

Belgian public limited company INFRABEL



ADMINISTRATIVE CLAUSES

Y15bis

QUALIFICATION OF SUPPLIERS for services

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Table of amendments

Edition	Most important amendments
01/2018	<p>Administrative provision Y15bis was created for all services. Y15bis is a condensed version of administrative provision Y15, which applies to all deliveries of products.</p> <p>The specifications for services were divided into general administrative provision Y15bis on the one hand and a technical provision specific to each service on the other.</p> <p>Adaptation to new legislation. Amendment to declaration on honour. Translation into German.</p>
06/2019	<p>Amendment with addition of the DPA, group of economic operators, the ESPD, criminal records of representatives/directors, and use of e-Tendering.</p>
08/2020	<p>Addition of I-83 DPA.</p>
02/2022	<p>Clarification of, among other things, how to obtain a qualified certificate for electronic signature on e-Tendering, how to complete the ESPD, how to name annexes. I-46 and I-83 DPA replacement with up-to-date version.</p>
07/2022	<p>Addition of Use of Ariba platform. Expansion of "Reuse of documents". I-46 DPA desired.</p>
08/2023	<p>Addition need for good e-Procurement (search) profile and commitment of participant in the grouping. Adjustment of naming systems and links as a result of the new e-Procurement platform.</p>

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This document is also available in French, Dutch and German.

1 Scope of these Y15bis administrative clauses

The Y15bis administrative clauses are applicable when a public contract is launched based on an Infrabel Y15bis qualification system for services.

When a contract is launched based on a published Y15bis qualification system, only the suppliers qualified under that qualification system will be consulted.

Infrabel reserves the right to award contracts outside the qualification system.

These Y15bis administrative clauses lay down the conditions a supplier must meet to become and remain qualified.

In addition, a specific technical specification applies by service.

All qualification systems are announced according to Article 29 of the Royal Decree of 18 June 2017.

Such announcements are published in the BDA (Bulletin des Adjudications = Public Tender Journal) www.publicprocurement.be and in the Official Journal of the European Union <https://ted.europa.eu> and immediately serve as publication for contracts launched based on a published qualification system.

In the context of this qualification system, Infrabel will use the e-Procurement platform www.publicprocurement.be for the procurement procedure. With the exception of qualification system I-46 "Services: IT and/or telecommunications", for which Infrabel uses eMarketplace.

For details regarding e-Procurement, please see the relevant parts of this qualification guide.

Infrabel uses Ariba to create the resulting contract.

Qualification applications can be submitted at any time.

All Infrabel qualification systems are grouped in 2 publications : one publication for supplies and one for services. Changes to both publications (e.g. addition of a new qualification system) will be announced via change notice. Therefore, please set your e-Procurement (search) profile properly so that you are aware of any changes. To follow up on changes made to the publications of Infrabel's qualification systems, it is recommended to add them to your 'Favourites' leaving 'Notifications active'.

Help on the new e-Procurement platform is available via the help center [eProc Knowledge Home - eProc Knowledge Portal \(service-now.com\)](http://eProc Knowledge Home - eProc Knowledge Portal (service-now.com))

All explications on directives and old manuals can be consulted on [Public procurement | BOSA \(belgium.be\)](http://Public procurement | BOSA (belgium.be))

2 Definitions

AD01, AD02, ...

Throughout this document, and also in a summary on the last page for clarification, all requested administrative documents are assigned such numbering. You must give this numbering in the name of the documents when you submit them.

Qualification conditions/criteria

Describes the conditions/criteria a supplier must meet to become and remain qualified.

Qualification process

Describes the process the supplier must follow in order to become qualified.

Supplier

Any natural person or legal person, any government authority, or any combination of such persons or government authorities offering the performance of services on the market.

Qualified supplier

A supplier who has been qualified.

Authorised representative

Intermediary who has been duly appointed by the supplier to represent it. This intermediary is an external representative, either a legal person or a natural person (who does not belong to the company applying to qualify).

Qualification suspension

When a qualified supplier is suspended, the suspension is temporary. A suspension can last for a certain period, or apply to a certain number of contracts. During the suspension, the supplier in question will not be able to participate in any tender.

Qualification withdrawal

Qualification withdrawal means that a qualified supplier loses its qualification and can therefore no longer participate in tenders until it has successfully completed a new qualification process and is qualified again.

Technical specifications

The technical specifications contain the specific criteria of the qualification system for services, additionally required alongside what is described in Y15bis.

Time-out

Period between the qualification withdrawal and the date on which a new qualification application can be submitted.

