be submitted in Romanian in a legible copy. Documents submitted in other language than Romanian will be accompanied by a certified translation.

Description:

Requirement: b) Tenderers, supporting third parties and subcontractors must NOT found themselves in the situations provided by art. 59 and 60 of Law no. 98/2016.

Tenderers, supporting third parties and subcontractors will complete the corresponding requirement in the DUAE form in the award documentation.

In order to prove that they are not in the situations provided for in art. 59 and 60 of Law 98/2016 on public procurements, the DUAE will be completed in accordance with art. 193-200 of Law no. 98/2016.

The Single European Procurement Document (SEPD) will be completed both by tenderers, associated tenderers and, where applicable, by subcontractors and supporting third parties

Method of completion:

The SEPD will be completed and submitted by the business operators participating to the award procedure with the information related to their situation.

If a situation potentially generating a conflict of interest is detected, the contracting entity will implement the necessary measures to remove the circumstances that generated the conflict of interest, in accordance with art. 62 of Law 98/2016 on public procurements.

The persons with decision-making functions within the contracting entity are:

Mayor – Astrid Cora Fodor;

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Deputy Mayor – Mihai Cercel Onițiu;

Public Manager – Teodor Birt;

Economic Manager – Dorian Ioan Dăncăneț;

Head of the Procurement and Emergency Situations Department - Monica Dancu;

Head of the Public Procurement Service - Codruta Sirbu

Head of the Legal Department - Andreea Maria Patachi;

Head of the European Funds Projects Service - Alina Stefan;

Advisor to the European Funds Projects Service - Radu Alexandrescu;

Advisor to the European Funds Projects Service - Cristina Moldovan;

Consultants/Advisors: Radu Alexandrescu, Cristina Moldovan, Andreea Albu

Requirement 8: Exclusion Ground: Assets managed by a liquidator

Description: Requirement a) Tenderers, supporting third parties and subcontractors must NOT found themselves in the situations provided for in art. 164, 165 and 167 of Law no. 98/2016. Tenderers, supporting third parties and subcontractors will complete the corresponding requirement in the DUAE form in the award documentation. In order to prove that they are not found in the situations provided by art. 164, 165 and 167 of Law 98/2016 on public procurement, the DUAE will be completed in accordance with art. 193-200 of Law no. 98/2016 The Single European Procurement Document (SUPD) will be completed by both tenderers, associated tenderers and, if applicable, by subcontractors and supporting third parties:.

Fulfillment method:

The DUAE will be completed and submitted by the business operators participating to the award procedure with the information related to their situation.

The supporting documents proving the fulfillment of the obligations undertaken by completing the DUAE are to be submitted, following the request of the contracting authority, only by the tenderer ranked first in the intermediate ranking drawn up upon completion of the evaluation of the tenders, after applying the award criteria.

These supporting documents are:

1. Tax certification certificate issued by the tax administration body of the territorial administrative unit within which the business operator has its registered office, VALID at the time of submitting the tax certificate to the general consolidated budget.

2. Tax certification certificate regarding local taxes and fees, for the main office VALID at the time of submitting the tax certificate to the local budget.

3. Statement on own liability for secondary offices and work point(s) regarding the fulfillment of obligations to pay taxes, fees or contributions due to the general consolidated budget.

Foreign legal entities/individuals will present: any supporting documents, issued by competent authorities in the country where they are residents, proving that they have fulfilled their obligations to pay taxes, fees and social security contributions to the budgets that comprise the general consolidated budget, in accordance with the legal provisions in force in the country of residence.

4. The criminal record of the business operator and of the members of the administrative, management or supervisory body of the respective business operator, or of those who have power of representation, decision or control within it, as shown in the certificate of assessment issued by ONRC/the articles of association;

5. where applicable, documents proving that the business operator can benefit from the derogations provided by art. 166 paragraph (2), art. 167 paragraph (2), art. 171 of Law 98/2016 on public procurements;
6. other supporting documents, where applicable.

If documents such as those provided for above are not issued in the country of origin or the country where the tenderer/third supporting party/subcontractor is established or the said documents do not cover all the situations provided by art. 164, 165 and 167 of Law no. 98/2016, the contracting authority/entity is obliged to accept a statement on own liability or, if in the respective country there are no legal provisions regarding the statement on own liability, an authenticated statement given before a notary, an administrative or judicial authority or a professional association with competence in this regard, in Romania.

The documents will be submitted in Romanian in a legible copy. Documents submitted in other language than Romanian will be accompanied by a certified translation.

Description:

Requirement: b) Tenderers, supporting third parties and subcontractors must NOT found themselves in the situations provided by art. 59 and 60 of Law no. 98/2016.

Tenderers, supporting third parties and subcontractors will complete the corresponding requirement in the DUAE form in the award documentation.

In order to prove that they are not in the situations provided for in art. 59 and 60 of Law 98/2016 on public procurements, the DUAE will be completed in accordance with art. 193-200 of Law no. 98/2016.

The Single European Procurement Document (SEPD) will be completed both by tenderers, associated tenderers and, where applicable, by subcontractors and supporting third parties

Method of completion:

The SEPD will be completed and submitted by the business operators participating to the award procedure with the information related to their situation.

If a situation potentially generating a conflict of interest is detected, the contracting entity will implement the necessary measures to remove the circumstances that generated the conflict of interest, in accordance with art. 62 of Law 98/2016 on public procurements.

The persons with decision-making functions within the contracting entity are:

Mayor – Astrid Cora Fodor;

Deputy Mayor – Helmut Lerner;

Deputy Mayor – Mihai Cercel Onițiu;

Public Manager – Teodor Birt;

Economic Manager – Dorian Ioan Dăncăneț;

Head of the Procurement and Emergency Situations Department - Monica Dancu;

Head of the Public Procurement Service - Codruta Sirbu

Head of the Legal Department - Andreea Maria Patachi;

Head of the European Funds Projects Service - Alina Stefan;

Advisor to the European Funds Projects Service - Radu Alexandrescu;

Advisor to the European Funds Projects Service - Cristina Moldovan;

Consultants/Advisors: Radu Alexandrescu, Cristina Moldovan, Andreea Albu

Requirement 9: Exclusion Ground: Business activities are suspended

Description: Requirement a) Tenderers, supporting third parties and subcontractors must NOT found themselves in the situations provided for in art. 164, 165 and 167 of Law no. 98/2016. Tenderers, supporting third parties and subcontractors will complete the corresponding requirement in the DUAE form in the award documentation. In order to prove that they are not found in the situations provided by art. 164, 165 and 167 of Law 98/2016 on public procurement, the DUAE will be completed in accordance with art. 193-200 of Law no. 98/2016 The Single European Procurement Document (SUPD) will be completed by both tenderers, associated tenderers and, if applicable, by subcontractors and supporting third parties:.

Fulfillment method:

The DUAE will be completed and submitted by the business operators participating to the award procedure with the information related to their situation.

The supporting documents proving the fulfillment of the obligations undertaken by completing the DUAE are to be submitted, following the request of the contracting authority, only by the tenderer ranked first in the intermediate ranking drawn up upon completion of the evaluation of the tenders, after applying the award criteria.

These supporting documents are:

1. Tax certification certificate issued by the tax administration body of the territorial administrative unit within which the business operator has its registered office, VALID at the time of submitting the tax certificate to the general consolidated budget.
 2. Tax certification certificate regarding local taxes and fees, for the main office VALID at the time of submitting the tax certificate to the local budget.
 3. Statement on own liability for secondary offices and work point(s) regarding the fulfillment of obligations to pay taxes, fees or contributions due to the general consolidated budget.
- Foreign legal entities/individuals will present: any supporting documents, issued by competent authorities in the country where they are residents, proving that they have fulfilled their obligations to pay taxes, fees and social security contributions to the budgets that comprise the general consolidated budget, in accordance with the legal provisions in force in the country of residence.
4. The criminal record of the business operator and of the members of the administrative, management or supervisory body of the respective business operator, or of those who have power of representation, decision or control within it, as shown in the certificate of assessment issued by ONRC/the articles of association;
 5. where applicable, documents proving that the business operator can benefit from the derogations provided by art. 166 paragraph (2), art. 167 paragraph (2), art. 171 of Law 98/2016 on public procurements;
 6. other supporting documents, where applicable.

If documents such as those provided for above are not issued in the country of origin or the country where the tenderer/third supporting party/subcontractor is established or the said documents do not cover all the situations provided by art. 164, 165 and 167 of Law no. 98/2016, the contracting authority/entity is obliged to accept a statement on own liability or, if in the respective country there are no legal provisions regarding the statement on own liability, an authenticated statement given before a notary, an administrative or judicial authority or a professional association with competence in this regard, in Romania.

