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European High Performance Computing

Joint Undertaking

Call for tenders EUROHPC/2026/OP/0010

ACQUISITION, DELIVERY, INSTALLATION AND HARDWARE AND SOFTWARE MAINTENANCE OF INNOVATE INDUSTRIAL GRADE SUPERCOMPUTER – FOR THE EUROPEAN HIGH PERFORMANCE COMPUTING JOINT UNDERTAKING (EUROHPC JU)

Open procedure

TENDER SPECIFICATIONS

Part 1: Administrative specifications

TABLE OF CONTENTS

1. SCOPE AND DESCRIPTION OF THE PROCUREMENT 4

1.1. Contracting authority: who is the buyer? 4

1.2. Subject: what is this call for tenders about? 5

1.3. Lots: is this call for tenders divided into lots? 5

1.4. Description: what do we want to buy through this call for tenders? 5

1.5. Place of performance: where will the contract be performed? 5

1.6. Nature of the contract: how will the contract be implemented? 5

1.7. Volume and value of the contract: how much do we plan to buy? 6

1.8. Duration of the contract: how long do we plan to use the contract? 6

1.9. Electronic exchange system: can exchanges under the contract be automated? .. 6

1.10. Security 6

1.11. Other provisions 6

2. GENERAL INFORMATION ON TENDERING 8

2.1. Legal basis: what are the rules? 8

2.2. Entities subject to restrictive measures and rules on access to procurement: who may submit a tender? 8

2.3. Registration in the Participant Register: why register? 9

2.4. Ways to submit a tender: how can economic operators organise themselves to submit a tender? 9

3. EVALUATION AND AWARD 14

3.1. Exclusion criteria 14

3.2. Selection criteria 16

3.3. Evaluation of the tenders 20

4. FORM AND CONTENT OF THE TENDER 23

4.1. Form of the tender: how to submit the tender? 23

4.2. Content of the tender: what documents to submit with the tender? 23

4.3. Signature policy: how can documents be signed? 24

4.4. Confidentiality of tenders: what information and under what conditions can be disclosed? 25

APPENDIX: LIST OF REFERENCES 25

ANNEXES 26

Annex 1. List of documents to be submitted with the tender or during the procedure 28

Annex 2. Declaration on Honour on exclusion and selection criteria 34

Annex 3. Agreement/Power of attorney 45

Annex 4. List of identified subcontractors and proportion of subcontracting 48

Annex 5.1. Commitment letter by an identified subcontractor 49

Annex 5.2. Commitment letter by an entity on whose capacities is being relied 50

Annex 6. Financial tender form 51

Annex 7. Technical Tender template 52

1. SCOPE AND DESCRIPTION OF THE PROCUREMENT

1.1. Contracting authority: who is the buyer?

This call for tenders is launched and managed by the European High Performance Computing Joint Undertaking (EuroHPC JU), referred to as the contracting authority for the purposes of this call for tenders.

The European High Performance Computing Joint Undertaking was established by Council Regulation (EU) 2021/1173[1] (JU Regulation), as last amended by the Council Regulation (EU) 2026/150[2] of 16 January 2026 amending Regulation (EU) 2021/1173 on establishing the European High Performance Computing Joint Undertaking.

According to Article 3 of the Regulation establishing the EuroHPC JU, the mission of the Joint Undertaking shall be to develop, deploy, extend and maintain in the Union a world-leading federated, secure, interoperable and hyper-connected supercomputing, quantum computing, service and data infrastructure ecosystem. It shall support the development and uptake of demand-oriented and user-driven innovative and competitive supercomputing systems and quantum technologies and systems and the development of a wide range of applications optimised for those systems. This shall be based as far as possible on a European supply chain in order to limit the risk of disruptions and dependencies and to reinforce the strategic autonomy and technological sovereignty of the Union, whilst ensuring use of the best components, technologies and knowledge. It shall, furthermore, widen the use of that infrastructure ecosystem to a large number of public and private users and support the twin transition and the development of key skills for the European workforce in science and industry.

One of the targets of the EuroHPC JU is to develop, deploy, extend and maintain in the Union an integrated, demand-oriented and user-driven hyper-connected world-class supercomputing and data infrastructure as well as to further develop and support a highly competitive and innovative supercomputing and data ecosystem broadly distributed in Europe contributing to the scientific and digital leadership of the Union, capable of autonomously producing computing technologies and architectures and their integration on leading computing systems, and advanced applications optimised for these systems.

In line with Article 13 of the JU Regulation, the EuroHPC Joint Undertaking shall acquire, together with a consortium of private partners supercomputers primarily destined for use by industry, co-funded from the Union budget and contributions from the consortium of private partners. In accordance with Article 13(2) of the JU Regulation, the Union financial contribution should cover up to 35 % of the acquisition costs of the EuroHPC supercomputers and the remaining costs of ownership shall be covered by the consortium of private partners. The EuroHPC JU and the consortium of private partners will be the co-owners of the Industrial-grade supercomputer they have acquired.

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[1] Council Regulation (EU) 2021/1173 of 13 July 2021 on establishing the European High Performance Computing Joint Undertaking and repealing Regulation (EU) 2018/1488 (OJ L 256, 19.7.2021, p. 3–51).

[2] https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:L_202600150.

More information is available on the EuroHPC JU's website: https://eurohpc-ju.europa.eu.

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

The subject of this call for tenders is "Acquisition, delivery, installation and hardware and software maintenance of INNOVATE industrial grade supercomputer – for the European High Performance Computing Joint Undertaking (EuroHPC JU)".

1.3. Lots: is this call for tenders divided into lots?

This call for tenders is not divided into lots.

1.4. Description: what do we want to buy through this call for tenders?

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

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

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

The supplies and services will be delivered to the following location: Bologna Tecnopolo, via Stalingrado 96, 40128 Bologna, Italy.

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

The procedure will result in the conclusion of a direct contract.

In direct contracts all the terms governing the provision of the services, supplies or works are defined at the outset. Once signed, they can be implemented directly without any further contract procedures.

Tenderers need to take full account of the full set of procurement documents, including the provisions of the draft contract as the latter will define and govern the contractual relationship to be established between the contracting authority and the successful tenderer. Special attention is to be paid to the provisions specifying the rights and obligations of the contractor, in particular those on payments, performance of the contract, confidentiality, and checks and audits.

☝ Please be aware that if a tenderer to whom the contract is awarded (any of the group members in case of a joint tender) has established debt(s) owed to the Union, the European Atomic Energy Community or an executive agency when the latter implements the Union budget, such debt(s) may be offset, in line with Articles 101(1) and 102 of the Financial Regulation[3] and the

[3] Regulation (EU, Euratom) 2024/2509 of the European Parliament and of the Council of 23 September 2024 on the financial rules applicable to the general budget of the Union (recast) (OJ L, 2024/2509, 26.09.2024, ELI: http://data.europa.eu/eli/reg/2024/2509/oj)

conditions set out in the draft contract, against any payment due under the contract. The contracting authority will verify the existence of overdue debts of the successful tenderer (any of the group members in case of a joint tender), and, if any such debt is found, will inform the tenderer (the group leader in case of a joint tender who will then have the obligation to inform all other group members before signing the contract) that the debt(s) may be offset against any payment under due the contract.

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

The maximum total amount of all purchases under this call for tenders is **EUR 11,615,385.00**. The volumes/values of the purchases over the entire duration of the contract are specified in the Technical specifications document (Tender specifications – part 2).

1.8. Duration of the contract: how long do we plan to use the contract?

The contract resulting from this call for tenders will be concluded for at most **68 months**. The details of the initial contract duration and possible renewals are set out in the draft contract.

1.9. Electronic exchange system: can exchanges under the contract be automated?

For all exchanges with the contractor during the implementation of the contract resulting from this call for tenders as well as for future possible subsequent proceedings, including, but not limited to, for the purposes of EDES (European Union's Early Detection and Exclusion System), the contracting authority may use an electronic exchange system meeting the requirements of Article 151 of the Financial Regulation. At the request of the contracting authority, the use of such a system shall become mandatory for the contractor at no additional cost for the contracting authority. Details on specifications, access, terms and conditions of use will be provided in advance.

1.10. Security

When performing tasks for the contracting authority in execution of the contract, the contractor and its personnel shall comply with the contracting authority's and Hosting Entity’s data centre applicable security requirements. In particular, the contractor must comply with the best practices for a secure system installation according to the Technical Specifications..

Any financial burden for complying with the security measures (e.g. security background checks, security clearance etc.) will be entirely at the expense of the contractor and not of the contracting authority.

1.11. Other provisions

1.11.1. Fraud prevention and detection

The contractor must assist the contracting authority in its efforts on fraud prevention and detection.

The contractor undertakes to impose the fraud prevention obligations upon its subcontractors and personnel in the relevant contracts signed with them. Upon request, the contractor must provide evidence to the contracting authority that those obligations have been included in the relevant agreements with its subcontractors and personnel.

1.11.2. Environmental considerations

Environmental considerations shall be taken into account by the contractor throughout the complete life cycle of providing products or services in the implementation of the contract.

When applicable, the contractor shall assist the Commission to perform its commitments as set in the EMAS EC Environmental Policy[4] and shall follow EMAS best practices.