3 Qualification procedure

3.1 Representation/use of a third party/economic grouping

3.1.1 A supplier wishes to use an external authorised representative.

An authorised representative is NOT part of the supplier's organisation (and is therefore not a commercial representative of the supplier's own organisation).

When a supplier completes Annex 2 appointing an external representative to manage the qualification procedure (option 1) and possibly receive specifications (option 2), it will still be the supplier who is qualified.

If the supplier also wishes to use a representative to submit bids, the external representative must be specifically authorised for each contract. This authorisation must then be included with the bid.

3.1.2 A supplier wishes to use the resources of another entity (as set out in Article 72§1 of the Royal Decree of 18 June 2017).

A supplier can submit a qualification application and rely on the capacities of third party entities to meet the qualification criteria relating to economic, financial or technical or professional expertise (see 3.3.2 and 3.3.3).

A third party entity is any natural person or legal person other than the supplier itself.

If the supplier wishes to rely on the capacities of a third party, it shall indicate this at the relevant question in part II C of the ESPD.

If a supplier wishes to rely on the capacities of other entities, the entity in question is asked to complete the section entitled "Capacities of a third party" in Annex 3, in addition to the ESPD. If this annex is not provided, the candidate may not rely on such capacities.

In this respect, the candidate must state, in Annex 1 point 2, the part of the contract for which it is relying on these capacities.

When submitting its qualification application, the candidate using the capacities of other entities must provide all the documents necessary to enable the contracting authority to check that there are no mandatory exclusion grounds concerning the entity in question, and to verify whether the proposed entity meets the applicable selection criteria.

All the requirements are described in Annex 1 point 3.2.

Where applicable, it is the supplier (and not the third party) that will be qualified.

3.1.3 A supplier wishes to collaborate with another entity (as provided for in Article 72§1 of the Royal Decree of 18 June 2017).

In order to fulfil the qualification criteria that contain requirements on economic and financial standing or technical and professional ability, a supplier may collaborate with another entity to form a group of economic operators.

If a supplier wishes to collaborate temporarily with another entity, it shall arrange for this participant in a group of economic operators to complete and sign an ESPD.

In section II.B of its ESPD, the supplier must designate the one among them that will represent the group in respect of the contracting entity.

The supplier relying on the group of economic operators shall attach to its application for qualification all documents necessary for the contracting authority to verify that the other entity is not in a situation that is subject to grounds for exclusion or that it fulfils the applicable selection criteria.

All requirements are described in Annex 1 section 3.3.

3.2 Submission and signing of the qualification application via e-Procurement + registration on Ariba

3.2.1 Submission and signing of the application for qualification on e-Procurement

The application for qualification may only be submitted and signed through the e-Procurement¹ platform www.publicprocurement.be.

It should be noted that the electronic resources, available through the website www.publicprocurement.be², will be used throughout the tendering procedure. With the exception of qualification system I-46 "Services: IT and/or telecommunications", for which Infrabel uses eMarketplace (except for the awarding).

Please provide the submission report with a qualified electronic signature according to the EU Trusted List; this signature should be of the person(s) authorised to represent the supplier in accordance with the Articles of Association.

The digital signature of the submission report serves as general validation of the documents added to the qualification application, including those where a manual signature is requested.

Please always have the documents of third party (referred to in section 3.1.2) and other entity (referred to in section 3.1.3), requested as AD08 and AD09, signed manually.

We ask the supplier to sign the submission report with a qualified electronic signature, created using a qualified electronic signature creation tool and based on a qualified electronic signature certificate.

To purchase such a certificate, please contact one of the suppliers listed on the European Trusted List.

You can do this as follows:

- Visit the website [eIDAS Dashboard \(europa.eu\)](http://eIDAS Dashboard (europa.eu)) and choose the country where you want to purchase the certificate.
- Choose one of the suppliers labelled "**QCert for ESig**".
- On the next page, you will see the certificates offered by this supplier. Ensure that it features the label "**CA/QC**" "**Granted**".
- Once you have found a suitable supplier, open the "Detailed information" on the same page to see the supplier's contact details.
- Contact this supplier to purchase a certificate that meets the Belgian requirements for signing of tenders/requests to participate within the context of public contracts.

Belgian citizens may sign using the e-ID.

¹ It should be noted that submission of a qualification file by email or post is not permitted.

² This website complies with the conditions in Art 14 §7 of the Belgian Law of 17 June 2016 on public contracts.

Information about registering with and using e-Procurement, can be obtained from the website www.publicprocurement.be.
If you have any issues, please contact the e-Procurement helpdesk on e.proc@publicprocurement.be or T +32 2 740 80 00.