The documents will be submitted in Romanian in a legible copy. Documents submitted in other language than Romanian will be accompanied by a certified translation.

Description:

Requirement: b) Tenderers, supporting third parties and subcontractors must NOT found themselves in the situations provided by art. 59 and 60 of Law no. 98/2016.

Tenderers, supporting third parties and subcontractors will complete the corresponding requirement in the DUAE form in the award documentation.

In order to prove that they are not in the situations provided for in art. 59 and 60 of Law 98/2016 on public procurements, the DUAE will be completed in accordance with art. 193-200 of Law no. 98/2016.

The Single European Procurement Document (SEPD) will be completed both by tenderers, associated tenderers and, where applicable, by subcontractors and supporting third parties

Method of completion:

The SEPD will be completed and submitted by the business operators participating to the award procedure with the information related to their situation.

If a situation potentially generating a conflict of interest is detected, the contracting entity will implement the necessary measures to remove the circumstances that generated the conflict of interest, in accordance with art. 62 of Law 98/2016 on public procurements.

The persons with decision-making functions within the contracting entity are:

Mayor – Astrid Cora Fodor;
Deputy Mayor – Helmut Lerner;
Deputy Mayor – Mihai Cercel Onițiu;
Public Manager – Teodor Birt;
Economic Manager – Dorian Ioan Dăncăneț;
Head of the Procurement and Emergency Situations Department - Monica Dancu;
Head of the Public Procurement Service - Codruta Sirbu
Head of the Legal Department - Andreea Maria Patachi;
Head of the European Funds Projects Service - Alina Stefan;
Advisor to the European Funds Projects Service - Radu Alexandrescu;
Advisor to the European Funds Projects Service - Cristina Moldovan;
Consultants/Advisors: Radu Alexandrescu, Cristina Moldovan, Andreea Albu

Requirement 10: Exclusion Ground: Serious professional misconduct

Description: Requirement a) Tenderers, supporting third parties and subcontractors must NOT found themselves in the situations provided for in art. 164, 165 and 167 of Law no. 98/2016. Tenderers, supporting third parties and subcontractors will complete the corresponding requirement in the DUAE form in the award documentation. In order to prove that they are not found in the situations provided by art. 164, 165 and 167 of Law 98/2016 on public procurement, the DUAE will be completed in accordance with art. 193-200 of Law no. 98/2016 The Single European Procurement Document (SUPD) will be completed by both tenderers, associated tenderers and, if applicable, by subcontractors and supporting third parties:.

Fulfillment method:

The DUAE will be completed and submitted by the business operators participating to the award procedure with the information related to their situation.

The supporting documents proving the fulfillment of the obligations undertaken by completing the DUAE are to be submitted, following the request of the contracting authority, only by the tenderer ranked first in the intermediate ranking drawn up upon completion of the evaluation of the tenders, after applying the award criteria.

These supporting documents are:

1. Tax certification certificate issued by the tax administration body of the territorial administrative unit within which the business operator has its registered office, VALID at the time of submitting the tax certificate to the general consolidated budget.
 2. Tax certification certificate regarding local taxes and fees, for the main office VALID at the time of submitting the tax certificate to the local budget.
 3. Statement on own liability for secondary offices and work point(s) regarding the fulfillment of obligations to pay taxes, fees or contributions due to the general consolidated budget.
- Foreign legal entities/individuals will present: any supporting documents, issued by competent authorities in the country where they are residents, proving that they have fulfilled their obligations to pay taxes, fees and social security contributions to the budgets that comprise the general consolidated budget, in accordance with the legal provisions in force in the country of residence.
4. The criminal record of the business operator and of the members of the administrative, management or supervisory body of the respective business operator, or of those who have power of representation, decision or control within it, as shown in the certificate of assessment issued by ONRC/the articles of association;
 5. where applicable, documents proving that the business operator can benefit from the derogations provided by art. 166 paragraph (2), art. 167 paragraph (2), art. 171 of Law 98/2016 on public procurements;
 6. other supporting documents, where applicable.

If documents such as those provided for above are not issued in the country of origin or the country where the tenderer/third supporting party/subcontractor is established or the said documents do not cover all the situations provided by art. 164, 165 and 167 of Law no. 98/2016, the contracting authority/entity is obliged to accept a statement on own liability or, if in the respective country there are no legal provisions regarding the statement on own liability, an authenticated statement given before a notary, an administrative or judicial authority or a professional association with competence in this regard, in Romania.

The documents will be submitted in Romanian in a legible copy. Documents submitted in other language than Romanian will be accompanied by a certified translation.

Description:

Requirement: b) Tenderers, supporting third parties and subcontractors must NOT found themselves in the situations provided by art. 59 and 60 of Law no. 98/2016.

Tenderers, supporting third parties and subcontractors will complete the corresponding requirement in the DUAE form in the award documentation.

In order to prove that they are not in the situations provided for in art. 59 and 60 of Law 98/2016 on public procurements, the DUAE will be completed in accordance with art. 193-200 of Law no. 98/2016.

The Single European Procurement Document (SEPD) will be completed both by tenderers, associated tenderers and, where applicable, by subcontractors and supporting third parties

Method of completion:

The SEPD will be completed and submitted by the business operators participating to the award procedure with the information related to their situation.

If a situation potentially generating a conflict of interest is detected, the contracting entity will implement the necessary measures to remove the circumstances that generated the conflict of interest, in accordance with art. 62 of Law 98/2016 on public procurements.

The persons with decision-making functions within the contracting entity are:

Mayor – Astrid Cora Fodor;
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Head of the Legal Department - Andreea Maria Patachi;
Head of the European Funds Projects Service - Alina Stefan;
Advisor to the European Funds Projects Service - Radu Alexandrescu;
Advisor to the European Funds Projects Service - Cristina Moldovan;
Consultants/Advisors: Radu Alexandrescu, Cristina Moldovan, Andreea Albu

Requirement 11: Exclusion Ground: Agreements with other business operators aiming at distorting competition

Description: Requirement a) Tenderers, supporting third parties and subcontractors must NOT found themselves in the situations provided for in art. 164, 165 and 167 of Law no. 98/2016. Tenderers, supporting third parties and subcontractors will complete the corresponding requirement in the DUAE form in the award documentation. In order to prove that they are not found in the situations provided by art. 164, 165 and 167 of Law 98/2016 on public procurement, the DUAE will be completed in accordance with art. 193-200 of Law no. 98/2016 The Single European Procurement Document (SEPD) will be completed by both tenderers, associated tenderers and, if applicable, by subcontractors and supporting third parties:.

Fulfillment method:

The DUAE will be completed and submitted by the business operators participating to the award procedure with the information related to their situation.

The supporting documents proving the fulfillment of the obligations undertaken by completing the DUAE are to be submitted, following the request of the contracting authority, only by the tenderer ranked first in the intermediate ranking drawn up upon completion of the evaluation of the tenders, after applying the award criteria.

These supporting documents are:

1. Tax certification certificate issued by the tax administration body of the territorial administrative unit within which the business operator has its registered office, VALID at the time of submitting the tax certificate to the general consolidated budget.
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3. Statement on own liability for secondary offices and work point(s) regarding the fulfillment of obligations to pay taxes, fees or contributions due to the general consolidated budget.

Foreign legal entities/individuals will present: any supporting documents, issued by competent authorities in the country where they are residents, proving that they have fulfilled their obligations to pay taxes, fees and social security contributions to the budgets that comprise the general consolidated budget, in accordance with the legal provisions in force in the country of residence.

4. The criminal record of the business operator and of the members of the administrative, management or supervisory body of the respective business operator, or of those who have power of representation, decision or control within it, as shown in the certificate of assessment issued by ONRC/the articles of association;
5. where applicable, documents proving that the business operator can benefit from the derogations provided by art. 166 paragraph (2), art. 167 paragraph (2), art. 171 of Law 98/2016 on public procurements;
6. other supporting documents, where applicable.

If documents such as those provided for above are not issued in the country of origin or the country where the tenderer/third supporting party/subcontractor is established or the said documents do not cover all the situations provided by art. 164, 165 and 167 of Law no. 98/2016, the contracting authority/entity is obliged to accept a statement on own liability or, if in the respective country there are no legal provisions regarding the statement on own liability, an authenticated statement given before a notary, an administrative or judicial authority or a professional association with competence in this regard, in Romania.

The documents will be submitted in Romanian in a legible copy. Documents submitted in other language than Romanian will be accompanied by a certified translation.

Description:

Requirement: b) Tenderers, supporting third parties and subcontractors must NOT found themselves in the situations provided by art. 59 and 60 of Law no. 98/2016.

Tenderers, supporting third parties and subcontractors will complete the corresponding requirement in the DUAE form in the award documentation.