1.11.3. Equal opportunities

The contractor shall observe a policy on the promotion of equality and diversity in the implementation of the contract, by applying the principles of non-discrimination and equality set out in the EU Treaties in full and in their entirety.

In the implementation of the contract, the contractor shall establish, maintain and promote an open and inclusive working environment which respects human dignity and the principles of equal opportunities, especially through the removal of all obstacles to recruitment and all potential discrimination based on sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation.

[4] Available at 2022_12_13_Environmental_Policy_2022_adopted_by_the_ESC_on_4_October_EN.pdf (europa.eu)

2. GENERAL INFORMATION ON TENDERING

2.1. Legal basis: what are the rules?

This call for tenders is governed by the provisions of the Financial Regulation.

The contracting authority has chosen to award the contract resulting from this call for tenders through an open procedure pursuant to Article 167(1) (a) of the Financial Regulation. In an open procedure any interested economic operator (any natural or legal person who offers to supply products, provide services or execute works) may submit a tender.

2.2. Entities subject to restrictive measures and rules on access to procurement: who may submit a tender?

Tenderers must ensure that no involved entities (see Section 2.4) nor any subcontractors, including those which do not need to be identified in the tender (see Section 2.4.2), are subject to EU restrictive measures adopted under Article 29 of the Treaty on the European Union (TEU) or Article 215 of the Treaty on the Functioning of the EU (TFEU)[5], consisting of a prohibition to make available or transfer funds or economic resources or to provide financing or financial assistance to them directly or indirectly, or of an asset freeze. The prohibition applies throughout the whole performance of the contract.

Participation in this call for tenders is open on equal terms to all natural and legal persons coming within the scope of the Treaties, as well as to international organisations.

It is also open to all natural and legal persons established in a third country provided that it has a special agreement with the European Union in the field of public procurement on the conditions laid down in that agreement.

The Agreement on Government Procurement[6] concluded within the World Trade Organisation does not apply. Therefore, the participation to this call for tenders is not open to natural and legal persons established in the countries that have ratified this Agreement.

The rules on access to procurement apply also to subcontractors and entities on whose capacity tenderers rely to fulfil the technical and professional capacity selection criteria, i.e. only economic operators with access to procurement may be subcontractors or entities on whose technical and professional capacity tenderers rely.

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

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[5] Please note that the EU Official Journal contains the official list and, in case of conflict, its content prevails over that of the EU Sanctions Map.

[6] https://www.wto.org/english/tratop_E/gproc_e/gp_gpa_e.htm.

2.3. Registration in the Participant Register: why register?

Any economic operator willing to participate in this call for tenders must be registered in the Participant Register - an online register of organisations and natural persons (participants) participating in calls for tenders or proposals of the European Commission and other EU institutions/bodies.

On registering each participant obtains a Participant Identification Code (PIC, 9-digit number), which acts as its unique identifier in the Participant Register. A participant needs to register only once – the information provided can be further updated or re-used by the participant in other calls for tenders or calls for proposals of the European Commission and other EU institutions/bodies.

☝ **Each participant needs to ensure that its SME status in the Participant Register is registered and kept up to date.**

At any moment during the procurement procedure, the Research Executive Agency Validation Services (hereafter *the EU Validation Services)* may contact the participant and ask for supporting documents on legal existence and status [and financial capacity]. The requests will be made through the register's messaging system to the e-mail address of the participant's contact person indicated in the register. It is the responsibility of the participant to provide a valid e-mail address and to check it regularly. The documents that may be requested by *the EU Validation Services* are listed in the EU Grants and Tenders Rules on Legal Entity Validation, LEAR appointment and Financial Capacity assessment.

☝ **Please note that a request for supporting documents by the *EU Validation Services* in no way implies that the tenderer has been successful.**

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

Economic operators can submit a tender either as a sole economic operator (sole tenderer) or as a group of economic operators (joint tender)[7]. In either case subcontracting is permitted.

Tenders must be drawn and submitted in complete independence and autonomously from the other tenders. A declaration in this regard by each tenderer (in case of a joint tender, by the group leader) shall be requested.

A natural or legal person cannot participate at the same time and within the same procedure either as member of two or more groups of economic operators or as a sole tenderer and member of another group of economic operators. In such case, all tenders in which that person has participated, either as sole tenderer or as member of a group of economic operators, will be rejected.

Economic operators linked by a relationship of control or of association (e.g. belonging to the same economic/corporate group) are allowed to submit different and separate tenders provided

[7] Each economic operator participating in the joint tender is referred to as "group member".

that each tenderer is able to demonstrate that its tender was drawn independently and autonomously.

A natural or legal person may act as subcontractor for several tenderers as long as the tenders are drawn and submitted in complete independence and autonomously from each other. However, cross subcontracting among tenderers is forbidden, more precisely an entity "A" may participate as tenderer (either as sole tenderer or as member of a group of economic operators) and as subcontractor to another tenderer "B" within the same procurement procedure. However, in this case it is forbidden that tenderer "B" (or any of its participating members in case of a group of economic operators) is at the same time subcontractor for tenderer "A" (or for the group of economic operators in which "A" participates) within the same procurement procedure. In this case, both tenders A and B shall be rejected.

In order to fulfil the selection criteria set out in Section 3.2 the tenderer can rely on the capacities of subcontractors (see Section 2.4.2) or other entities that are not subcontractors (see Section 2.4.3).

An **"involved entity**" is any economic operator involved in the tender. This includes the following four categories of economic operators:

- sole tenderer,
- group members (including group leader),
- identified subcontractors (see Section 2.4.2), and
- other entities (that are not subcontractors) on whose capacity the tenderer relies to fulfil the selection criteria.

The role of each entity involved in a tender must be clearly specified in the eSubmission application: i) sole tenderer, ii) group leader (in case of a joint tender), iii) group member (in case of a joint tender), or iv) subcontractor[8].

For an entity on whose capacities the tenderer relies to fulfil the selection criteria (that is not a subcontractor), this role is defined in the commitment letter (***Annex 5.2*)**

2.4.1. Joint tenders

A joint tender is a situation where a tender is submitted by a group (with or without legal form) of economic operators regardless of the link they have between them in the group. The group as a whole is considered a tenderer[9].

All group members assume joint and several liability towards the contracting authority for the performance of the contract as a whole.

Group members must appoint from among themselves a group leader (the group leader) as a single point of contact authorised to act on their behalf in connection with the submission of the tender and all relevant questions, clarification requests, notifications, etc., that may be received during the evaluation, award and until the contract signature. All group members

[8] Only identified subcontractors (see Section 2.4.2) must be specified in the eSubmission application.
[9] References to *tenderer* or *tenderers* in this document shall be understood as covering both sole tenderers and groups of economic operators submitting a joint tender.

(including the group leader) must sign an Agreement/Power of attorney drawn up in the model attached in ***Annex 3.***

The joint tender must clearly indicate the role and tasks of each group member, including those of the group leader who will act as the contracting authority's contact point for the contract's administrative or financial aspects and operational management. The group leader will have full authority to bind the group and each of its members during contract execution.

If the joint tender is successful, the contracting authority shall sign the contract with the group leader, authorised by the other members to sign the contract also on their behalf via the Agreement/Power of attorney drawn up in the model attached in ***Annex 3***.

Changes in the composition of the group during the procurement procedure (after the deadline for submission of tenders and before contract signature) shall lead to rejection of the tender, with the exception of the following case[s]:

- case of a merger or takeover of a group member (universal succession), provided that the following cumulative conditions are fulfilled:
    - the new entity is not subject to restrictive measures, has access to procurement (see Section 2.2) and is not in an exclusion situation (see Section 3.1),
    - all the tasks assigned to the former entity are taken over by the new entity member of the group,
    - the group meets the selection criteria (see Section 3.2),
    - the change must not make the tender non-compliant with the procurement documents,
    - the terms of the originally submitted tender are not altered substantially and the evaluation of award criteria of the originally submitted tender are not modified,
    - the new entity undertakes to replace the former entity for the implementation of the contract, in case of an award.

2.4.2. Subcontracting

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

The following shall not be considered subcontracting:

a) Use of workers posted to the contractor by another company owned by the same group and established in a Member State ("intra-group posting" as defined by Article 1, 3, (b) of Directive 96/71/EC concerning the posting of workers in the framework of the provision of services).
b) Use of workers hired out to the contractor by a temporary employment undertaking or placement agency established in a Member State ("hiring out of workers" as defined by Article 1, 3, (c) of Directive 96/71/EC concerning the posting of workers in the framework of the provision of services).
c) Use of workers temporarily transferred to the contractor from an undertaking established outside the territory of a Member State and that belongs to the same group ("intra-corporate transfer" as defined by Article 3, (b) of Directive 2014/66/EU on the conditions of entry and residence of third-country nationals in the framework of an intra-corporate transfer) .

d) Use of staff without employment contract ("self-employed persons working for the contractor"), without the tasks of the self-employed persons being particular well-defined parts of the contract.
e) Use of suppliers and/or transporters by the contractor, in order to perform the contract at the place of performance, unless the economic activities of the suppliers and/or the transporting services are within the subject of this call for tenders (see Section 1.4).
f) Performance of part of the contract by members of an EEIG (European Economic Interest Grouping), when the EEIG is itself a contractor or a group member.

