# ANNEX I: PROPOSAL ON SELECTION CRITERIA

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| --- | --- |
| **Economic and financial solvency:** Annual turnover | I have sufficient documents to prove a net turnover of € in any of the last 3 financial years [●] |

|  |  |
| --- | --- |
| **Technical or professional solvency:** Contracts of a similar nature | I have sufficient documents to prove that I have satisfactorily completed contracts for a cumulative amount of € in the last 3 years [●] |

# ANNEX III: DECLARATION OF RESPONSIBILITY

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| --- | --- | --- |
| **Name** |  | |
| **Surnames** |  | |
| **DNI the equivalent** |  | |
| **Representation** | In your own name |  |
| On behalf of the following Entity |  |
| **Company name** |  | |
| **NIF** |  | |
| **Registered office** |  | |
| **Telephone** |  | |
| **Email** |  | |

I DECLARE UNDER MY RESPONSIBILITY:

1. **Legality:**

* That, both as a bidder and in the event of being awarded the contract, I submit to all the contractual documents of this tender, and specifically to the Specific Administrative Specifications, the Table of Particular Characteristics and the Technical Specifications, without any qualification or reservation.
* That the company it represents is subject to the laws, jurisdiction and Spanish courts and tribunals of any kind, specifically to the courts and tribunals of the judicial district of the headquarters of the contracting authority, for all incidents that may arise directly or indirectly from the contract, with waiver, where appropriate, to the foreign jurisdiction that may correspond to them.

1. **Capacity and representation:**

* That the company is validly constituted and that, in accordance with its corporate purpose, it can be submitted to the tender.
* That the bidder is not prohibited from contracting by itself or by extension as a result of the application of article 71.3 of the LCSP.
* That as a signatory of the declaration, he/she holds the due capacity (in the case of a natural person bidder) or representation of the company that submits the proposal (in the case of a legal person bidder)

1. **Confidentiality**.
   1. That the offer submitted does NOT contain confidential data.
   2. That the offer submitted DOES contain data or documents of a confidential nature, in accordance with the detail that, in a clear and precise manner, is indicated below:

|  |  |  |
| --- | --- | --- |
| **Document** | **Pages** | **Justification** |
|  |  |  |
|  |  |  |
|  |  |  |

1. **Disability Obligations** (Check an Option):
   1. That the company I represent is NOT obliged to have 2% of workers with disabilities or to adopt the corresponding alternative measures, because it does not employ a number of 50 or more workers.
   2. That the company I represent IS obliged to have 2% of workers with disabilities or to adopt the corresponding alternative measures, for employing a number of 50 or more workers.
2. **Equality Obligations** (Check an option):
   1. That the company I represent is NOT obliged to have an equality plan because it is not in any of the cases provided for in the new Twelfth Transitory Provision of Organic Law 3/2007, of 22 March, for the equality of women and men, in the wording given by Royal Decree Law 6/2019, of 1 March on urgent measures to guarantee equal treatment and opportunities for women and men in employment and occupation.
   2. That the company I represent is OBLIGED to have an equality plan, as it is in one of the cases provided for in the new Twelfth Transitory Provision of Organic Law 3/2007, of 22 March, for the equality of women and men, in the wording given by Royal Decree Law 6/2019, of 1 March on urgent measures to guarantee equal treatment and opportunities for women and men in employment and occupation. Contribute
3. **Job Obligations**
   1. That it declares that it complies with all the labor obligations imposed by current legislation.
   2. That he/she undertakes to provide documentary proof (payment of salaries, etc.) when required by the contracting authority
4. **Anti-corruption obligations:**
   1. That it is in the interest of the bidder to support the action of the Entity to strengthen transparency in the contracting processes, and the responsibility for their non-compliance.
   2. That, being interested in bidding in the aforementioned procurement file, it is willing to provide the information that is necessary to provide transparency to the process.
   3. That it has not and will not offer money or any other gift in order that:
   * Personnel of the Entity with competence in relation to a tender or contract do or fail to do anything related to their functions
   * Or to assert the influence of their position over another employee of the Entity with the competence described, so that they do or refrain from doing something related to their duties.
   1. That no person related to this bidder has made or will assert his or her relationship or influence over personnel of the Entity with the competence described, in order for them to do or not to do anything related to their functions.
   2. I further declare and warrant in relation to any contract entered into with the Entity:
   * That you have not directly or indirectly delivered, and will not give, any gift or commission to any employee or representative of the Entity.
   * That directly or indirectly it has not agreed, nor will it agree, to pay any commission to any employee or representative of the Entity.
   1. That I expressly accept that if this bidder, or those acting in its name and representation, violates the provisions of this agreement, the Entity may terminate all contracts signed with the successful bidder or bidder and the companies of its group and claim any economic damages that such resolution causes.
   2. That this bidder formally undertakes not to enter into agreements, or to carry out acts or conduct that have the purpose of agreeing prices with other bidders for the purpose of violating free competition.
   3. That this bidder assumes the consequences provided for in the specifications of particular administrative clauses, if the non-compliance with the anti-corruption commitments is verified. By virtue of the foregoing, and as a manifestation of acceptance of the unilateral commitments incorporated in this document, the same is signed
5. **Subcontracting**: That the company I represent
   1. It does NOT intend to subcontract any part of the contract to third parties.
   2. SI plans to subcontract the following parts of the contract to the following subcontractors:
      1. [Part of the contract] ..........................with the subcontractor, domiciled at (C.P.), street nº piso telephone and NIF ................................................ ............................... ....................... ................................... .................................., ..................... .......................................
      2. That it shall notify the contracting authority of any change to this information during the performance of the main contract, and all necessary information on the new subcontractors.
6. **Company groups**. That, under the terms of Article 42.1 of the Commercial Code, the parent company and the subsidiaries participating in this tender are the following:

|  |  |
| --- | --- |
| **Dominant company:** | **(attends/does not attend)** |
| Subsidiaries participating in the tender: | *(if it is not filled in, it is understood that it does not apply)* |