In order to prove that they are not in the situations provided for in art. 59 and 60 of Law 98/2016 on public procurements, the DUAE will be completed in accordance with art. 193-200 of Law no. 98/2016.

The Single European Procurement Document (SEPD) will be completed both by tenderers, associated tenderers and, where applicable, by subcontractors and supporting third parties

Method of completion:

The SEPD will be completed and submitted by the business operators participating to the award procedure with the information related to their situation.

If a situation potentially generating a conflict of interest is detected, the contracting entity will implement the necessary measures to remove the circumstances that generated the conflict of interest, in accordance with art. 62 of Law 98/2016 on public procurements.

The persons with decision-making functions within the contracting entity are:

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Head of the Legal Department - Andreea Maria Patachi;

Head of the European Funds Projects Service - Alina Stefan;

Advisor to the European Funds Projects Service - Radu Alexandrescu;

Advisor to the European Funds Projects Service - Cristina Moldovan;

Consultants/Advisors: Radu Alexandrescu, Cristina Moldovan, Andreea Albu

Requirement 12: Exclusion Ground: Conflict of interest resulting from participation to the procedure

Description: Requirement a) Tenderers, supporting third parties and subcontractors must NOT found themselves in the situations provided for in art. 164, 165 and 167 of Law no. 98/2016. Tenderers, supporting third parties and subcontractors will complete the corresponding requirement in the DUAE form in the award documentation. In order to prove that they are not found in the situations provided by art. 164, 165 and 167 of Law 98/2016 on public procurement, the DUAE will be completed in accordance with art. 193-200 of Law no. 98/2016 The Single European Procurement Document (SUPD) will be completed by both tenderers, associated tenderers and, if applicable, by subcontractors and supporting third parties:.

Fulfillment method:

The DUAE will be completed and submitted by the business operators participating to the award procedure with the information related to their situation.

The supporting documents proving the fulfillment of the obligations undertaken by completing the DUAE are to be submitted, following the request of the contracting authority, only by the tenderer ranked first in the intermediate ranking drawn up upon completion of the evaluation of the tenders, after applying the award criteria.

These supporting documents are:

1. Tax certification certificate issued by the tax administration body of the territorial administrative unit within which the business operator has its registered office, VALID at the time of submitting the tax certificate to the general consolidated budget.
 2. Tax certification certificate regarding local taxes and fees, for the main office VALID at the time of submitting the tax certificate to the local budget.
 3. Statement on own liability for secondary offices and work point(s) regarding the fulfillment of obligations to pay taxes, fees or contributions due to the general consolidated budget.
- Foreign legal entities/individuals will present: any supporting documents, issued by competent authorities in the country where they are residents, proving that they have fulfilled their obligations to pay taxes, fees and social security contributions to the budgets that comprise the general consolidated budget, in accordance with the legal provisions in force in the country of residence.
4. The criminal record of the business operator and of the members of the administrative, management or supervisory body of the respective business operator, or of those who have power of representation, decision or control within it, as shown in the certificate of assessment issued by ONRC/the articles of association;
 5. where applicable, documents proving that the business operator can benefit from the derogations provided by art. 166 paragraph (2), art. 167 paragraph (2), art. 171 of Law 98/2016 on public procurements;
 6. other supporting documents, where applicable.

If documents such as those provided for above are not issued in the country of origin or the country where the tenderer/third supporting party/subcontractor is established or the said documents do not cover all the situations provided by art. 164, 165 and 167 of Law no. 98/2016, the contracting authority/entity is obliged to accept a statement on own liability or, if in the respective country there are no legal provisions regarding the statement on own liability, an authenticated statement given before a notary, an administrative or judicial authority or a professional association with competence in this regard, in Romania.

The documents will be submitted in Romanian in a legible copy. Documents submitted in other language than Romanian will be accompanied by a certified translation.

Description:

Requirement: b) Tenderers, supporting third parties and subcontractors must NOT found themselves in the situations provided by art. 59 and 60 of Law no. 98/2016.

Tenderers, supporting third parties and subcontractors will complete the corresponding requirement in the DUAE form in the award documentation.

In order to prove that they are not in the situations provided for in art. 59 and 60 of Law 98/2016 on public procurements, the DUAE will be completed in accordance with art. 193-200 of Law no. 98/2016.

The Single European Procurement Document (SEPD) will be completed both by tenderers, associated tenderers and, where applicable, by subcontractors and supporting third parties

Method of completion:

The SEPD will be completed and submitted by the business operators participating to the award procedure with the information related to their situation.

If a situation potentially generating a conflict of interest is detected, the contracting entity will implement the necessary measures to remove the circumstances that generated the conflict of interest, in accordance with art. 62 of Law 98/2016 on public procurements.

The persons with decision-making functions within the contracting entity are:

Mayor – Astrid Cora Fodor;
Deputy Mayor – Helmut Lerner;
Deputy Mayor – Mihai Cercel Onițiu;
Public Manager – Teodor Birt;
Economic Manager – Dorian Ioan Dăncăneț;
Head of the Procurement and Emergency Situations Department - Monica Dancu;
Head of the Public Procurement Service - Codruta Sirbu
Head of the Legal Department - Andreea Maria Patachi;
Head of the European Funds Projects Service - Alina Stefan;
Advisor to the European Funds Projects Service - Radu Alexandrescu;
Advisor to the European Funds Projects Service - Cristina Moldovan;
Consultants/Advisors: Radu Alexandrescu, Cristina Moldovan, Andreea Albu

Requirement 13: Exclusion Ground: Direct or indirect involvement in the preparation of the procurement procedure

Description: Requirement a) Tenderers, supporting third parties and subcontractors must NOT found themselves in the situations provided for in art. 164, 165 and 167 of Law no. 98/2016. Tenderers, supporting third parties and subcontractors will complete the corresponding requirement in the DUAE form in the award documentation. In order to prove that they are not found in the situations provided by art. 164, 165 and 167 of Law 98/2016 on public procurement, the DUAE will be completed in accordance with art. 193-200 of Law no. 98/2016 The Single European Procurement Document (SUPD) will be completed by both tenderers, associated tenderers and, if applicable, by subcontractors and supporting third parties:.

Fulfillment method:

The DUAE will be completed and submitted by the business operators participating to the award procedure with the information related to their situation.

The supporting documents proving the fulfillment of the obligations undertaken by completing the DUAE are to be submitted, following the request of the contracting authority, only by the tenderer ranked first in the intermediate ranking drawn up upon completion of the evaluation of the tenders, after applying the award criteria.

These supporting documents are:

1. Tax certification certificate issued by the tax administration body of the territorial administrative unit within which the business operator has its registered office, VALID at the time of submitting the tax certificate to the general consolidated budget.
2. Tax certification certificate regarding local taxes and fees, for the main office VALID at the time of submitting the tax certificate to the local budget.
3. Statement on own liability for secondary offices and work point(s) regarding the fulfillment of obligations to pay taxes, fees or contributions due to the general consolidated budget.

Foreign legal entities/individuals will present: any supporting documents, issued by competent authorities in the country where they are residents, proving that they have fulfilled their obligations to pay taxes, fees and social security contributions to the budgets that comprise the general consolidated budget, in accordance with the legal provisions in force in the country of residence.

4. The criminal record of the business operator and of the members of the administrative, management or supervisory body of the respective business operator, or of those who have power of representation, decision or control within it, as shown in the certificate of assessment issued by ONRC/the articles of association;
5. where applicable, documents proving that the business operator can benefit from the derogations provided by art. 166 paragraph (2), art. 167 paragraph (2), art. 171 of Law 98/2016 on public procurements;
6. other supporting documents, where applicable.

If documents such as those provided for above are not issued in the country of origin or the country where the tenderer/third supporting party/subcontractor is established or the said documents do not cover all the situations provided by art. 164, 165 and 167 of Law no. 98/2016, the contracting authority/entity is obliged to accept a statement on own liability or, if in the respective country there are no legal provisions regarding the statement on own liability, an authenticated statement given before a notary, an administrative or judicial authority or a professional association with competence in this regard, in Romania.

The documents will be submitted in Romanian in a legible copy. Documents submitted in other language than Romanian will be accompanied by a certified translation.

Description:

Requirement: b) Tenderers, supporting third parties and subcontractors must NOT found themselves in the situations provided by art. 59 and 60 of Law no. 98/2016.

Tenderers, supporting third parties and subcontractors will complete the corresponding requirement in the DUAE form in the award documentation.

In order to prove that they are not in the situations provided for in art. 59 and 60 of Law 98/2016 on public procurements, the DUAE will be completed in accordance with art. 193-200 of Law no. 98/2016.

The Single European Procurement Document (SEPD) will be completed both by tenderers, associated tenderers and, where applicable, by subcontractors and supporting third parties

Method of completion:

The SEPD will be completed and submitted by the business operators participating to the award procedure with the information related to their situation.