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

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

By filling in the form available in ***Annex 4*** (List of identified subcontractors), tenderers are required to give an indication of the proportion of the contract that they intend to subcontract, as well as to identify and describe briefly the envisaged contractual roles/tasks of subcontractors meeting any of these conditions (hereafter referred to as *identified subcontractors*):

- subcontractors on whose capacities the tenderer relies upon to fulfil the selection criteria as described under Section 3.2;
- subcontractors whose intended individual share of the contract, known at the time of submission, is above 15 % .

Any such subcontractor must provide the tenderer with a commitment letter drawn up in the model attached in ***Annex 5.1*** and signed by its authorised representative.

☝ Each tenderer shall identify *such* subcontractors and provide the commitment letters with its tender. The information must be true and correct at the time of submitting the tender. Any changes or additions regarding the envisaged subcontractors after the deadline for submission of tenders must be justified to the contracting authority.

The above rules apply also where the economic operators, which will perform part of the contract on behalf of a successful tenderer, belong to the same economic/corporate group as the sole tenderer or a member of the group submitting the joint tender.

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

- any new subcontractor is not subject to restrictive measures, has access to procurement if the rules on access to procurement apply also to subcontractors (see Section 2.2) and is not in an exclusion situation (see Section 3.1),
- the tenderer still fulfils the selection criteria and the new subcontractor fulfils the selection criteria applicable to it individually, if any;
- the terms of the originally submitted tender are not substantially altered, i.e. all the tasks assigned to the former subcontractor are taken over by another involved entity, the change does not make the tender non-compliant with the tender specifications, and the evaluation of the award criteria of the originally submitted tender is not modified.

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

2.4.3. Entities (not subcontractors) on whose capacities the tenderer relies to fulfil the selection criteria

In order to fulfil the selection criteria a tenderer may also rely on the capacities of other entities (that are not subcontractors), regardless of the legal nature of the links it has with them. It must in that case prove that it will have at its disposal the resources necessary for the performance of the contract by producing a commitment letter in the model attached in ***Annex 5.2,*** signed by the authorised representative of such an entity, and the supporting evidence that those other entities have the respective resources[10].

☝ The above rules apply also where the economic operators on whose capacities the tenderer relies to fulfil the selection criteria (that are not subcontractors) belong to the same economic/corporate group as the sole tenderer or a member of the group submitting the joint tender.

2.4.4. Rules common to subcontractors and entities (not subcontractors) on whose capacities the tenderer relies to fulfil the selection criteria

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

With regard to technical and professional selection criteria, a tenderer may rely on the capacities of other entities only when these entities will perform the works or services for which these particular capacities are required. In such cases, they will either assume the role of subcontractors, or, where the exceptions listed in Section 2.4.2 are appliable, they will assume the role of entities on whose capacities the tenderer relies to fulfil the selection criteria without being subcontractors.

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

[10] This does not apply to subcontractors on whose capacity the tenderer relies to fulfil the selection criteria – for these the documentation required for subcontractors must be provided.

3. EVALUATION AND AWARD

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

- Check if the tenderer has access to procurement (see Section 2.2);
- Verification of administrative compliance (if the tender is drawn up in one of the official EU languages and the required documents signed by duly authorised representative(s) of the tenderer);
- Verification of non-exclusion of tenderers on the basis of the exclusion criteria;
- Selection of tenderers on the basis of selection criteria;
- Evaluation of tenders: compliance with the requirements of the procurement documents and on the basis of the award criteria;
- Verification if the tenderer including any subcontractor is not subject to EU restrictive measures (see Section 2.2) or any other rejection grounds from the award procedure.

The contracting authority will evaluate the abovementioned elements in the order that it considers to be the most appropriate.

If the evaluation of one or more elements demonstrates that there are grounds for rejection, the tender will be rejected and will not be subjected to full evaluation. The rejected tenderers will be informed of the ground for rejection without being given any feedback on the non-assessed content of their tenders. The ranked tenderers will have access to information on the relative advantages of the successful tenderer(s) and its (their) total financial offer amount, if they request so in writing after being informed of the result of the procedure. This will be without the prejudice to further checks and to the provision of supporting documents on exclusion and/or selection criteria if the contract cannot be signed with the presumed winner(s). Only the tenderer for whom the verification of all elements did not reveal grounds for rejection can be awarded the contract resulting from this call for tenders.

The evaluation will be based on the information and evidence contained in the tenders and, if applicable, on additional information and evidence provided at the request of the contracting authority during the procedure. If any of the declarations or information provided proves to be false, the contracting authority may impose administrative sanctions (exclusion or financial penalties) on the entity providing the false declarations/information.

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

3.1. Exclusion criteria

The objective of the exclusion criteria is to assess whether the tenderer is in any of the exclusion situations listed in Article 138(1) of the Financial Regulation.

Tenderers found to be in an exclusion situation will be rejected.

As evidence of non-exclusion, each tenderer[11] needs to submit with its tender a Declaration on Honour[12] in the model available in ***Annex 2***.[13] The declaration must be signed by an authorised representative of the entity providing the declaration. Where the declaration has been signed by hand, the original does not need to be submitted to the contracting authority, but the latter reserves the right to request it from the tenderer at any time during the record-keeping period specified in Section 4.3.

The initial verification of non-exclusion of tenderers will be done on the basis of the submitted declarations and consultation of the European Union's Early Detection and Exclusion System.

The documents mentioned in the Declaration on Honour as supporting evidence on non-exclusion must be provided with the tender[14].

At any time during the procurement procedure, the contracting authority may request information on natural or legal persons that are members of the administrative, management or supervisory body or that have powers of representation, decision or control, including legal and natural persons within the ownership and control structure and beneficial owners, and appropriate evidence that none of those persons are in one of the exclusion situations referred to in Section A point (1) (c) to (f) of the Declaration on Honour.

☝ If the tenderer does not provide valid documentary evidence within the deadlines set by the contracting authority, the latter reserves the right to reject the tender. In any event, in case a tenderer proposed for the award of the contract fails to comply with the above evidence requirement, its tender will be rejected, unless the tenderer can justify the failure on the grounds of material impossibility to provide such evidence.

Annex 1 specifies which of the involved entities participating in a tender need to provide the Declaration on Honour and, when requested by the contracting authority, the supporting evidence.

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

[11] See Annex 1 which of the involved entities participating in a tender need to provide the Declaration on Honour.
[12] The European Single Procurement Document (ESPD) may not be used yet in European Commission's calls for tenders.
[13] Unless the same declaration has already been submitted for the purposes of another award procedure of the European Commission, the situation has not changed, and the time elapsed since the issuing date of the declaration does not exceed one year.
[14] The obligation to provide the supporting evidence will be waived in the following situations:
- if the same documents have already been provided in a previous award procedure of the European Commission, have been issued no more than one year before the date of their request by the contracting authority and are still valid at that date;
- if such evidence can be accessed by the contracting authority on a national database free of charge, in which case the economic operator shall provide the contracting authority with the internet address of the database and, if needed, the necessary identification data to retrieve the document;
- if there is a material impossibility to provide such evidence.

3.2. Selection criteria

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

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

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

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

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

The subsections below specify which selection criteria evidence must be provided with the tender or may be requested later, at any time during the procurement procedure, within a deadline given by the contracting authority [15].

The evidence must be provided in accordance with the applicable basis for assessment of each criterion: in case of a consolidated assessment – only by the involved entities who contribute to the fulfilment of the criterion, and in case of individual assessment – by each entity to whom the criterion applies individually.

In case not all selection criteria evidence is requested with the tender, all tenderers are **invited to prepare in advance the documentary evidence**, since they may be requested to provide such evidence within a short deadline. In any event, the tenderer proposed by the evaluation committee for the award of the contract will be requested to provide such evidence.

☝ If the tenderer does not provide valid documentary evidence within the deadlines set by the contracting authority, the contracting authority reserves the right to reject the tender. In any event, in case a tenderer proposed for the award of the contract fails to comply with the above evidence requirement, its tender will be rejected, unless there is a ground for a waiver.

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

3.2.1. Legal and regulatory capacity

Tenderers can be natural or legal persons. Tenderers are not obliged to take a specific legal form in order to submit their tenders.

[15] The obligation to provide the supporting evidence will be waived in the following situations:
- if the same documents have already been provided in a previous award procedure of the European Commission and are still up-to-date;
- if such evidence can be accessed by the contracting authority on a national database free of charge, in which case the economic operator shall provide the contracting authority with the internet address of the database and, if needed, the necessary identification data to retrieve the document.

Where tenderers submit a tender through an entity, which lacks legal personality (e.g., a branch), the compliance with the exclusion criteria, selection criteria, the rules on access to procurement as well as the absence of restrictive measures shall be assessed at the level of the tenderers.