The qualification application may be submitted by the supplier or its external authorised representative.
If an external authorised representative is used, the application must be accompanied by a document signed by the supplier, in which the representative is explicitly authorised to represent the supplier within the scope of the qualification procedure (see Annex 2).

Once a supplier has submitted its request for qualification, it shall inform Infrabel's Qualifications Department as soon as possible by sending an email to qualifications@infrabel.be

3.2.2 Registration on Ariba

Ariba is separate from the e-Procurement platform.

When a contract is awarded, Infrabel uses the Ariba platform to create the contract. The use of Ariba is free and mandatory.

We ask the supplier to register on the Ariba platform in order to facilitate a smooth purchase procedure. This onboarding only needs to be done once.

Infrabel has a FAQ section and videos available at <https://infrabel.be/en/ariba> for companies registering on the Ariba platform.

Your point of contact during the qualification process is always qualifications@infrabel.be

3.3 Qualification conditions/criteria

3.3.1 Grounds for exclusion

The contracting authority will verify that neither the supplier, nor the third party (see point 3.1.2), nor the other entity (see point 3.1.3) is in a situation which is subject to exclusion grounds.

European Single Procurement Document (ESPD)

The European Single Procurement Document (ESPD) serves as an updated self-declaration that one is not subject to any grounds for exclusion in the sense of Articles 67 up to and including 69 of the Law of 17 June 2016.

How to complete the ESPD:

1. You must use the ESPD template attached to the publication. This contains the correct Infrabel data in Part I (which you should leave unchanged) and, from Part II onwards, the selection of questions you need to answer.
2. Save this ESPD locally on your PC (it serves no purpose to open this, the template document is unreadable in the xml format).
3. Copy this link to your URL bar to access the website <https://espd.publicprocurement.be/>
4. Select a language
5. Answer the following questions:
 - a. Who are you? I am an economic operator
 - b. What would you like to do? Import an ESPD
 - c. Browse and import the ESPD template you just saved on your PC (see step 2)
 - d. Select the country where your company is located
 - e. The "next" arrow at the bottom now allows you to continue and complete the document.
6. You start completing the form at Part II and use the "next" arrow at the bottom to go to the next page.
7. Once you are finished, click on "overview" at the bottom, "download in" both formats pdf and xml. The PDF version of your completed ESPD must form part of the qualification file you submit on the e-Procurement platform.

We recommend that you keep a local copy of the xml version of your completed ESPD on your PC: if you have submitted an ESPD that does not meet the requirements or needs to be amended, you can make the amendments in your xml version.

Explanation of some questions in the ESPD:

- PART II: If applicable: is the economic operator registered on an official list of approved economic operators, or does it have an equivalent certificate (e.g. under a national (pre)qualification system)? This question relates to Works, it does not apply to you as you are a supplier of Services.

- PART III: Purely national exclusion grounds relates to Art. 67, § 1, 7° of the Law of 17 June 2016: the employment of illegal third-country nationals.
- PART V: Reduction of the number of qualified candidates. This does not apply to our qualification systems as we do not apply a limit on the number of qualified firms.

The supplier submits the European Single Procurement Document (ESPD) in pdf format; this pdf is based on the xml used to complete the ESPD.

The ESPD must also be completed and signed by each third party or participant in the group of economic operators. They must form part of the qualification application.

Parts II to III of the ESPD must be completed in full. With regard to Part IV Selection Criteria, the supplier, any third party, and any other entity must provide a general response here to the set of requirements.

a) Exclusion ground relating to social debt

- The supplier only employs Belgian personnel:
To simplify administration and in accordance with Article 73 (4) of the Act of 17 June 2016, the contracting authority will verify itself that Belgian suppliers fulfil their obligations with respect to the payment of social security contributions.
- The supplier only employs personnel from another Member State of the European Union:
When submitting its qualification application, the supplier must include a recent document certifying that it has met its obligations concerning payment of social security contributions according to the legal provisions of its home country. The certifying document must originate from the competent authority in the foreign country, and must relate to the last calendar quarter before the submission date of the qualification application.
- The supplier employs Belgian personnel as well as personnel from another Member State of the European Union:
When submitting its qualification application, the supplier is only required to include a recent document certifying that it has met its obligations concerning payment of social security contributions according to the legal provisions of its home country. The certifying document must originate from the competent authority in the foreign country, and must relate to the last calendar quarter before the submission date of the qualification application.

b) Exclusion ground relating to a conviction in a court of law which has the force of res judicata (participation in a criminal organisation, corruption, fraud, terrorist offences, offences linked to terrorist activities or incitement to commit such offences, abetting or attempting to commit such offences, money laundering or terrorist financing, child labour and other forms of human trafficking, employment of illegally resident third-country nationals)