If a situation potentially generating a conflict of interest is detected, the contracting entity will implement the necessary measures to remove the circumstances that generated the conflict of interest, in accordance with art. 62 of Law 98/2016 on public procurements.

The persons with decision-making functions within the contracting entity are:

Mayor – Astrid Cora Fodor;

Deputy Mayor – Helmut Lerner;

Deputy Mayor – Mihai Cercel Onițiu;

Public Manager – Teodor Birt;

Economic Manager – Dorian Ioan Dăncăneț;

Head of the Procurement and Emergency Situations Department - Monica Dancu;

Head of the Public Procurement Service - Codruta Sirbu

Head of the Legal Department - Andreea Maria Patachi;

Head of the European Funds Projects Service - Alina Stefan;

Advisor to the European Funds Projects Service - Radu Alexandrescu;

Advisor to the European Funds Projects Service - Cristina Moldovan;

Consultants/Advisors: Radu Alexandrescu, Cristina Moldovan, Andreea Albu

Requirement 14: Exclusion Ground: Early termination, damages or other comparable sanctions in past public contracts

Description: Requirement a) Tenderers, supporting third parties and subcontractors must NOT found themselves in the situations provided for in art. 164, 165 and 167 of Law no. 98/2016. Tenderers, supporting third parties and subcontractors will complete the corresponding requirement in the DUAE form in the award documentation. In order to prove that they are not found in the situations provided by art. 164, 165 and 167 of Law 98/2016 on public procurement, the DUAE will be completed in accordance with art. 193-200 of Law no. 98/2016 The Single European Procurement Document (SUPD) will be completed by both tenderers, associated tenderers and, if applicable, by subcontractors and supporting third parties:.

Fulfillment method:

The DUAE will be completed and submitted by the business operators participating to the award procedure with the information related to their situation.

The supporting documents proving the fulfillment of the obligations undertaken by completing the DUAE are to be submitted, following the request of the contracting authority, only by the tenderer ranked first in the intermediate ranking drawn up upon completion of the evaluation of the tenders, after applying the award criteria.

These supporting documents are:

1. Tax certification certificate issued by the tax administration body of the territorial administrative unit within which the business operator has its registered office, VALID at the time of submitting the tax certificate to the general consolidated budget.
 2. Tax certification certificate regarding local taxes and fees, for the main office VALID at the time of submitting the tax certificate to the local budget.
 3. Statement on own liability for secondary offices and work point(s) regarding the fulfillment of obligations to pay taxes, fees or contributions due to the general consolidated budget.
- Foreign legal entities/individuals will present: any supporting documents, issued by competent authorities in the country where they are residents, proving that they have fulfilled their obligations to pay taxes, fees and social security contributions to the budgets that comprise the general consolidated budget, in accordance with the legal provisions in force in the country of residence.
4. The criminal record of the business operator and of the members of the administrative, management or supervisory body of the respective business operator, or of those who have power of representation, decision or control within it, as shown in the certificate of assessment issued by ONRC/the articles of association;
 5. where applicable, documents proving that the business operator can benefit from the derogations provided by art. 166 paragraph (2), art. 167 paragraph (2), art. 171 of Law 98/2016 on public procurements;
 6. other supporting documents, where applicable.

If documents such as those provided for above are not issued in the country of origin or the country where the tenderer/third supporting party/subcontractor is established or the said documents do not cover all the situations provided by art. 164, 165 and 167 of Law no. 98/2016, the contracting authority/entity is obliged to accept a statement on own liability or, if in the respective country there are no legal provisions regarding the statement on own liability, an authenticated statement given before a notary, an administrative or judicial authority or a professional association with competence in this regard, in Romania.

The documents will be submitted in Romanian in a legible copy. Documents submitted in other language than Romanian will be accompanied by a certified translation.

Description:

Requirement: b) Tenderers, supporting third parties and subcontractors must NOT found themselves in the situations provided by art. 59 and 60 of Law no. 98/2016.

Tenderers, supporting third parties and subcontractors will complete the corresponding requirement in the DUAE form in the award documentation.

In order to prove that they are not in the situations provided for in art. 59 and 60 of Law 98/2016 on public procurements, the DUAE will be completed in accordance with art. 193-200 of Law no. 98/2016.

The Single European Procurement Document (SEPD) will be completed both by tenderers, associated tenderers and, where applicable, by subcontractors and supporting third parties

Method of completion:

The SEPD will be completed and submitted by the business operators participating to the award procedure with the information related to their situation.

If a situation potentially generating a conflict of interest is detected, the contracting entity will implement the necessary measures to remove the circumstances that generated the conflict of interest, in accordance with art. 62 of Law 98/2016 on public procurements.

The persons with decision-making functions within the contracting entity are:

Mayor – Astrid Cora Fodor;

Deputy Mayor – Helmut Lerner;

Deputy Mayor – Mihai Cercel Onițiu;

Public Manager – Teodor Birt;

Economic Manager – Dorian Ioan Dăncăneț;

Head of the Procurement and Emergency Situations Department - Monica Dancu;

Head of the Public Procurement Service - Codruta Sirbu

Head of the Legal Department - Andreea Maria Patachi;

Head of the European Funds Projects Service - Alina Stefan;

Advisor to the European Funds Projects Service - Radu Alexandrescu;

Advisor to the European Funds Projects Service - Cristina Moldovan;

Consultants/Advisors: Radu Alexandrescu, Cristina Moldovan, Andreea Albu

Requirement 15: Exclusion Ground: Guilty of misrepresentation, withholding info, or obtaining confidential information regarding the procedure

Description: Requirement a) Tenderers, supporting third parties and subcontractors must NOT found themselves in the situations provided for in art. 164, 165 and 167 of Law no. 98/2016. Tenderers, supporting third parties and subcontractors will complete the corresponding requirement in the DUAE form in the award documentation. In order to prove that they are not found in the situations provided by art. 164, 165 and 167 of Law 98/2016 on public procurement, the DUAE will be completed in accordance with art. 193-200 of Law no. 98/2016 The Single European Procurement Document (SUPD) will be completed by both tenderers, associated tenderers and, if applicable, by subcontractors and supporting third parties:.

Fulfillment method:

The DUAE will be completed and submitted by the business operators participating to the award procedure with the information related to their situation.

The supporting documents proving the fulfillment of the obligations undertaken by completing the DUAE are to be submitted, following the request of the contracting authority, only by the tenderer ranked first in the intermediate ranking drawn up upon completion of the evaluation of the tenders, after applying the award criteria.

These supporting documents are:

1. Tax certification certificate issued by the tax administration body of the territorial administrative unit within which the business operator has its registered office, VALID at the time of submitting the tax certificate to the general consolidated budget.
 2. Tax certification certificate regarding local taxes and fees, for the main office VALID at the time of submitting the tax certificate to the local budget.
 3. Statement on own liability for secondary offices and work point(s) regarding the fulfillment of obligations to pay taxes, fees or contributions due to the general consolidated budget.
- Foreign legal entities/individuals will present: any supporting documents, issued by competent authorities in the country where they are residents, proving that they have fulfilled their obligations to pay taxes, fees and social security contributions to the budgets that comprise the general consolidated budget, in accordance with the legal provisions in force in the country of residence.
4. The criminal record of the business operator and of the members of the administrative, management or supervisory body of the respective business operator, or of those who have power of representation, decision or control within it, as shown in the certificate of assessment issued by ONRC/the articles of association;
 5. where applicable, documents proving that the business operator can benefit from the derogations provided by art. 166 paragraph (2), art. 167 paragraph (2), art. 171 of Law 98/2016 on public procurements;
 6. other supporting documents, where applicable.

If documents such as those provided for above are not issued in the country of origin or the country where the tenderer/third supporting party/subcontractor is established or the said documents do not cover all the situations provided by art. 164, 165 and 167 of Law no. 98/2016, the contracting authority/entity is obliged to accept a statement on own liability or, if in the respective country there are no legal provisions regarding the statement on own liability, an authenticated statement given before a notary, an administrative or judicial authority or a professional association with competence in this regard, in Romania.

The documents will be submitted in Romanian in a legible copy. Documents submitted in other language than Romanian will be accompanied by a certified translation.

Description:

Requirement: b) Tenderers, supporting third parties and subcontractors must NOT found themselves in the situations provided by art. 59 and 60 of Law no. 98/2016.

Tenderers, supporting third parties and subcontractors will complete the corresponding requirement in the DUAE form in the award documentation.

In order to prove that they are not in the situations provided for in art. 59 and 60 of Law 98/2016 on public procurements, the DUAE will be completed in accordance with art. 193-200 of Law no. 98/2016.