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

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

Criterion L	
Criterion L1	Capacity to pursue the professional activity necessary to carry out the work subject to this call for tenders
	Declaration or certificate of inclusion in a trade or professional register, or a sworn declaration or certificate, membership of a specific organisation, express authorisation, or entry in the value added tax (hereinafter 'VAT') register: **For private entities:** • a proof of registration, as prescribed in their country of establishment, on one of the professional or trade registers or any other official document showing the registration number; • if the above documents do not show the VAT number, a copy of the VAT registration document, where applicable. **For individuals:** • a legible copy of his or her identity card or passport; • where applicable, a proof of registration, as prescribed in the individual's country of establishment, on one of the professional or trade registers or any other official document showing the registration number; • if the above documents do not show the VAT number, a copy of the VAT registration document, where applicable. **For public entities:** • a copy of the resolution decree, law, or decision establishing the entity in question or failing that, any other official document attesting to the establishment of the entity; • if the public entity has completed a VAT registration number in the legal entity form, an official document showing the VAT number.

3.2.2. Economic and financial capacity

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

Criterion F	
Minimum level of capacity	Annual turnover of the last two financial years above EUR 4 100 000.
Basis for assessment	This criterion applies to the tenderer as a whole, as a consolidated assessment of the combined capacities of all involved entities.
Evidence	Copy of the audited profit and loss accounts for the last two years for which accounts have been closed from each concerned involved entity. The most recent year must have been closed within the last 18 months.

☝ All of the above-specified evidence of economic and financial capacity must be provided with the tender.

3.2.3. Technical and professional capacity

☝ With regard to technical and professional selection criteria, a tenderer may only rely on the capacities of other entities where the latter will perform the works or services for which these capacities are required. The entity on whose capacity the tenderer relies will either assume the role of a subcontractor or fall within the exceptions listed in Section 2.4.2.

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

Criterion T1	
The tenderer must prove experience in the field of delivering and installing equipment and services similar to those covered in this call for tender and that meet all criteria of Supercomputer for 'Similar Environment' defined below: **Under 'Similar Environments' is understood Supercomputers:** ○ **o principal deliveries performed by the Tenderer assessed with regard to the number of references for systems listed in any of the Top500 lists published since June 2020. Covering the needs (including substantial performance increase) of a wide range of scientific, engineering and industrial applications, and in particular of key/grand challenge applications that demonstrably require capability usage of the supercomputer, i.e. the simultaneous use of a substantial part of the system resources, including production workloads and services for industrial users.** **o Systems in the range of 1 to 7 MW total consumption**	
Minimum level of capacity	At least 3 similar (in scope and complexity) Systems completed in the last three years

	preceding the tender submission deadline with a minimum value for each of them EUR 5,000,000.00.
Basis for assessment	This criterion applies to the tenderer as a whole, i.e. the consolidated assessment of combined capacities of all involved entities will be carried out.
Evidence	A list of projects meeting the minimum level of capacity. The list shall include details of their start and end date, total project amount and scope, role and amount invoiced. In case of projects still ongoing, only the portion completed during the reference period will be taken into consideration.

Criterion T2	
Tenderer must manage at least one (1) operational support centre in one of the Member States of the European Union that supports at least three (3) Clients with environments similar to the Supercomputer with at least six (6) staff with relevant educational and professional qualifications. In case of a consortium or subcontracting, tenderers should only list operational support centres belonging to the consortium member or Subcontractor that will be delivering the support and maintenance services.	
Minimum level of capacity	The tenderer must provide references for at least one (1) operational support centre in one of the Member States of the European Union that supports at least three (3) Clients with environments similar to the Supercomputer with at least six (6) English speaking staff in the last (3) years.
Basis for assessment	This criterion applies to the tenderer as a whole, i.e. the consolidated assessment of combined capacities of all involved entities will be carried out.
Evidence	Candidates must provide a list of CVs of the working team indicating the clients they are working with and the level of language. In addition, candidates must submit a letter from the legal representative describing the support of the operational centre.

☝ All of the above-specified evidence of technical and professional capacity must be provided with the tender.

☝ Involved entities (see Section 2.4) [and all subcontractors, including those which do not need to be identified in the tender (see Section 2.4.2), must not be subject to professional conflicting interests which may negatively affect the contract performance. Where the contracting authority has established such conflicting interests, it may conclude that the tenderer or an involved entity does not possess the required professional capacity to perform the contract to an appropriate quality standard.

The presence of conflicting interests shall be examined during the evaluation phase based on the statements made through the Declarations on Honour and, where applicable, the commitment letters (***Annex 5.1 and Annex 5.2)***.

Further details and obligations concerning professional conflicting interests are set out in the draft contract.

3.3. Evaluation of the tenders

3.3.1. Compliance with the requirements specified in the procurement documents

By submitting a tender a tenderer commits to perform the contract in full compliance with the terms and conditions of the procurement documents for this call for tenders. Particular attention is drawn to the minimum requirements specified in the Technical specifications document (Tender specifications – part 2) and to the fact that tenders must comply with applicable data protection, environmental, social and labour law obligations established by Union law, national legislation, collective agreements or the international environmental, social and labour conventions listed in Annex X to Directive 2014/24/EU.

The minimum requirements shall be observed throughout the entire duration of the contract. Compliance with these requirements is mandatory and cannot be subject to any assumptions, limitations, conditions, or reservations on the part of a tenderer.

Tenderers must declare when submitting their tenders in eSubmission whether their tenders comply with the minimum requirements specified in the procurement documents.

☝ **Tenders that are not compliant with the applicable minimum requirements shall be rejected.**

3.3.2. Award criteria

The objective of the award criteria is to evaluate the tenders with a view to choosing the tendering offering the best price-quality ratio (cost performance analysis based on the pe rformance evaluation and the TCO evaluation) with regard to the following award criteria.

Criterion	Score calculation	Score	Threshold	Total Score
Technical value of the system design	Based on the technical requirements of INNOVATE Technical Specifications • (Sub-criterion 1.1) $TV = 30 * TV/TV_{best}$ $TV = \Sigma_i ai * w_i$ i = hardware/software requirement (MRQ, TRQ) w = maximum points associated to the i-th requirement a = hardware/software requirements evaluation	0 – 30 pt [30.0%]	18 pt	100 pt

Cost Performance Analysis (section 5)	Based on cost-performance score (CPA) defined in Section 6 of INNOVATE Technical Specifications.	0 – 35 pt [35.0%]	21 pt	
Quality of services (section 6)	Qualitative Evaluation based on Sections 7 and 8 of INNOVATE Technical Specifications.	0 – 20 pt [20.0%]	12 pt	
EU added value	Qualitative Evaluation based on Section 9 of INNOVATE Technical Specifications. **Re-inforcement of EU supply chain 4pt** Production facilities in the EU for the proposed system 2pt Research labs in the EU. Participation in EU initiatives whose outcome is integrated in the offered system 2pt **Level of integration of EU technologies 8pt** Compute (CPU, Accelerators, GPUs) 3pt Storage (HW or SW) 1pt Interconnect & Network 2pt Core software 2pt **Collaboration topics in line with EuroHPC/HE objectives 3pt** Alignment with EU/HE strategy 2pt Level of commitment in term of FTEs to the collaboration 1pt	0 –15 pt [15.0%]	9 pt	

3.3.3. Award (ranking of tenders)

Tenders shall be ranked according to the best price-quality ratio (cost performance analysis based on the performance evaluation and the TCO evaluation – Section 6 of the Technical Specifications) in accordance with the formula below:

Score for tender X	=	$\text{tender} \frac{\text{Quality score of}}{\text{Highest Quality Score}}$	*	100

Should the outcome of the formula lead to two or more tenders with the same result, the tenderer who has been awarded the highest marks for Criterion 1 will be deemed the most advantageous tender. This approach will continue to be applied to each of the award criteria in the descending order listed in below until a most advantageous tender can be determined: Criterion 1, Criterion 2, Criterion 3, Criterion 4.

☝ **Detection of abnormally low tenders**

Tenderers must be aware of Point 23 of Annex I to the Financial Regulation on abnormally low tenders and of the possibility for rejection of the tender based on it.

4. FORM AND CONTENT OF THE TENDER

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

Tenders are to be submitted via the eSubmission application according to the instructions laid down in the Invitation letter and the eSubmission Quick Guide available at the link below:

https://webgate.ec.europa.eu/fpfis/wikis/x/5QEkh

☝ Make sure you prepare and submit your tender in eSubmission early enough to ensure it is received within the deadline indicated under Section 5.1.12 of the contract notice and/or on Funding &Tenders Portal (F&T Portal)[16].

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

The documents to be submitted with the tender in eSubmission are listed in ***Annex 1.***

The following requirements apply to the technical and financial tender to be uploaded in eSubmission:

- *Technical tender.*

The technical tender must provide all the information needed to assess the compliance with the Technical specifications document (Tender specifications – part 2) and the award criteria. Tenders deviating from the minimum requirements or not covering all the requirements may be rejected on the basis of non-compliance and not evaluated further.

- *Financial tender.*

A complete financial tender, including the breakdown of the price, needs to be submitted. For this purpose, the Financial Model in ***Annex 6*** shall be used.

It is the responsibility of each tenderer to ensure that the total amount of the tender inserted in the eSubmission field "Total amount" corresponds to the amount indicated in the uploaded financial tender. In case of discrepancies, only the amount indicated in the financial tender will be taken into account.

The financial tender shall be:

- expressed in euros. Tenderers from countries outside the euro zone have to quote their prices in euro. The price quoted may not be revised in line with exchange rate movements. It is for the tenderer to bear the risks or the benefits deriving from any variation.
- quoted free of all duties, taxes and other charges, i.e. also free of VAT.