Whether the supplier is Belgian or foreign, the following document must be included with the qualification application: An extract from the criminal record or an equivalent up-to-date document issued by a judicial authority or a public authority of the country of origin or provenance (I) of the supplier, (II) of each member of the candidate's administrative, management or supervisory body or anyone within it who has the power of representation, decision-making and control, and (III) of the signatory or signatories to the submission report of the qualification application.

c) Exclusion ground relating to fiscal debt

- **Belgian suppliers:**
To simplify administration and in accordance with Article 73 (4) of the Act of 17 June 2016, the contracting authority will itself verify that the Belgian supplier has met its obligations concerning payment of taxes and duties.
- **Foreign suppliers:**
When submitting its qualification application, the foreign supplier must provide a recent tax certificate issued by the competent national authority. It must certify that the supplier has met its tax obligations according to the legal arrangements of the supplier's home country.

d) Exclusion ground relating to bankruptcy

- **Belgian suppliers:**
To simplify administration and in accordance with Article 73 (4) of the Act of 17 June 2016, the contracting authority will itself verify whether the candidate is in a state of bankruptcy, liquidation, cessation of activities, judicial reorganisation or in another equivalent situation.
- **Foreign suppliers:**
When submitting its qualification application, the foreign candidate must provide a recent non-bankruptcy certificate issued by the competent national authority.

If a supplier that is in any of the situations described in Articles 67 to 69 of the Act of 17 June 2016 wishes to rely on the fact that it has taken corrective measures as set out in Article 70 of the same Act, its ESPD must contain details of the corrective measures it has taken.

3.3.2 Economic and financial standing

The contracting authority validates the economic and financial standing of the candidate on the basis of elements described in the technical provision concerning the service in question.

3.3.3 Technical and professional ability

The contracting authority validates the technical and professional ability of the candidate on the basis of elements described in the technical provision concerning the service in question.

These qualification conditions are set out in more detail either in this administrative provision or in the technical provision concerning the service in question.

The qualification application must be accompanied by all documents demonstrating that the grounds for exclusion (section 3.3.1) have been met, to be labelled as AD06.

The qualification application must be accompanied by a technical file consisting of all the documents demonstrating that the economic and financial criteria are fulfilled (section 3.3.2) and that the criteria of technical and professional ability are fulfilled (section 3.3.3).

3.4 **The qualification process/file**

In order to verify the supplier's compliance with the conditions/criteria listed in section 3.3, the supplier is obliged to follow the qualification process described below.

Infrabel Procurement asks the supplier to provide data of an administrative, financial, legal, technical and organisational nature by submitting a qualification file that meets the standard requirements of Y15bis on the one hand and the specific requirements of the technical provision on the other.

- With respect to Y15bis, the questionnaire in Annex 1 must be completed in Dutch, French, English or German and all documents requested in the checklist (see last page of this document) must be attached, arranged in order and identified according to the checklist.
The supplier provides electronically one pdf document per annex and names it as AD01, AD02, ... according to the checklist.
- The technical provision describes what, in addition to the general administration under Y15bis, is required for the particular service. To this end, all documents requested in the checklist (see last page(s) of the technical provision) must also be attached, arranged in order and identified according to the checklist.
The supplier provides electronically one pdf document per annex and names it as 3.3.2 (a, b, ...), 3.3.3 (a, b, ...) of Req1, Req2, etc. according to the checklist.

In the event that the file is not complete, Infrabel may, but is not obliged to, request additional information.

The supplier must observe the following regulations:

- use Dutch, French, English or German to provide answers to the questionnaire in Annex 1
- give truthful and complete answers to the questionnaire
- give short names to all documents to be submitted (as requested AD01, AD02, etc.); please do not use long titles as this will result in the download being blocked (i.e. the file will have to be re-submitted with adapted document names)
- do not use special characters (e.g. , & *) in the names of documents as this will result in the download being blocked
- if zip files are used, please submit 1 zip file for the administrative part and 1 zip file for the technical part, containing documents in Pdf or Word format
- a zip should not contain folders and no additional zip files as this will result in the download being blocked
- when a new file is submitted because documents were missing or needed correction, please submit only the documents to be modified and not all documents again.

Infrabel reserves the right to demand a translation of submitted documents.

3.5 Notification of (refusal of) a supplier's qualification

The contracting entity will decide on the qualification of the applicants within six months (see Article 29 of the Royal Decree of 18 June 2017) of submission of the application.

Waiting times and ongoing discussions have a suspensive effect.