The Single European Procurement Document (SEPD) will be completed both by tenderers, associated tenderers and, where applicable, by subcontractors and supporting third parties

Method of completion:

The SEPD will be completed and submitted by the business operators participating to the award procedure with the information related to their situation.

If a situation potentially generating a conflict of interest is detected, the contracting entity will implement the necessary measures to remove the circumstances that generated the conflict of interest, in accordance with art. 62 of Law 98/2016 on public procurements.

The persons with decision-making functions within the contracting entity are:

Mayor – Astrid Cora Fodor;

Deputy Mayor – Helmut Lerner;

Deputy Mayor – Mihai Cercel Onițiu;

Public Manager – Teodor Birt;

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Head of the Procurement and Emergency Situations Department - Monica Dancu;

Head of the Public Procurement Service - Codruta Sirbu

Head of the Legal Department - Andreea Maria Patachi;

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Advisor to the European Funds Projects Service - Cristina Moldovan;

Consultants/Advisors: Radu Alexandrescu, Cristina Moldovan, Andreea Albu

III.1.1 b) Legal Capacity / Professional Activity Exercise Capacity

Requirement 1: Registration in the Trade Register (ONRC)

Selection criteria: Registration to a Trade Register

Description:

Requirement no.1.

Business operators submitting a tender must prove a form of registration under the law of the country of residence, which it should show that the business operator is legally established, that it is not in any of the situations of cancellation of establishment, as well as the fact that it has the professional capacity to carry out the activities that make the scope of the public procurement contract. The requirement applies including to subcontractors for the part of the contract that they are to carry out, as well as to supporting third parties, who will complete the information related to their situation at the level of a distinct DUAE.

Method of fulfillment:

The Trade Register certificate or, for foreign tenderers, the equivalent document issued in the country of residence will be submitted following the request of the contracting authority only by the tenderer ranked first in the ranking drawn up after applying the award criterion, drawn up upon completion of the tender evaluation. The information contained in the certificate of assessment or, for foreign tenderers, the equivalent document issued in the country of residence, must be updated at the time of submitting the document.

Initially, the business operator completes the DUAE, followed by the Trade Register certificate to be submitted following the request of the contracting authority, only by the tenderer ranked first in the intermediate ranking, drawn up upon completion of the tender evaluation.

The documents will be submitted in Romanian in a legible copy. Documents submitted in other language than Romanian will be accompanied by a certified translation into Romanian.

Requirement 2

Collection of data and information regarding the actual beneficiaries of the allocated funds

The tenderers, third supporting parties and subcontractors are required to send data regarding the actual beneficiary of the funds allocated through this contract, data that will be collected from them from the tenders submission phase and subsequently in the DUAE supporting documents phase.

Method of implementation:

Initially, a statement on own liability will be submitted - form no. 11 - Statement on the actual beneficiary/beneficiaries, that will be submitted together with the DUAE by all participants (tenderers, third supporting parties and subcontractors).

After establishing the ranking of the tenders, the tenderer ranked first is obliged to make available to the Contracting Authority information on the actual beneficiary of the funds allocated from the Swiss-Romanian Cooperation Programme aiming at reducing economic and social disparities within the European Union, within the meaning of art. 3 point 6 of Directive (EU) 2015/849 of the European Parliament and of the Council, of art. 4 of Law no. 129 of 11 July 2019 for the prevention and combating of money laundering and terrorism financing, as well as for the amendment and completion of certain normative acts and as they are regulated by the obligations provided by art. Art. 22 paragraph 2 letter d) of Regulation (EU) 2021/241 of the European Parliament and of the Council, respectively:

- a) For tenderers which shareholders are natural persons or legal entities registered on the territory of Romania, a Trade Register excerpt regarding the beneficial owners shall be submitted;
- b) For the tenderer(s) stated winner(s) who have foreign legal entities in their shareholder structure, the tenderer(s) shall submit a statement on own liability given by the legal representative, in accordance with the provisions of art. 326 of the Criminal Code regarding false statements, which shall contain the data on the beneficial owners of the foreign legal entities (at least name, first name and date of birth), in accordance with the provisions of Law no. 129/2019, as amended and completed;
- c) For foreign tenderers, registered outside Romania, they will submit supporting documents, certificates or other documents issued by the authority responsible for the data of the real beneficiary in the tenderer's country, accompanied by the translation into Romanian, certified by authorized translators, under the terms of the law;
- d) For tenderers such as associations and foundations, they will submit an excerpt from the Ministry of Justice (National NGO Register) regarding the real beneficiaries of the association/foundation; if the association/foundation is a foreign entity or has real beneficiaries who are foreign persons, they will submit a statement on own liability given by the legal representative/chair, according to the provisions of art. 326 of the Criminal Code regarding false statements, which will contain data on the real beneficiaries (at least surname, first name and date of birth), in accordance with the provisions of Law no. 129/2019, as amended and completed.

Before signing the contract, the Contracting Authority will collect in the dedicated IT system - the data of the real beneficiary of the winning tenderer, following the public procurement procedure.

The winning tenderer is obliged to send to the Trade Register Office, before signing the public procurement contract, the updated data on the real beneficiaries of the funds allocated under this contract.

The contractors are obliged to inform in parallel, both the contracting authority and the Trade Register each time there is a change in the information on the real beneficiary, during the legal commitments concluded within the Swiss-Romanian Cooperation Programme aiming at reducing economic and social disparities within the European Union

III.1.2) Economic and Financial Standing

Selection Criterion: Average Annual Global Turnover

Selection criterion:

Average annual turnover

Method of fulfillment:

Requirement no. 1 – Mandatory requirement

The average global turnover, in the last 3 years - 2023, 2024, 2025, must be higher than or equal to/at least equal to 40,000,000.00 lei.

Method of fulfillment:

The following will be submitted:

Documents proving the levels of global turnover, such as: balance sheets/accounting balances which shows the global turnover, annual reports issued by financial auditors or specialized companies, provided that they contain the relevant information by which the tenderer proves that it has the requested economic and financial capacity.

Note 1: By the deadline established for the submission of tenders, the participating business operators will submit the D.U.A.E, duly complete by each participating entity (as the case may be, tenderer, associated tenderer, supporting third party), in order to provide preliminary proof of fulfilling the aforementioned requirements. Before awarding the contract, the contracting authority will request the tenderer ranked first after applying the award criterion, to submit the supporting documents confirming the fulfillment of all the qualification criteria, in accordance with the requirements established by the DUAЕ and by the award documentation.

Note 2: For the calculation of the equivalence, the average annual leu/currency exchange rate communicated by the NBR for each year will be applied.

Note 3: To the extent that the publication of balance sheets is not provided by the legislation of the country of origin/country where the tenderer is established, then it shall submit other supporting documents that reflect a true and fair view of the economic and financial situation of the business operator, as shown above.

Note 4: If, for objective and justified reasons, the business operator is unable to submit one or more of the information and documents requested above, the business operator has the right to prove the compliance with the requirements regarding the economic and financial situation by any other equivalent information and documents able to provide such proof.

III.1.3.a) Technical and/or professional capacity

Information and/or minimum level(s) necessary for evaluation if the requirements are met:

For works contracts: execution of works of the specified type

Selection criterion:

References about the specified works

Method of performance:

List of works carried out during a period covering at most the last 5 years. The 5 years will be calculated by reference to the deadline for submission of tenders. In the event of a delay in the deadline for submission of tenders, the period relating to similar experience will be extended accordingly (with the days of delay). By means of the list of works, the tenderer must prove that in the last 5 years calculated until the deadline for submission of tenders, similar works to those awarded under this procedure and/or works of the same nature and complexity and/or superior in terms of complexity and purpose to those that make the scope of the contract which is awarded through this procedure, consisting of construction works and/or consolidations and/or overhaul and/or modernizations and/or refurbishments of buildings of at least significance category C (constructions of significance category C shall be understood as: "Constructions with ordinary functions, which non-fulfilment does not entail major risks for society and nature (such as residential buildings with more than two levels, industrial and agro-zootechnical constructions; socio-cultural constructions that do not fall into the categories of importance A and B), or constructions with ordinary characteristics and functions, but with heritage values (such as religious buildings, museums of local importance) with a total cumulative value excluding VAT greater than or at least equal to 40,000,000.00 lei excluding VAT within one or a maximum of 5 contracts, of which at least one contract must have involved construction works and/or consolidations and/or capital repairs and/or modernizations and/or rehabilitations of buildings of at least significance

category C, with energy consumption either nZEB or ZEB/buildings classified in energy class A, or buildings of at least significance category C which, following the works execution, have been classified as buildings with energy consumption either nZEB or ZEB/in energy class A.