[16] https://ec.europa.eu/info/funding-tenders/opportunities/portal/screen/home

☝ The European Union Institutions are exempt from such charges in the EU under Articles 3 and 4 of the Protocol on the Privileges and Immunities of the European Union of 8 April 1965 annexed to the Treaty on the Functioning of the European Union. Exemption is granted to the Commission by the governments of the Member States, either through refunds upon presentation of documentary evidence or by direct exemption.

In case of doubt about the applicable VAT system, it is the tenderer's responsibility to contact its national authorities to clarify the way in which the European Union is exempt from VAT.

4.3. Signature policy: how can documents be signed?

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

Tenderers are strongly encouraged to sign with a QES[17] all documents requiring a signature and only exceptionally to sign such documents by hand as hand-written signatures lead to an additional administrative burden for both the tenderer and the contracting authority. The originals of any hand-signed documents (other than the contract) do not need to be submitted to the contracting authority but the tenderer must keep them for a period of five years starting from the notification of the outcome of the procedure or, where the tenderer has been awarded a contract resulting from this call for tenders and the contract has been signed, the payment of the balance.

All documents must be signed by the signatories (when they are individuals) or by their duly authorised representatives.

For the following documents, when signed by representatives, tenderers must provide evidence for the delegation of the authorisation to sign:

- The Declaration on Honour of the tenderer (in case of a joint tender – the Declarations on Honour of all group members);
- (in the case of a joint tender) the Agreement/Power(s) of attorney drawn up using the model attached in ***Annex 3***.

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

[17] See here how to apply a QES on a document exchanged with a European institution, body or agency.

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

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

- For the purposes of evaluating the tender and, if applicable, implementing the contract, performing audits, benchmarking, etc., the contracting authority is entitled to make available (any part of) the tender to its staff and the staff of other Union institutions, bodies and agencies, as well to other persons and entities working for the contracting authority or cooperating with it, including contractors or subcontractors and their staff, provided that they are bound by an obligation of confidentiality.
- After the signature of the award decision the contracting authority shall inform each tenderer who is not rejected and who make a request in writing of the name of the tenderer to whom the contract is awarded, the characteristics and relative advantages of the successful tender and its total financial offer amount[18]. The contracting authority may decide to withhold certain information that it assesses as being confidential, in particular where its release would prejudice the legitimate commercial interests of economic operators or might distort fair competition between them. Such information may include, without being limited to, confidential aspects of tenders such as unit prices included in the financial tender, technical or trade secrets[19].
- The contracting authority may disclose the submitted tender in the context of a request for public access to documents, or in other cases where the applicable law requires its disclosure. Unless there is an overriding public interest in disclosure[20], the contracting authority may refuse to provide full access to the submitted tender, redacting the parts (if any) that contain confidential information, the disclosure of which would undermine the protection of commercial interests of the tenderer, including intellectual property.

☝ The contracting authority will disregard general statements that the whole tender or substantial parts of it contain confidential information. Tenderers need to mark clearly the information they consider confidential and explain why it may not be disclosed. The contracting authority reserves the right to make its own assessment of the confidential nature of any information contained in the tender.

APPENDIX: LIST OF REFERENCES

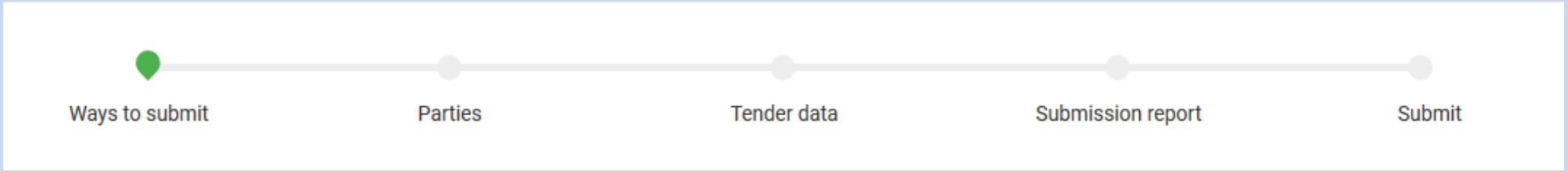
Award criteria	See Section 3.4
Contracting authority	See Section 1.1
Entities on whose capacities the tenderer relies to fulfil the selection criteria	See Section 2.4.3

[18] For a call for tenders resulting in multiple framework contracts this information will be provided for all successful tenderers and tenders.
[19] For the definition of trade secrets please see Article 2 (1) of Directive (EU) 2016/943 on the protection of undisclosed know-how and business information (trade secrets) against their unlawful acquisition, use and disclosure.
[20] See Article 4 (2) of the Regulation (EC) No 1049/2001 regarding public access to European Parliament, Council and Commission documents.

EU Validation services	See Section 2.3 EU Grants and Tenders Rules on Legal Entity Validation, LEAR appointment and Financial Capacity assessment
Exclusion criteria	See Section 3.1
Financial Regulation	Regulation (EU, Euratom) 2024/2509 of the European Parliament and of the Council of 23 September 2024 on the financial rules applicable to the general budget of the Union (recast) (OJ L, 2024/2509, 26.9.2024, ELI: http://data.europa.eu/eli/reg/2024/2509/oj).
Group leader	See Section 2.4.1
Group member	See Section 2.4.1
Identified subcontractors	See Section 2.4.2
Involved entities	See Section 2.4
Joint tender	See Section 2.4.1
Participating entities	See Section 1.1
Participant Register	See Section 2.3 https://ec.europa.eu/info/funding-tenders/opportunities/portal/screen/how-to-participate/participant-register
Selection criteria	See Section 3.2
Sole tenderer	See Section 2.4
Subcontracting/subcontractor	See Section 2.4.2
Treaties	The EU Treaties: https://europa.eu/european-union/law/treaties_en

ANNEXES

Annex 1. List of documents to be submitted with the tender or during the procedure

Description	Sole tenderer	Joint tender		Identified Subcontractor	Entity on whose capacity is being relied (that is not subcontractor)	When and where to submit the document?	Instructions for uploading in eSubmission (if applicable)	
		Group leader	**Group member**				**How to name the file?**	**Where to upload?**
1. Identification and information about the tenderer. ***eSubmission view***  								
Declaration on Honour on Exclusion and Selection Criteria **(see Section 3.1)** ***model in Annex 2***	☒	☒	☒	☒	☒	With the tender in eSubmission	'Declaration on Honour'	With the concerned entity under 'Parties' →'Identification of the participant' →'Attachments'→'Declaration on Honour'. For entities that are not subcontractors and on whose capacity the tenderer

								relies to fulfil the selection criteria, the document must be uploaded in the section of the sole tenderer or group leader: →'Identification of the participant' →'Attachments'→'Other documents'.
Evidence **that the person signing the documents is** an authorised representative **of the entity**[21] **(see Section 4.3)**	☒	☒	☒	☒	☒	With the tender in eSubmission	'Authorisation to sign documents'	With the concerned entity under 'Parties' →'Identification of the participant' →'Attachments'→'Other documents'.
Agreement/Power of attorney **(see Section 2.4.1)** ***model in Annex 3***		☒	☒			With the tender in eSubmission	'Agreement_ Power of attorney'	In the group leader's section under 'Parties' →'Identification of the participant' →'Attachments'→'Other documents'.

[21] A document that the contracting authority can access on a national database free of charge does not need to be submitted if the contracting authority is provided with the exact internet link and, if applicable, the necessary identification data to retrieve the document.

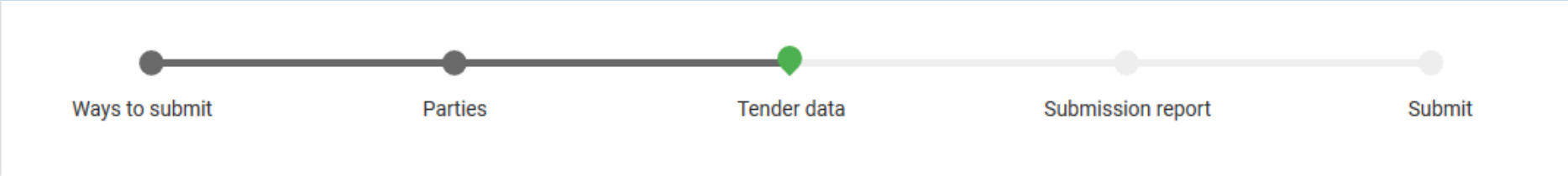
List of identified subcontractors **(see Section 2.4.2)** ***model in Annex 4***	☒	☒				With the tender in eSubmission	'List of identified subcontractors'	In the sole tenderer's or the group leader's section under 'Parties' →'Identification of the participant' →'Attachments'→'Other documents'.
Commitment letter **(see Section 2.4.2 and 2.4.3)**				☒ *(model in Annex 5.1)*	☒ *(model in Annex 5.2)*	With the tender in eSubmission	'Commitment letter'	With the concerned entity under 'Parties' →'Identification of the participant' →'Attachments'→'Other documents'.
Evidence of non-exclusion **(see Section 3.1)**	☒	☒	☒	☒	☒	Tenderers (sole tenderers/all group members in case of a joint tender) must provide the evidence with their tenders in eSubmission. Subcontractors and entities on whose capacity a tenderer relies to fulfil the selection criteria must provide the evidence only upon request by the contracting authority.	No specific requirements how to name the file(s).	With the concerned entity under 'Parties' →'Identification of the participant' →'Attachments'→'Exclusion criteria'.