1. **Subjective conditions of the bidder** (Check what is applicable):

* ☐ That the company it represents is an SME
* ☐ That the tenderer is not a national of a Member State of the European Union or a signatory to the Agreement on the European Economic Area, in which case he/she will provide, if the successful bidder is proposed, the following documentation:
  + Report issued by the Permanent Diplomatic Mission or Consular Office of Spain in the place of domicile of the company, stating, after accreditation by the company, that they are registered in the local professional, commercial or similar Registry or, failing that, that they habitually act in local traffic within the scope of the activities to which the object of the Contract extends.
  + Reciprocity report referred to in article 68 of the LCSP.

1. **Company Groups**
   1. The company you represent does NOT belong to any group of companies.
   2. The company that SI represents belongs to the group of companies called: . In this case, in this call for tenders: ......................................................................................................... .......
      1. Other companies that are in any of the cases of article 42.1 of the Commercial Code do NOT concur.
      2. If the following companies that are in any of the cases of article 42.1 of the Commercial Code concur:
2. **Temporary Joint Ventures (UTE)**
   1. NO concurre in UTE.
   2. If it participates in a joint venture, with the following entity(ies): , for which purpose both representatives of the constituent companies of the joint venture: ........................................................................................................................
      1. They express their willingness to set up a temporary joint venture (UTE) and undertake, in the event of being awarded the contract subject to tender, to formalise the constitution of said joint venture in a public deed
      2. The participation that each company will hold in the Temporary Union of Companies will be as follows:
         * Company 1:
           + Denomination:
           + % Participation:
         * Company 2:
           + Denomination:
           + % Participation:
      3. The sole representative of the joint venture is appointed ...........................

(In the event that a legal person is appointed as the representative of the union, a representative who is a natural person with sufficient powers to act for the union must also be appointed.

1. **Creditworthiness** (Check an option):

* ☐ That the bidder has the corresponding classification, if applicable, or that it meets the requirements of economic, financial and technical or professional solvency required, under the conditions established by this SPC.
* ☐ That in order to prove the solvency necessary to enter into the contract, the company it represents
  + ☐ It will NOT be based on the solvency and means of other entities.
  + ☐ **SI** will be based on the solvency and means of the following Entity: To this end, the representatives of both entities declare: .................. ....... .,
    - That the solvency or means made available by the entity is: .................. .......
    - That throughout the execution of the contract they will effectively have the solvency or means described in this commitment
    - That the effective disposition of the solvency or means described is not subject to any condition or limitation.
    - That the company whose solvency is appealed to will prove solvency when required to the bidding company
* That my annual turnover for the period between and is as follows: Click here or tap to enter a date. Click here or tap to enter a date. .................................. €

1. **Lots. Preference in awarding:**
   1. That in relation to the present tender, in the event that it is classified in first place in several lots, the following order of preference is indicated for the award of those to which it is eligible:

|  |  |
| --- | --- |
| **Order No.** | **Lot** |
| 1st |  |
| 2nd |  |
| 3rd |  |

1. **Data Protection Obligations:**

* That processes have been developed to ensure full compliance with the data protection legislation, consisting of Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data (GDPR), as well as by the current Organic Law 3/2018, of 5 December, on the Protection of Personal Data and Guarantee of Digital Rights (LOPDGDD).
* That the corresponding processing activities carried out have been identified, taking in detail, the appropriate measures in terms of the legal basis of processing, purpose and conservation of the personal data subject to processing.
* That the personal data processing operations carried out by this party are subject to strict security conditions, which ensure the absolute respect and maintenance of the confidentiality, integrity and availability of the same, complying in all cases, with the requirements established by the current regulations on Personal Data Protection.
* That personal data for which this Entity is responsible will be incorporated into its computer systems:
  + Yes
  + No
* That the bidder has a Data Protection Officer:
  + Yes: (include your details) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
  + No
* That the bidder has implemented a system for complying with data protection regulations:
  + Yes
  + No
* That the bidder has a certificate accrediting the security of its information system
  + Yes: (indicate) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
  + No
* That the information systems are located in the following location: (repeat as many times as there are servers) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
* That the following services will be subcontracted in relation to data processing: (repeat as many times as there are servers) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
* I declare this, undertaking to present the justification accrediting such requirements when required to do so by the contracting authority, indicating that the company has all these requirements at the time of submission of this declaration of responsibility.
* In the event that the services associated with the servers (collection, storage, processing and management of data) are provided by the company's own personnel, indicate the location from where the support or assistance is provided (repeat as many times as there are servers):
  + Country: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
  + Locality: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
* In the event that the hosting services of the servers are contracted to a third party, indicate (repeat as many times as there are servers):
  + Name of the supplier company: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date, signature and ID of the declarant