Method of implementation: The DUAE will be submitted in accordance with art. 193 of Law 98/2016, and the documents by which business operators can meet the requirement regarding similar experience by, but not limited to, the list being non-cumulative: copies of relevant parts of the contracts they have fulfilled/recommendations/acceptance reports/certificates of good execution/certificates of assessment, representing certifications of good execution for those works that the tenderer considers that the contracting authority should take into account for the assessment of the fulfilment of the requirement regarding similar experience, to be submitted following the request of the contracting authority, only by the tenderer ranked first in the intermediate ranking drawn up upon completion of the tender evaluation. In addition, to prove the requirement regarding the classification of the building into the category of those with energy consumption either nZEB or ZEB/buildings classified in energy class A, the nZEB/ZEB/energy class A compliance report or the Energy Performance Certificate (phase project/reception) that certifies the inclusion of the site into one of these standards or any technical document issued by auditors/experts/institutions/organizations competent in this regard, which confirms the inclusion of the site into one of these standards. The respective certifications will show:

- a) the number and date of the contract invoked as similar experience
- b) the object of the work so that all the information requested and necessary to verify the fulfillment of the requirement regarding similar experience is provided
- c) the beneficiaries and contact details, regardless of whether they are contracting authorities or private clients
- d) the share and activities for which they were responsible, together with their value, excluding VAT
- e) the period (start date and completion date) during which the contract was fulfilled
- f) the place of works execution
- g) the date and number of the reception document
- h) to specify whether they were carried out in accordance with the professional norms in the field

The certifications will be issued or countersigned by the beneficiary (contracting authority or private client) proving the fulfillment of the obligations undertaken in the DUAE, including the documents confirming the classification of the building into the category of those with energy consumption either nZEB or ZEB/buildings classified in energy class A, are to be submitted following the request of the contracting authority, only by the tenderer ranked first in the intermediate ranking drawn up upon completion of the tenders evaluation.

Method of fulfillment

The DUAE will be submitted in accordance with art. 193 paragraph 1 of Law 98/2016 and the supporting documents proving the fulfillment of the obligations undertaken in the DUAE are to be submitted following the request of the contracting authority, only by the tenderer ranked first in the intermediate ranking drawn up upon completion of the tenders evaluation.

The supporting documents will be submitted in legible copy. Foreign legal entities will submit the supporting certificates/documents in legible copy accompanied by a certified translation into Romanian. The DUAE will be completed by the business operators participating to the award procedure with information describing their level of experience, by reference to contracts executed in the past, in accordance with the requirements of the contracting authority. The nominated associate(s) will submit a separate DUAE containing the information requested.

The following information must be specified at the DUAE level:

- number and date of the contract invoked as similar experience
- type/categories of works executed
- value (lei excluding VAT)
- its beneficiary and contact details
- date and number of the receipt document
- share and activities/categories of works for which he was responsible in the execution of the works
- significance category of the site
- whether the scope falls into the category of buildings with energy consumption either nZEB or ZEB/buildings classified in energy class A

Information and/or minimum level(s) necessary for assessing compliance with the mentioned requirements:

For procurement contracts of services: execution of services of the specified type

Selection criterion:

References about specified services

Method of performance:

List of main services performed during a period covering at most the last 3 years. The 3 years will be calculated by reference to the deadline for submitting tenders. In the event of a delay in the deadline for submitting tenders, the period related to similar experience will be extended accordingly (with the days of the delay).

By means of the list of services provided, the tenderer must prove that, in the last 3 years calculated up to the deadline established for submitting tenders, similar services have been provided in accordance with professional norms in the field, consisting of design services for construction works and/or consolidations and/or overhaul and/or modernizations and/or refurbishments of buildings at least of significance category C (constructions of significance category C shall mean "Constructions with ordinary functions, which non-fulfilment does not involve major risks for society and nature (such as residential buildings with more than two levels, industrial and agro-zootechnical constructions; socio-cultural constructions that do not fall into the categories of importance A and B), or constructions with ordinary characteristics and functions, but with heritage values (such as religious buildings, museums of local importance)" in a total cumulative value excluding VAT greater than or equal to 600,000.00 lei, carried out at the level of a maximum of 3 contracts, of which at least one contract must have involved design services for construction works and/or consolidations and/or capital repairs and/or modernizations and/or refurbishments of buildings of at least importance category C, with energy consumption either nZEB or ZEB/buildings classified in energy class A, or buildings of at least importance category C which, following the provision of design services, have been classified as buildings with energy consumption either nZEB or ZEB/in energy class A.

Method of fulfillment:

The DUAE will be submitted in accordance with art. 193-Law 98/2016, and the documents through which business operators can fulfill the requirement regarding similar experience consisting of, without being limited to, the list being non-cumulative: copies of relevant parts of the contracts they have fulfilled/recommendations/reports of acceptance/certificates of good execution/certificates of determination, representing certifications of good execution for those services that the tenderer considers that the contracting authority must take into account for fulfilling the requirement regarding similar experience, will be submitted following the request of the contracting authority, only by the tenderer ranked first in the intermediate ranking drawn up upon completion of the evaluation of the tenders.

In addition, in order to prove the requirement regarding the classification of the building into the category of those with energy consumption either nZEB or ZEB/buildings classified in energy class A, a nZEB/ZEB/energy class A Compliance Report or the Energy Performance Certificate (project/reception phase) will be submitted, which will certify the inclusion of the objective in one of these standards or any technical document issued by auditors/experts/institutions/organizations competent/competent in this regard, which confirms the inclusion of the objective in one of these standards. The respective certifications will indicate

- a) the number and date of the contract invoked as similar experience
- b) the object of the services so that all the requested information is provided, in order to verify the fulfillment of the requirement regarding similar experience
- c) the beneficiaries and contact details, regardless of whether they are contracting authorities/private clients
- d) the share and activities for which they were responsible, together with their value, excluding VAT
- e) the period (start and end date) in which executed the contract
- f) place of provision of services
- g) date and number of the reception document
- h) to specify whether they were carried out in accordance with the professional norms in the field

Certifications (issued or countersigned by the beneficiary contracting authority/private client) that prove the fulfillment of the obligations in the DUAE, including documents confirming the classification of the building in the category of those with energy consumption either nZEB or ZEB/buildings classified in energy class A, are to be submitted following the request of the contracting authority, only by the tenderer ranked first in the intermediate ranking drawn up upon completion of the evaluation of the tenders.

Method of fulfillment

The DUAE will be submitted in accordance with art.193, paragraph 1-Law 98/2016 and the supporting documents that prove the fulfillment of the obligations in the DUAE are to be submitted following the request of the contracting authority, only by the tenderer ranked first in the intermediate ranking drawn up when completing the tenders evaluation.

The supporting documents will be submitted in legible copy, in Romanian. Foreign legal entities will submit the supporting certificates/documents in legible copy accompanied by a certified translation into Romanian.

For contracts representing similar experience in the last 3 years, the average annual exchange rate leu/currency communicated by the NBR for each year will be applied to calculate the equivalence.

The DUAE will be completed by the business operators participating to the award procedure with information describing their level of experience, by reference to the contracts executed in the past, in accordance with the requirements of the contracting authority. Associations will submit a separate DUAE containing the requested information

At the DUAE level, information must show:

- number and date of the contract invoked as similar experience
- type/categories of services provided

- value (lei excluding VAT)
- its beneficiary and contact details
- date and number of the receipt document
- share and categories of services for which he was responsible in the execution of the contract
- significance category of the site
- if the scope falls into the category of buildings with energy consumption either nZEB or ZEB/buildings classified in energy class A

Information and/or minimum level(s) necessary for assessing compliance with the mentioned requirements:

Subcontracting proportion

Selection criterion:

Subcontracting proportion

Method of fulfillment:

1.Mandatory requirement:

Information regarding subcontractors. Tenderers will specify in the tender the part(s) of the contract that they are going to subcontract, the percentage fulfilled by them and the identification data of the proposed subcontractors.

2. Mandatory requirement:

Information on supporting third parties

If the Tender relies on supporting third parties, it is obliged to comply with art.182,183,184,185 of Law 98/2016 as well as art.48,49 and 50 of GR 395/2016.

If the Tenderer relies on supporting third parties to prove the compliance with the minimum qualification requirement, the Tenderer is obliged to prove to the Contracting Authority that it has taken all necessary measures to have access, at any time, to the necessary resources, by submitting in this regard a commitment from the supporting third party (unconditional commitment).