Evidence of legal existence and status **(see Section 2.3)**	☒	☒	☒			Only upon request by *the EU Validation services* At any time during the procedure In the Participant Register	n.a.	n.a.
Evidence of legal capacity **(see Section 3.2.1)**	☒	☒	☒			With the tender in eSubmission	No specific requirements how to name the file(s).	With the concerned entity under 'Parties' →'Identification of the participant'→'Attachments'→'Legal and regulatory capacity'.
Evidence of economic and financial capacity F **(see Section 3.2.2)**	**The documents must be provided** **only by the involved entities** **which contribute to reaching the minimum capacity level** **for criterion F**					With the tender in eSubmission	'Profit_Loss_Account_entity_year'	With the group leader or the sole tenderer under 'Parties' →'Identification of the participant'→'Attachments'→'Economic and financial capacity'.

Evidence of technical and professional capacity T1 **(see Section 3.2.3)**	**The documents must be provided** **only by the involved entities** **who contribute to reaching the minimum capacity level** **for criterion T1**	With the tender in eSubmission	'Project_ reference_No .1" 'Project_ reference_No .2"….	With the group leader or the sole tenderer under 'Parties' →'Identification of the participant' →'Attachments'→'Technical and professional capacity'.o
Evidence of technical and professional capacity T2 **(see Section 3.2.3)**	**The documents must be provided** **only by the involved entities** **who contribute to reaching the minimum capacity level** **for criterion T2**	With the tender in eSubmission	'CV' .	With the group leader or the sole tenderer under 'Parties' →'Identification of the participant' →'Attachments'→' Technical and professional capacity'.

2. tTender data.

eSubmission view



Failure to upload the following documents in eSubmission will lead to rejection of the tender.

Technical tender **(see Section 4.2)**	☒	☒				With the tender in eSubmission	'Technical tender'	Under section 'Tender Data' →'Technical tender'
Financial tender **(see Section 4.2)** ***model in Annex 6***	☒	☒				With the tender in eSubmission	'Financial tender'	Under 'Tender Data' →'Financial tender'

Annex 2. Declaration on Honour on exclusion and selection criteria

Procedure reference number:

Procedure title:

[Option 1 for legal persons]

The undersigned [*insert name and surname of the signatory of this form*], representing the following legal person:

Full official name:
Official legal form
Statutory registration number**:**
Full official address:
VAT registration number:

Referred to below as **'the person'**

[Option 2 for natural persons]

The undersigned [*insert name and surname of the signatory of this form*], with ID or passport number [*insert number*], representing himself or herself:

Referred to below as **'the person'**

A. DECLARATION ON HONOUR ON EXCLUSION CRITERIA

The person is not required to fill in this Part A of the declaration (Declaration on honour on exclusion criteria) if the same declaration has already been submitted for the purposes of another award procedure of the same contracting authority[22], provided the situation has not changed, and that the time that has elapsed since the issuing date of the declaration does not exceed one year.

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

Date of the declaration	Full reference to previous procedure

[22] The same EU institution, agency, body or office.

I – SITUATIONS OF EXCLUSION CONCERNING THE PERSON

(to be filled in by all involved entities[23])

(1) declares that the person is in one of the following situations:	YES	NO
(a) it is bankrupt, subject to insolvency or winding-up procedures, its assets are being administered by a liquidator or by a court, it is in an arrangement with creditors, its business activities are suspended or it is in any analogous situation arising from a similar procedure provided for under Union or national law;	☐	☐
(b) it has been established by a final judgment or a final administrative decision that the person is in breach of its obligations relating to the payment of taxes or social security contributions in accordance with the applicable law;	☐	☐
(c) it has been established by a final judgment or a final administrative decision that the person is guilty of grave professional misconduct by having violated applicable laws or regulations or ethical standards of the profession to which the person belongs, or by having engaged in any wrongful conduct which has an impact on its professional credibility where such conduct denotes wrongful intent or gross negligence, including, in particular, any of the following:		
(i) fraudulently or negligently misrepresenting information required for the verification of the absence of grounds for exclusion or the fulfilment of eligibility or selection criteria or in the implementation of the legal commitment;	☐	☐
(ii) entering into agreement with other persons or entities with the aim of distorting competition;	☐	☐
(iii) violating intellectual property rights;	☐	☐
(iv) unduly influencing or attempting to unduly influence the decision-making process to obtain Union funds by taking advantage, through misrepresentation, of a conflict of interests involving any financial actors or other persons referred to in Article 61(1) FR;	☐	☐
(v) attempting to obtain confidential information that may confer upon it undue advantages in the award procedure**;**	☐	☐
(vi) incitement to discrimination, hatred or violence against a group of persons or a member of a group or similar activities that are contrary to the values on which the Union is founded enshrined in Article 2 TEU, where	☐	☐

[23] An **"involved entity**" is each economic operator involved in the request to participate/tender. This includes the following four categories of economic operators:

- ✓ sole candidate/tenderer;
- ✓ group members (including group leader) in case of a joint request to participate/tender;
- ✓ identified subcontractors; and
- ✓ other entities (that are not subcontractors) on whose capacity the candidate/tenderer relies to fulfil the selection criteria.

such misconduct has an impact on the person's integrity which negatively affects or concretely risks affecting the performance of a contract or an agreement;		
(d) it has been established by a final judgment that the person is guilty of any of the following:		
(i) fraud, within the meaning of Article 3 of Directive (EU) 2017/1371 and Article 1 of the Convention on the protection of the European Communities' financial interests, drawn up by the Council Act of 26 July 1995;	☐	☐
(ii) corruption, as defined in Article 4(2) of Directive (EU) 2017/1371 or active corruption within the meaning of Article 3 of the Convention on the fight against corruption involving officials of the European Communities or officials of Member States of the European Union, drawn up by the Council Act of 26 May 1997, or conduct referred to in Article 2(1) of Council Framework Decision 2003/568/JHA, or corruption as defined in other applicable laws;	☐	☐
(iii) conduct related to a criminal organisation, as referred to in Article 2 of Council Framework Decision 2008/841/JHA;	☐	☐
(iv) money laundering or terrorist financing, within the meaning of Article 1(3), (4) and (5) of Directive (EU) 2015/849 of the European Parliament and of the Council;	☐	☐
(v) terrorist offences or offences related to terrorist activities as defined in Articles 3 to 12 of Directive (EU) 2017/541 of the European Parliament and of the Council, or inciting, aiding, abetting or attempting to commit such offences, as referred to in Article 14 of that Directive;	☐	☐
(vi) child labour or other offences concerning trafficking in human beings as referred to in Article 2 of Directive 2011/36/EU of the European Parliament and of the Council;	☐	☐
(e) it has shown significant deficiencies in complying with main obligations in the implementation of a legal commitment financed by the Union's budget, which has led to its early termination or to the application of liquidated damages or other contractual penalties, or which has been discovered following checks, audits or investigations by an authorising officer, the European Anti-Fraud Office (OLAF), the Court of Auditors or the European Public Prosecutor's Office (EPPO);	☐	☐
(f) it has been established by a final judgment or final administrative decision that the person has committed an irregularity within the meaning of Article 1(2) of Council Regulation (EC, Euratom) No 2988/95;	☐	☐
(g) it has been established by a final judgment or final administrative decision that the person has created an entity in a different jurisdiction with the intent to circumvent fiscal, social or any other legal obligations. including those related to working rights, employment and labour conditions, in the jurisdiction of its registered office, central administration or principal place of business;	☐	☐
(h) (*only for legal persons*) it has been established by a final judgment or final administrative decision that the person has been created with the intent referred to in point (g);	☐	☐

(i) it has intentionally and without proper justification resisted an investigation, check or audit carried out by the contracting authority or its representative or auditor, OLAF, the EPPO, or the Court of Auditors. It shall be considered that the person resists an investigation, check or audit when it carries out actions with the goal or effect of preventing, hindering or delaying the conduct of any of the activities needed to perform the investigation, check or audit. Such actions shall include, in particular, refusing to grant the necessary access to its premises or any other areas used for business purposes, concealing or refusing to disclose information or providing false information.	☐	☐
(2) declares that, for the situations referred to in points (1) (c)to (1) (i) above, in the absence of a final judgment or a final administrative decision, the person is subject to facts and findings mentioned in Article 138 (3) FR and in particular:	YES[24]	NO
i. facts established in the context of audits or investigations carried out by the European Public Prosecutor's Office in respect of those Member States participating in enhanced cooperation pursuant to Regulation (EU) 2017/1939, the Court of Auditors, OLAF, or the internal auditor, or any other check, audit or control performed under the responsibility of an authorising officer of an EU institution, of a European office or of an EU agency or body;	☐	☐
ii. non-final judgments or non-final administrative decisions which may include disciplinary measures taken by the competent supervisory body responsible for the verification of the application of standards of professional ethics;	☐	☐
iii.facts referred to in decisions of entities or persons being entrusted with EU budget implementation tasks;	☐	☐
iv. information transmitted by Member States implementing Union funds, in particular facts and findings established in the context of a final judgment or final administrative decision at national level as to the presence of the exclusion situations referred to in points (c)(iv) or (d)	☐	☐
v. decisions of the Commission relating to the infringement of Union competition law or of a national competent authority relating to the infringement of Union or national competition law;	☐	☐
vi. informed, by any means, that it is subject to an investigation by the European Anti-Fraud office (OLAF): either because it has been given the opportunity to comment on facts concerning it by OLAF, or it has been subject to on-the-spot checks by OLAF in the course of an investigation, or it has been notified of the opening, the closure or of any circumstance related to an investigation of the OLAF concerning it;	☐	☐
vii. other similar situations.	☐	☐

[24] If the answer is 'yes' to any of the questions, please provide any further details you consider appropriate.

