

SUBJECT: ADVERTISEMENT FOR CONTRACTS FOR THE PROVISION OF LEGAL SERVICES

I. Details of the contracting authority

eu-LISA

European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice

EU House

Rävala pst 4

10143 Tallinn, Estonia

E-mail: eu-lisa-PROCUREMENT@eu-lisa.europa.eu

Website: www.eu-lisa.europa.eu

II. Description of the contract

The contract(s) for the provision of legal services may vary in view of their particular subject, duration and value.

III. Description of services

The provision of legal services may cover any of the following area(s):

- Legal analysis and/or advice in relation to the eu-LISA's activities and related legislation and jurisprudence
- Advice on admissibility of appeals lodged against eu-LISA's decisions (e.g. admissibility on the form, respect of deadlines, admissibility on the substance, standing of the appellant)
- Advice on the subject matter of proceedings before the European and National Courts (e.g. actions for annulment, failure to act, damages claims), including litigation and pre-litigation advice
- Legal analysis and/or advice related to the application of the Staff Regulations and implementing rules applicable to eu-LISA or the financial rules applicable to eu-LISA (e.g. public procurement)
- Legal analysis and/or advice in relation to intellectual property and related rights, access to documents and data protection
- Legal analysis and/or advice related to the applicable Estonian law and/or French law
- Litigation and pre-litigation advice to eu-LISA in its contracts with third parties under Estonian or French law

IV. Description of the procedure

In response to this advertisement, an economic operator who is potentially interested in providing the type of legal services described in section III, must submit to the functional mailbox indicated above the following duly completed and signed documents:

- A Legal Entity Form¹
- A Financial Identification Form²
- A declaration regarding their capacity to provide legal services in the above-mentioned areas where they have expertise³

The possibility to submit an expression of interest in response to this advertisement will remain open for as long as the notice is available in the section for procurement of eu-LISA Website.

On the basis of the responses to this advertisement, a list of potential service providers will be drawn up. Potential service providers will be notified of the decision whether they have been included in the list. Inclusion on the list of potential service providers does not guarantee in any way that eu-LISA will invite a potential service provider to present an offer in response to a request for services.

Contracts for legal services may be awarded by eu-LISA following a negotiated procurement procedure⁴.

When receiving a request for services from eu-LISA the invited service provider will be required to submit to the functional mailbox eulisa-PROCUREMENT@eulisa.europa.eu the following duly completed and signed documents:

- A financial proposal
- A Declaration of honour with respect to the exclusion criteria and the absence of conflict of Interest⁵

An invitation to present an offer in response to a request for services does not create an obligation on eu-LISA to award a contract.

¹ Available at: http://ec.europa.eu/budget/contracts_grants/info_contracts/legal_entities/legal_entities_en.cfm

² Available at: http://ec.europa.eu/budget/contracts_grants/info_contracts/financial_id/financial_id_en.cfm

³ As evidenced by the provision of similar services in the past.

⁴ Article 134 1) i) of the Rules of Application of the General Financial Regulation.

⁵ See Annex I.

Annex I Exclusion Criteria Form

Declaration of honour on exclusion criteria and absence of conflict of interest

(Complete or delete the parts in grey italics in parentheses)

[Choose options for parts in grey between square brackets]

The undersigned (*insert name of the signatory of this form*):

in [his][her] own name (*for a natural person*)

or

representing the following legal person: (*only if the economic operator is a legal person*)

full official name:

official legal form:

full official address:

VAT registration number:

➤ declares that [the above-mentioned legal person][he][she] is not in one of the following situations:

- a) is bankrupt or being wound up, is having its affairs administered by the courts, has entered into an arrangement with creditors, has suspended business activities, is the subject of proceedings concerning those matters, or is in any analogous situation arising from a similar procedure provided for in national legislation or regulations;
- b) has been convicted of an offence concerning professional conduct by a judgment of a competent authority of a Member State which has the force of *res judicata*;
- c) has been guilty of grave professional misconduct proven by any means which the contracting authorities can justify including by decisions of the European Investment Bank and international organisations;
- d) is not in compliance with all its obligations relating to the payment of social security contributions and the payment of taxes in accordance with the legal provisions of the country in which it is established, with those of the country of the contracting authority and those of the country where the contract is to be performed;
- e) has been the subject of a judgement which has the force of *res judicata* for fraud, corruption, involvement in a criminal organisation, money laundering or any other illegal activity, where such activity is detrimental to the Union's financial interests;
- f) is a subject of an administrative penalty for being guilty of misrepresentation in supplying the information required by the contracting authority as a condition of participation in a procurement procedure or failing to supply this information, or having been declared to be in serious breach of its obligations under contracts covered by the Union's budget.

➤ *(Only for legal persons other than Member States and local authorities, otherwise delete)* declares that the natural persons with power of representation, decision-

making or control⁶ over the above-mentioned legal entity are not in the situations referred to in b) and e) above;

➤ declares that [the above-mentioned legal person][he][she]:

- g) has no conflict of interest in connection with the contract; a conflict of interest could arise in particular as a result of economic interests, political or national affinity, family, emotional life or any other shared interest;
- h) will inform the contracting authority, without delay, of any situation considered a conflict of interest or which could give rise to a conflict of interest;
- i) has not granted and will not grant, has not sought and will not seek, has not attempted and will not attempt to obtain, and has not accepted and will not accept any advantage, financial or in kind, to or from any party whatsoever, where such advantage constitutes an illegal practice or involves corruption, either directly or indirectly, inasmuch as it is an incentive or reward relating to award of the contract;
- j) provided accurate, sincere and complete information to the contracting authority within the context of this procurement procedure ;

➤ acknowledges that [the above-mentioned legal person][he][she] may be subject to administrative and financial penalties⁷ if any of the declarations or information provided prove to be false.

In case of award of contract, the following evidence shall be provided upon request and within the time limit set by the contracting authority:

For situations described in (a), (b) and (e), production of a recent extract from the judicial record is required or, failing that, a recent equivalent document issued by a judicial or administrative authority in the country of origin or provenance showing that those requirements are satisfied. Where the tenderer is a legal person and the national legislation of the country in which the tenderer is established does not allow the provision of such documents for legal persons, the documents should be provided for natural persons, such as the company directors or any person with powers of representation, decision making or control in relation to the tenderer.

For the situation described in point (d) above, recent certificates or letters issued by the competent authorities of the State concerned are required. These documents must provide evidence covering all taxes and social security contributions for which the tenderer is liable, including for example, VAT, income tax (natural persons only), company tax (legal persons only) and social security contributions.

For any of the situations (a), (b), (d) or (e), where any document described in two paragraphs above is not issued in the country concerned, it may be replaced by a sworn or, failing that, a solemn statement made by the interested party before a judicial or administrative authority, a notary or a qualified professional body in his country of origin or provenance.

If the tenderer is a legal person, information on the natural persons with power of representation, decision making or control over the legal person shall be provided only upon request by the contracting authority.

Full name

Date

Signature

⁶ This covers the company directors, members of the management or supervisory bodies, and cases where one natural person holds a majority of shares.

⁷ As provided for in Article 109 of the Financial Regulation (EU, Euratom) 966/2012 and Article 145 of the Rules of Application of the Financial Regulation