Along with the support commitment, the tenderer is required to submit documents sent to it by the supporting third parties, from which it can be seen the effective way in which the supporting third parties will ensure the fulfillment of their own support commitment, documents that will be annexed to the commitment. Thus:

a. If the Tenderer relies on supporting third parties to meet the qualification requirement regarding Economic and Financial Capacity, in this case Average global turnover, in the last 3 years (2023,2024,2025) the Tenderer will present the following on behalf of supporting third party:

- Firm commitment regarding the support given to the Tenderer to meet the criterion regarding the economic and financial situation, Form 3.a, submitted together with the DUAE

- Documents showing that the third party has the financial resources that it undertakes to mobilize

- Documents showing the effective way in which the supporting third party will ensure the fulfillment of its own support commitment

The documents by which the third party proves that it has the financial resources that it undertakes to mobilize are bank statements showing the existence of the amount of money that it will make available to the contractor. Such documents will be submitted together with the firm commitment and are different from the documents that will be submitted, following the request of the contracting authority, to prove the level of turnover requested. The documents submitted by the third party must show how the transfer of these resources to the contractor will be made (including the terms within which the resources will be made available to the contractor), respectively, it must result that the transfer will be made in compliance with the legal provisions in the financial-banking and accounting fields. The transfer of the financial resources invoked must be possible at any time starting from the date of signing the contract. These will be annexes to the firm commitment. In the event that the tenderer is an Association, the firm commitment will be signed by the legal representatives of all members of the Association. b. If the Tenderer relies on supporting third parties to meet the qualification requirement regarding Technical and Professional Capacity, in this case Similar Experience, the Tenderer shall submit the following from the supporting third party:

- Firm commitment regarding the support provided to the Tenderer to meet the criterion regarding technical and professional capacity-Form 3.b, submitted together with the DUAE

- Documents showing that the third party has the technical and professional resources that it undertakes to mobilize

- Documents showing the effective manner in which the supporting third party will ensure the fulfillment of its own support commitment, namely how the supporting third party's resources will be effectively involved in the performance of the works or services in relation to which it grants support.

The documents submitted by the third party must show how these resources will be transferred to the contractor (including the terms in which the resources will be made available to the contractor), so that they are available to the contractor at the time they need to be involved in the contract development. The transfer of the resources invoked must be possible at any time starting from the date of signing the contract. These will be annexed to this firm commitment

In the event that the tenderer is an Association, the Firm Commitment will be signed by the legal representatives of all members of the Association.

3. Mandatory requirement: Information regarding associations. The associations will submit the same documents requested in chapter III.1. CONDITIONS OF PARTICIPATION, as the association leader, with the mention that the requirements regarding economic and financial capacity, respectively technical and/or professional capacity will be met by the group of associates. At the same time, the association agreement will be submitted, which will show who the association leader is as well as the details of the obligations of each member of the association and the percentage that each one receives. Method of fulfillment: The DUAE will be completed by subcontractors and/or supporting third parties and/or associates in accordance with art. 193 of Law 98/2016 and the supporting documents proving the fulfillment of the obligations undertaken in the DUAE will be submitted following the request of the contracting authorities, only by the tenderer ranked first in the intermediate ranking drawn up upon completion of the tenders evaluation. Together with the submission of the DUAE, the subcontracting agreements and/or the commitment of the supporting third party will be submitted, together with the documents attached to the commitment, sent to it by the supporting third party, which will result in the effective way in which its support and/or the association agreement (as the case may be) will be materialized. The supporting documents proving the assumptions made in the subcontracting agreement(s), the commitment of the third party(ies), the association agreement(s) will be requested only from the tenderer ranked first in the intermediate ranking drawn up upon completion of the tenders evaluation.

III.1.3.b) Quality assurance and environmental protection standards

Information and/or minimum level(s) necessary for assessing the compliance with the aforementioned requirements:

Certificates issued by independent bodies regarding quality assurance standards

Selection criterion:

Certificates issued by independent bodies regarding quality assurance standards

Method of fulfillment:

a. The tenderer must provide proof of the implementation of a quality management system in accordance with SR EN ISO 9001 or equivalent, for the main activity of the scope of the contract.

Method of fulfillment:

The DUAE will be submitted in accordance with the provisions of art. 193 of Law 98/2016, and the supporting documents proving the fulfillment of the obligations undertaken in the DUAE will be submitted following the request of the contracting authority, only by the tenderer ranked first in the intermediate ranking drawn up upon completion of the tenders evaluation.

A certificate issued by independent bodies certifying the compliance with ISO 9001 quality standards, or equivalent, which will show the domain(s) for which it/they were issued. The areas for which the 9001 certificate was issued, must be related to the main activity of the scope of the contract. The certificates must be valid on the date of their submission. In the case of an association, the requirement regarding quality assurance standards will be fulfilled by each member of the association for the part of the contract that it performs.

If it can be proved that a business operator did not have access to a quality certificate as requested by the contracting authority or is unable to obtain it within the established deadlines, for reasons not attributable to it, the contracting authority accepts any other evidence or proof submitted by the business operator concerned, to the extent that the evidence/proofs submitted confirm the assurance of an appropriate level of quality, equivalent to that requested by the contracting authority.

Information and/or minimum level(s) necessary for assessing the compliance with the above requirements:

Certificates issued by independent bodies regarding environmental management systems or standards

Selection criterion:

Certificates issued by independent bodies regarding environmental management systems or standards

Method of fulfillment:

b. The tenderer must provide evidence of the implementation of an environmental management system in accordance with SR EN ISO 14001 or equivalent, for the main activity of the scope of the contract.

Method of fulfillment:

The DUAE will be submitted in accordance with the provisions of art. 193 of Law 98/2016, and the supporting documents proving the fulfillment of the commitments in the DUAE will be submitted following the request of the contracting authority, only by the tenderer ranked first in the intermediate ranking drawn up upon completion of the tenders evaluation.

A certificate issued by independent bodies certifying the compliance with the ISO 14001 environmental protection standards, or equivalent, shall be submitted, showing the field(s) for which it has been issued.

The fields for which the 14001 certificate has been issued must be related to the main activity of the scope of the contract.

The certificates must be valid on the date of their submission.

In case of an association, the requirement regarding environmental protection standards shall be fulfilled by each member of the association for the part of the contract that it carries out.

If it can be proved that a business operator has not had access to an environmental certificate as requested by the contracting authority or is unable to obtain it within the established deadlines, for reasons not attributable to it, the contracting

authority shall accept any other evidence or proof submitted by the business operator concerned, to the extent that the evidence/proof submitted confirms the assurance of an appropriate level of environmental management, equivalent to that requested by the contracting authority.

III.1.5) Information on reserved contracts:

No

III.1.6) Deposits and guarantees required:

III.1.6.a) Participation guarantee:

The amount of the participation guarantee is 500,000.00 lei.

The currency equivalent of the value expressed in lei will be determined according to the exchange rate established by the National Bank on the date of publishing the participation notice.

The participation guarantee is unconditional and irrevocable and is established in accordance with the provisions of art.154 paragraph (4) of Law 98/2016 updated.

The guarantee document must provide that the payment of the participation guarantee will be fulfilled unconditionally, namely at the first request of the contracting authority based on its statement regarding the fault of the guaranteed person.

In case of establishing the participation guarantee by bank transfer, the account to which the amount is transferred is: RO22TREZ5765006XXX000228- Treasury Sibiu;

In case of joint participation to the procedure, the participation guarantee must be established in the name of the association and state that it covers severally all members of business operators.

In case the tenderers establish the participation guarantee by Letter of Guarantee, they will complete Form no. 2.

The business operators will submit proof of the participation guarantee, scanned on SEAP, signed with electronic signature, by the deadline for submission of tenders. The validity period of the participation guarantee is 6 months, from the deadline for receipt of tenders.

-Retention conditions: in accordance with the provisions of GR 395/2016.

III.1.6.b) Performance bond:

The amount of the performance bond is 10% of the contract value, excluding VAT. It is irrevocable, unconditional and is established in accordance with art. 154 paragraph (4), of Law 98/2016.