II – SITUATIONS OF EXCLUSION CONCERNING NATURAL OR LEGAL PERSONS WITH POWER OF REPRESENTATION, DECISION-MAKING OR CONTROL OVER THE LEGAL PERSON AND BENEFICIAL OWNERS

Not applicable when 'the person' is a natural person, a Member State or a local authority. In all other cases to be filled in by all involved entities.

(3) declares that a natural or legal person who is a member of the administrative, management or supervisory body of the person, or who has powers of representation, decision or control with regard to the person (this covers e.g. company directors, members of management or supervisory bodies, and cases where one natural or legal person holds a majority of shares), or a beneficial owner of the person (as defined by point 6 of Article 3 of Directive (EU) No 2015/849) is in one of the following situations:	YES	NO	N/A
Situation (1)(c) above (grave professional misconduct)	☐	☐	☐
Situation (1)(d) above (fraud, corruption or other criminal offence)	☐	☐	☐
Situation (1)(e) above (significant deficiencies in performance of a contract)	☐	☐	☐
Situation (1)(f) above (irregularity)	☐	☐	☐
Situation (1)(g) above (creation of an entity with the intent to circumvent legal obligations)	☐	☐	☐
Situation (1)(h) above (person created with the intent to circumvent legal obligations)	☐	☐	☐
Situation 1(i) above (intentionally and without proper justification resisted an investigation, check or audit)	☐	☐	☐

III – SITUATIONS OF EXCLUSION CONCERNING NATURAL OR LEGAL PERSONS ASSUMING UNLIMITED LIABILITY FOR THE DEBTS OF THE LEGAL PERSON

Not applicable when 'the person' is a natural person, a Member State, a local authority or legal persons with limited liability. In all other cases to be filled in by all involved entities.

(4) declares that a natural or legal person that assumes unlimited liability for the debts of the person is in one of the following situations:	YES	NO	N/A
Situation (a) above (bankruptcy)	☐	☐	☐
Situation (b) above (breach in payment of taxes or social security contributions)	☐	☐	☐

IV – OTHER GROUNDS FOR REJECTION FROM THIS PROCEDURE

(to be filled in individually by the sole candidate/tenderer or all members in case of a joint request to participate/tender)

(5) declares that the person:	YES	NO
(a) was previously involved in the preparation of the procurement documents used in this award procedure, where this entailed a breach of the principle of equality of treatment including distortion of competition that cannot be remedied otherwise.	☐	☐

V – REMEDIAL MEASURES

If the person declares one of the situations of exclusion listed above, it may indicate remedial measures it has taken to remedy the exclusion situation, in order to allow the authorising officer to determine whether such measures are sufficient to demonstrate its reliability. This may include e.g. technical, organisational and personnel measures to prevent further occurrence, compensation of damage or payment of fines or of any taxes or social security contributions.

Without prejudice to the assessment of the authorising officer responsible, the person or entity shall submit remedial measures that have been assessed by an external independent auditor or have been considered sufficient by a decision of a national or Union authority. The relevant documentary evidence, which illustrates the remedial measures taken and their assessment must be provided in annex to this declaration. Remedial measures do not apply for situations referred in Section I, point (1) (d) of this declaration.

VI–EVIDENCE ON EXCLUSION CRITERIA

The tender specifications set out in detail which involved entities must provide the appropriate evidence to prove that they are not in an exclusion situation referred to in (1) and when the evidence needs to be provided.

The following evidence could serve as evidence:

- For situations described in points (1): (a), (c), (d), (f), (g) and (h) above, a recent extract from the judicial record or, failing that, an equivalent document recently issued by a judicial or administrative authority in the country of establishment of the person showing that those requirements are satisfied.
- For the situations described in point (1) (a), (b), recent certificates issued by the competent authorities of the the country of establishment. These documents must provide evidence covering all taxes and social security contributions for which the person is liable, including for example, VAT, income tax (natural persons only), company tax (legal persons only) and social security contributions. Where any document described above is not issued in the country of establishment, it may be replaced by a sworn statement made before a judicial authority or notary or, failing that, a solemn statement made before an administrative authority or a qualified professional body in its country of establishment.

The person is not required to submit the evidence if it has already been submitted for another award procedure of the same contracting authority[25]. The documents must have been issued no more than one year before the date of their request by the contracting authority and must still be valid at that date.

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

Document	Full reference to previous procedure
Insert as many lines as necessary.	

The person is not required to submit the evidence if it can be accessed on a national database free of charge.

The signatory declares that the following internet address of the database/identification data provide access to the evidence required.

Internet address of the database	Identification data of the document
Insert as many lines as necessary.	

B. DECLARATION ON HONOUR ON SELECTION CRITERIA

In case of a procedure with lots the statements in this part B apply to the lot(s) for which the request to participate/tender is submitted.

I – SELECTION CRITERIA

Selection criteria applicable to the candidate/tenderer as a whole - consolidated assessment

(to be filled in ONLY by the sole candidate/tenderer or the group leader in case of a joint request to participate/tender)

The person, being a sole candidate/tenderer/the group leader of a joint request to participate/tender, submitting a request to participate/tender for the above procedure:

(6) declares that the candidate/tenderer, including all members of the group in case of a joint request to participate/tender, subcontractors and entities on whose capacity the candidate/tenderer intends to rely if applicable:	YES	NO
(a) fulfil(s) all the selection criteria for which a consolidated assessment will be made as provided in the tender specifications.	☐	☐

Selection criteria applicable individually to the involved entities - individual assessment

(to be filled in individually by the involved entities to whom selection criteria apply individually according to the tender specifications)

[25] The same EU institution, agency, body or office.

The person, being a sole candidate/tenderer/a member of a joint request to participate/tender/a subcontractor, submitting/participating in a request to participate/tender for the above procedure:

(7) declares that the person complies with the selection criteria applicable to it individually:	YES	NO	N/A
(a) has the legal and regulatory capacity to pursue the professional activity needed for performing the contract as required in the tender specifications;	☐	☐	☐
(b) fulfills the applicable economic and financial criteria indicated in the tender specifications;	☐	☐	☐
(c) fulfills the applicable technical and professional criteria indicated in the tender specifications.	☐	☐	☐

II - SELECTION CRITERIA –PROFESSIONAL CONFLICTING INTERESTS

(to be filled in by all involved entities)

The person, being a sole candidate/tenderer/ a member of a joint request to participate/tender/a subcontractor, submitting/participating in a request to participate/tender for the above procedure:

(8) declares that the person	YES	NO
(a) is subject to conflicting interests which may negatively affect the contract performance.	☐	☐

III – EVIDENCE ON SELECTION CRITERIA

The tender specifications set out in detail what evidence, when, and by which involved entity needs to be provided in order to prove that the candidate/tenderer fulfils the selection criteria.

Where the evidence is not required to be provided with the request to participate/tender, the person is invited to prepare in advance the documents related to the evidence, since the contracting authority may request to provide these within a short deadline.

The person is not required to submit the evidence if it has already been submitted for another procurement procedure of the same contracting authority[26] and the documents are still up-to-date.

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

Document	Full reference to previous procedure
Insert as many lines as necessary.	

[26] The same EU institution, agency, body or office.

The person is not required to submit the evidence if it can be accessed on a national database free of charge.

The signatory declares that the following internet address of the database/identification data provide access to the evidence required.

Internet address of the database	Identification data of the document
Insert as many lines as necessary.	

C. DECLARATION ON HONOUR ON RESTRICTIVE MEASURES

(9) declares that the candidate/tenderer, including all members of the group in case of a joint request to participate/tender, subcontractors, and entities on whose capacity the candidate/tenderer intends to rely;	YES	NO
(a) are not subject to EU restrictive measures adopted under Article 29 of the Treaty on the European Union (TEU) or Article 215 of the Treaty on the Functioning of the EU (TFEU)[27], consisting of a prohibition to make available or transfer funds or economic resources or to provide financing or financial assistance to them directly or indirectly, or of an asset freeze.	☐	☐
(10) declares that a natural or legal person who is a member of the administrative, management or supervisory body of the person, or who has powers of representation, decision or control with regard to the person (this covers e.g. company directors, members of management or supervisory bodies, and cases where one natural or legal person holds a majority of shares), or a beneficial owner of the person (as defined by point 6 of Article 3 of Directive (EU) No 2015/849) is in one of the following situations:	YES	NO
(a) are not subject to EU restrictive measures adopted under Article 29 of the Treaty on the European Union (TEU) or Article 215 of the Treaty on the Functioning of the EU (TFEU)[28], consisting of a prohibition to make available or transfer funds or economic resources or to provide financing or financial assistance to them directly or indirectly, or of an asset freeze.	☐	☐

D. DECLARATION ON HONOUR ON ESTABLISHED DEBT TO THE UNION

(to be filled in by the sole candidate/tenderer or each group member in case of a joint request to participate/tender)

The person, being a sole candidate/tenderer/ a member of a joint request to participate/tender, submitting a request to participate/tender for the above procedure:

[27] Please note that the EU Official Journal contains the official list and, in case of conflict, its content prevails over that of the EU Sanctions Map.