III.1.7) Main financing conditions and payment methods and/or reference to the relevant provisions regulating them:

In accordance with the contractual clauses

III.1.8) Legal form to be taken by the group of business operators to whom the contract is awarded:

Association in accordance with art. 53. of Law on Public Procurement No. 98/2016

III.1.9) Applicable legislation:

a) Law on Procurement No. 98/2016

b) Law on remedies and appeals in the matter of awarding public procurement contracts, sectoral contracts and works concession and service concession contracts, as well as for the organization and functioning of the National Council for the Resolution of Complaints No. 101/2016;

c) www.anap.gov.ro

d) DECISION No. 395 / 2016 for the approval of the Methodological Norms for applying the provisions relating to the award of the public procurement contract/framework agreement of Law No. 98/2016 on public procurement, as amended and completed

III.2) CONDITIONS RELATING TO THE CONTRACT:

III.2.2) The development of the contract is subject to other special conditions:

No

III.2.3) Information on the staff responsible for developing the contract:

Obligation to specify the names and professional qualifications of the staff assigned to perform the contract: No

Specify the stage at which the requirement applies: Not mandatory

Section IV Procedure

IV.1 Description

IV.1.1 Type of procedure and method of conduct:

IV.1.1.a) Method of conduct of the award procedure:

Online

IV.1.1.b) Type of procedure

Open tender

IV.1.3 Information on a framework agreement or a dynamic purchasing system:

Tenders may be submitted for: Public procurement contract

IV.1.6 Information on the electronic auction

An electronic auction will be organized: No

IV.1.8 Information on the Public Procurement Agreement (APA)

The procurement is covered by the agreement on public procurement contracts: No

IV.2 Administrative information

IV.2.1 Previous publication concerning this procedure

No

IV.2.4 Languages in which tenders or requests to participate may be submitted

Romanian

Currency in which the financial offer is transmitted: : RON

IV.2.6 Minimum period during which the tenderer must maintain its tender

6 months (from the deadline for receipt of tenders)

IV.4 Tender submission

IV.4.1 Method of submitting the technical proposal

Technical proposals will be drawn up in accordance with the requirements of the award documentation.

All documents included in the tender will be accompanied, mandatorily, by lists of items, and will have numbered pages.

The technical proposal will mandatorily include the following:

1. Form no. 8 – (with all the information requested by it and in accordance with the provisions of the Tender book, chapter 13);

2. Tenderers shall indicate in the tender that, when preparing it, they have taken into account the relevant obligations in the fields of environment, social and labour relations in accordance with art. 51 paragraph 2 of Law no. 98/2016 on public procurement. If the tenderer does not ensure the compliance with the mandatory regulations relating to specific work conditions and labour protection, the tender shall be rejected as unacceptable pursuant to art. 137 paragraph 2 letter d of Legislative Decree 395/2016. The following forms shall be completed: Form 5 - Statement on compliance with national environmental regulations and Form 6 - Statement on compliance with regulations in the social and labour relations field.

Government websites where information can be obtained on:

Tax legislation: www.mfinante.ro

Environmental legislation: www.gnm.ro

Labour protection and working conditions: www.inspectmun.ro

3. Proposed subcontractors must comply with the same obligations as tenderers in the environmental, social and labour relations fields, established by legislation implemented at European Union level, national legislation, collective agreements or international treaties and agreements. Subcontractors will complete: Form 5 Statement on compliance with national environmental regulations and Form 6- Statement on compliance with social and labour relations regulations.

NOTE - In accordance with art. 53, par. 1, of Law no. 98/2016 which provides that: "The business operators defined by art. 3 paragraph (1) letter jj) have the right to participate to the award procedures provided by art. 68, as individual tenderer/associated tenderer/candidate/third supporting party/subcontractor."

and

In accordance with the provisions of art. 3 letter yy) of Law 98/2016 which defines the notion of subcontractor;

"subcontractor - any business operator who is not a party to a public procurement contract and who carries out certain parts or elements of the works/services, being responsible to the contractor for the organization and implementation of all the stages necessary for this purpose.

The provision of equipment or the supply of materials/goods within the framework of a public procurement contract is not considered subcontracting within the meaning of this law."

If activities that make the scope of the contract will be carried out by other business operators than the tenderer, these must be stated as subcontractors and DUAE must be submitted for them, in accordance with the provisions of Law 98/2016, art.193, including subcontracting agreements.

IV.4.2 Submission of the financial proposal

The financial proposal will contain:

1. Tender form – Form 7.

2. Annex no. 1 to the Tender form

3. Annex no. 2 to the Tender form;

4. The contractual agreement, (including the Annex to the Contract – OHS Convention) from the Award Documentation – signed by the tenderer.

Tenderers may propose modifications/adaptations to the contractual clauses only during the tenders submission period, within the term for requesting clarifications mentioned in section I.3, the contracting authority following the compliance with the advertising rules provided by the legislation in force.

IV.4.3 Method of submitting the tenders

All documents included in the tender will be accompanied, as a mandatory requirement, by lists of items, and will have numbered pages.

Any communication, request, information, notification related to the procurement procedure shall be sent in writing, signed with extended electronic signature based on a qualified certificate, issued by a certification service provider accredited under the law, through SICAP.

This procedure is carried out ENTIRELY by electronic means in SICAP. All documents will be signed with an extended electronic signature, based on a qualified certificate, issued by a certification service provider accredited under the law and uploaded to SICAP only by registered business operators. The business operator is obliged to submit the tender in electronic format, and to complete the DUAE directly in SEAP, only until the deadline for submission of tenders provided in the participation notice.

The technical proposal and the financial proposal will be submitted in electronic format according to SICAP instructions, signed with the extended electronic signature of the legal/authorized representative. In addition to the technical proposal, the financial proposal, the document proving the establishment of the participation bond will be submitted. Only registered business operators can submit tenders online. Uploaded files must be signed with an extended electronic signature; The price is encrypted, and documents containing price elements are appropriately indicated. In order to participate to the award procedure, business operators (including associates, subcontractors, supporting third parties) are required to register in the Electronic Public Procurement System (SICAP). Only tenders submitted online in SICAP will be accepted.

NOTE regarding the new method of completing the DUAE To fulfill the obligation regarding the method of sending the DUAE by business operators participating to the award procedure, they will directly complete the DUAE already configured by the contracting authority in SEAP, in the dedicated section of the procedure of interest. The DUAE, thus completed, can be viewed and analyzed by the contracting authorities in the section dedicated to it. The responses to the DUAE of the business operators participating to the procedure will be completed in SEAP directly, after authentication, by each participant.

For cases where the tenderer is an association of business operators or for cases where the tenderer has subcontractors or supporting third parties, each business operator will authenticate in the system and access the award procedure of interest in order to complete the DUAE in the capacity in which it was included in the respective procedure (associate, subcontractor, supporting third party).

It is necessary that all those who must respond to the DUAE be registered as users of the system.

In the award procedure, one of the members of the association or the business operator participating with an individual offer registers and submits a tender, and the other participants only complete the DUAE directly in the system.

Thus, the SEAP operator certifies that:

- the data uploaded as DUAE responses are completed by the tenderer after authentication;
- the data is completed by each member of the tenderer (the business operator who registers for the procedure states the form of participation - individual/in association as well as the structure and the others validate that they are part of that association/structure)

Also, details regarding the preparation of the DUAE will be found, after authentication in the system, in the "DUAE Information" section - DUAE Completion Guide.

Note: All documents included in the tender will be accompanied, mandatorily, by the list, and will have numbered pages.

Section VI Additional information

VI.1 This procurement is periodic

No

Estimated schedule for publication of future notices: -

VI.2 Information on electronic workflows

The electronic ordering system will be used: No

Electronic invoicing will be accepted: Yes

Electronic payments will be used: No

VI.3 Additional information

A. The evaluation of the tenders is carried out by granting, for each tender, a score resulting from applying the calculation algorithm established in the award documentation.

The ranking of the tenders is established by ordering the respective scores in descending order, the winning tender being the one in first place, respectively the one with the highest score.

In the event that two or more tenders are ranked first, with equal scores, the tender with the lowest financial proposal will be stated as the winner.

If the tenders ranked first, with equal scores, also have equal financial proposals, the contracting authority has the right to request new financial proposals, and the winning tender will be designated the one with the lowest financial proposal.

B. Tenderes shall submit, together with the DUAЕ, Form 1 – Commitment to comply with the standards for the processing of personal data, in accordance with the GDPR.

C. Tenderers/Supporting third parties/subcontractors shall submit, together with the DUAЕ, Form 10 – Statement on the incidence of Article 5K of Council Regulation (EU) 2022/576 of 8 April 2022 amending Regulation (EU) No 833/2014 concerning restrictive measures

in view of Russia's actions to destabilise the situation in Ukraine

D. The technical requirements defined at the level of the tender notice, the tender book or other complementary documents, by referring to standards, to a specific manufacturer, to brands, patents, types, to an origin or to a specific production/method of manufacture/performance/execution, shall be understood as being accompanied by the mention "or equivalent".

VI.4 Appeal procedures

VI.4.1 Appeals settlement body

National Appeals Settlement Council

Address: Str. Stavropoleos no. 6, sector 3; City: Bucharest; Post Code: 030084; Country: Romania; NUTS Code: RO321 Bucharest;

Email address: office@cnsr.ro; Telephone number: +40 213104641;

Web address of the main office of the contracting authority/entity (URL) <http://www.cnsr.ro>;

VI.4.3 Appeals procedure

Clarifications regarding the deadline(s) for appeal procedures:

The deadlines for exercising the appeals are those provided by Law no. 101/2016.

VI.4.4 Service from which information regarding the appeal procedure can be obtained