[28] Please note that the EU Official Journal contains the official list and, in case of conflict, its content prevails over that of the EU Sanctions Map.

(11) declares that the person	YES	NO
(a) has an established debt to the Union, European Atomic Energy Community or an executive agency when the latter implements the Union budget.	☐	☐

E. DECLARATION ON HONOUR ON SUBMITTED TENDER

(to be filled in individually by the sole candidate/ tenderer, or the group leader in case of a joint request to participate/tender)

In case of a procedure with lots the statements in this part E apply to the lot(s) for which the request to participate/tender is submitted.

(12) declares that the person:	YES	NO
(a) has prepared the submitted tender in complete independence and autonomously from the other tenders submitted within the same procurement procedure.	☐	☐

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

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

Full name:
Date:
Signature:

The declaration is to be signed with:

1. *Electronic signature (recommended option):*

In case you have the possibility to sign the declaration using a qualified electronic signature (QES), please have it signed electronically by your authorised representative(s). Please note that only the qualified electronic signature (QES) within the meaning of Regulation (EU) No 910/2014 (eIDAS Regulation) will be accepted.

Before sending back your electronically signed document, please check the signature and validity of the certificate with one of the following tools:

- *DSS Demonstration validation tool available at* https://ec.europa.eu/cefdigital/DSS/webapp-demo/validation *can help you check the validity of a certificate by indicating the number and type of valid signatures in a document.*

- *EU Trusted List Browser can be consulted in order to check whether the electronic signature provider and the trust service it provides are part of European Union Trusted List: https://esignature.ec.europa.eu/efda/tl-browser/#/screen/home*

To make sure you use a QES compliant to eIDAS Regulation, you need to check that both the service provider and the qualified certificate generation service used are included in the EU Trusted List Browser.

2. *Handwritten signature:*

In case you do not have the possibility to sign the declaration using a qualified electronic signature (QES), please fill it in electronically, then print it and have it signed and dated by your authorised representative(s) using a hand-written signature.

Annex 3. Agreement/Power of attorney

Call for tenders EUROHPC/2026/OP/0010
ACQUISITION, DELIVERY, INSTALLATION AND HARDWARE AND SOFTWARE MAINTENANCE OF INNOVATE INDUSTRIAL-GRADE SUPERCOMPUTER

AGREEMENT/POWER OF ATTORNEY

The undersigned:

[- Signatory 1 (Name, Function, Legal entity name, Registered address, VAT Number)]

- Signatory 2 (Name, Function, Legal entity name, Registered address, VAT Number)

- …

- Signatory N (Name, Function, Legal entity name, Registered address, VAT Number)]

having the legal capacity required to act on behalf of the entities they represent,

HEREBY AGREE TO THE FOLLOWING:

1) To submit a joint tender (the tender) as members of a group of tenderers (the group), constituted by ***[Insert names of Legal entity 1, Legal entity 2, ... Legal entity N – the name of the group leader must be included here!]*** (the group members), and led by ***[Insert name of Legal entity 1]*** (the group leader), in accordance with the conditions of the procurement documents and the terms of the tender to which this Agreement/Power of attorney is attached.
2) If the contracting authority awards a contract resulting from this call for tenders (the contract) to the group on the basis of the tender to which this Agreement/Power of attorney is attached, all group members (including the group leader) shall be considered parties to the contract in accordance with the following conditions:
   (a) All group members (including the group leader) shall be jointly and severally liable towards the contracting authority for the performance of the contract.
   (b) All group members (including the group leader) shall comply with the terms and conditions of the contract and ensure the proper delivery of their respective share of the services and/or supplies subject to the contract.
3) Payments by the contracting authority related to the services and/or supplies subject to the contract shall be made through the bank account of the group leader indicated in the contract.

4) The group members grant to the group leader all the necessary powers to act on their behalf in the submission of the tender and the conclusion of the contract, including:
   (a) The group leader shall submit the tender on its own behalf and on behalf of the other group members and indicate in the "Contact Person" section in eSubmission the name and e-mail address of an individual as a single point of contact authorised to communicate officially with the contracting authority in connection with the submitted tender on behalf of all group members, including in connection with all relevant questions, clarification requests, notifications, etc., that may be received during the evaluation, award and until the contract signature.
   (b) The group leader shall sign any contractual documents — including the contract, [specific contracts] and amendments thereto — and shall warrant the submission of any invoices related to the performance of the contract on behalf of all group members.
   (c) The group leader shall act as a single contact point with the contracting authority in the delivery of the services and/or supplies subject to the contract. It shall coordinate the delivery of the services and/or supplies by the group to the contracting authority, and shall see to a proper administration of the contract.

This Agreement/Power of attorney may be executed in counterparts, each of which shall be deemed to be an original, but all of which, taken together, shall constitute one and the same document.

Any modification to the present Agreement/Power of attorney shall be subject to the contracting authority's express approval. This Agreement/Power of attorney shall expire when all the contractual obligations of the group have ceased to exist. The parties cannot terminate it before that date without the contracting authority's consent.

Name ***Function*** ***Name of the legal entity***	***Name*** ***Function*** ***Name of the legal entity***
signature[s]: _____	***signature[s]: _____***
Done at ……..…., on ……	***Done at ……..…., on ……***
Name ***Function*** ***Name of the legal entity***	***Name*** ***Function*** ***Name of the legal entity***
signature[s]: _____	***signature[s]: _____***

Done at ……..…., on ……	***Done at ……..…., on ……***

Annex 4. List of identified subcontractors and proportion of subcontracting

Identification details	Roles/tasks during contract execution	Proportion of subcontracting (% of contract volume)
[Full official name of the identified subcontractor, registered address, statutory registration number, VAT registration number]		
[Full official name of the identified subcontractor, registered address, statutory registration number, VAT registration number]		
[REPEAT AS MANY TIMES AS THE NUMBER OF IDENTIFIED SUBCONTRACTORS]		
Other subcontractors that do not need to be identified under Section 2.4.2[29]		
	TOTAL % of subcontracting	0,00%

[29] For this category of subcontractors, please provide in a general manner their intended roles/tasks during contract execution, as well as the aggregated % of contract volume for all non-identified subcontractors.

Annex 5.1. Commitment letter by an identified subcontractor

[Letterhead, if any]

EUROPEAN COMMISSION

Call for tenders Ref. EUROHPC/2026/OP/0010

Attn:

[Insert date]

Commitment letter by identified subcontractor

I, the undersigned,

Name:

Function:

Legal entity:

Registered address:

VAT Number:

having the legal capacity required to act on behalf of ***[insert name of the entity]***, hereby confirm that the latter agrees to participate as subcontractor in the tender of *[insert name of the tenderer]* for the call for tenders EUROHPC/2026/OP/0010 - ACQUISITION, DELIVERY, INSTALLATION AND HARDWARE AND SOFTWARE MAINTENANCE OF INNOVATE INDUSTRIAL-GRADE SUPERCOMPUTER.

In the event that the tender of the aforementioned tenderer is successful, ***[insert name of the subcontractor]*** commits itself to make available the resources necessary for performance of the contract as a subcontractor and to carry out the services that will be subcontracted to it in compliance with the terms of the contract. It further declares that it is not subject to conflicting interests, which may negatively affect the contract performance, and that it accepts the terms of the procurement documents for the above call for tenders, in particular the contractual provisions related to checks and audits.

Done at:

Name:

Position:

Signature:

Annex 5.2. Commitment letter by an entity on whose capacities is being relied

[Letterhead, if any]

EUROPEAN COMMISSION

Call for tenders Ref. EUROHPC/2026/OP/0010

Attn:

[Insert date]

Commitment letter by an entity on whose capacity is being relied

I, the undersigned,

Name:

Function:

Legal entity:

Registered address:

VAT Number:

having the legal capacity required to act on behalf of ***[insert name of the entity]***, hereby confirm that the latter **authorises the *[insert name of the tenderer]* to rely on its [financial and economic capacity] [technical and professional capacity] in order to meet the minimum levels** required for the call for tenders EUROHPC/2026/OP/0010- ACQUISITION, DELIVERY, INSTALLATION AND HARDWARE AND SOFTWARE MAINTENANCE OF INNOVATE INDUSTRIAL-GRADE SUPERCOMPUTER.

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

Done at:

Name:

Position:

Signature:

Annex 6. Financial tender form

Annex 6 is published as a separate document

Annex 7. Response template

Technical Response template is published as a separate document