Once it has reached a reasoned decision on qualification, Infrabel Procurement, in accordance with Art7 §2 paragraph1 of the Act of 17 June 2013, will inform the supplier and its authorised representative whether or not it is qualified, and if so, for which services.

4 Duration of a supplier's qualification

4.1 A supplier's qualification is valid for a term of 5 years.

After the 5-year period, the qualification may be extended for the same period after the administrative and/or technical files are updated. Infrabel Procurement sends the supplier an invitation in this regard about 6 months before the qualification's expiry date.

The supplier shall submit the new administrative and/or technical file within 2 months. If the supplier does not take timely action, it runs the risk that its qualification extension is not completed before expiry date.

Infrabel reserves the right to perform an audit, if this is deemed necessary, before extending the qualification.

If these updated files and possible audit show that the supplier still meets the qualification conditions/criteria, the qualification of the supplier concerned will be renewed.

4.2 The qualified supplier must continue to meet all qualification conditions/criteria throughout the qualification period.

The qualified supplier shall inform Infrabel Procurement qualifications@infrabel.be in a timely manner of all administrative, legal, financial, organisational or technical changes relating to the supplier itself and/or the third party (referred to under item 3.1.2) and/or the other entity (referred to under item 3.1.3).

The qualified supplier shall renew all certificates requested for qualification expiring during the qualification period and shall provide Infrabel qualifications@infrabel.be with a copy.

5 Possible sanctions for failure of the qualified supplier to meet its obligations

Infrabel may suspend a qualification, among other things, when it is found that:

- the qualified supplier fails to meet its obligation to provide information according to the above chapter 4.2, or
- the qualified supplier no longer meets one or more of the qualification conditions, or
- the qualified supplier or the third party (as described in 3.1.2) or the other entity (described in 3.1.3) no longer adheres to the exclusion criteria in Articles 67 up to and including 69 of the Act of 17 June 2016.

As soon as the suspended supplier provides Infrabel qualifications@infrabel.be with proof that it again meets the qualifying conditions, Infrabel can lift the suspension.

Infrabel may withdraw a qualification, among other things, when it is found that:

- a qualified supplier cannot provide, will not provide or has not provided an adequate response to a suspension sanction, or
- the qualified supplier no longer meets one or more of the conditions on the basis of which it was qualified, or
- the qualified supplier or the third party (as described in 3.1.2) or the other entity (described in 3.1.3) no longer adheres to the exclusion criteria in Articles 67 up to and including 69 of the Act of 17 June 2016.

When it decides to reject or withdraw a qualification, Infrabel always also decides on the time-out, which can range from 0 to 2 years. After this time-out, the supplier and/or its authorised representative may submit a new qualification application. The new application will be considered as a new file.

At least 15 calendar days before the date set for withdrawal or suspension of the qualification, Infrabel's Procurement department will inform the qualified supplier and its authorised representative of its intention to suspend or withdraw the qualification, the reasons justifying it, as well as of the qualified supplier's opportunity to submit its comments within the same period. After this period, Infrabel's Procurement department will inform the (qualified) supplier and its authorised representative of its final decision.

6 Change to an existing qualification system

When a qualification system changes, the amended version will be made available.

If, on the basis of the above, a previously qualified company needs to take action in order to comply, Infrabel will contact the company.

If Infrabel specifies a period within which the company must comply, the supplier will remain qualified during this period on the basis of the previous version of the qualification system.

If the supplier is able to demonstrate within the predetermined period that it meets the requirements of the modified qualification system, the qualification will continue and the supplier will be informed in writing.

If the supplier is unable to demonstrate within the predetermined period that it meets the requirements of the amended qualification system, its qualification will be withdrawn. In this case, too, Infrabel will inform the supplier in writing.

If the qualification system is terminated, the qualifications granted will cease to be valid as from that date.

ANNEX 1: Questionnaire

Belgian public limited company INFRABEL
Direction Procurement, Production & Supply Chain
10-31, Procurement - Sourcing Qualifications
Place Marcel Broodthaers 2
1060 Brussels
BELGIUM

qualifications@infrabel.be

0. Introduction

Questionnaire to be completed (in Dutch, French, English or German) by the supplier and/or its authorised representative and submitted via e-Procurement.

Each supplier that applies for qualification is required to provide exact answers to all points in this questionnaire.

A qualification is valid per supplier, per service.

1. Subject of the application

supplier name

.....

wishes to be acknowledged as a qualified supplier for qualification system (number and description)

.....

.....

according to technical specification (number)

.....

2. Supplier identification

NAME of supplier: full name and, where applicable, the abbreviation

.....
.....

Please attach, as AD05, the documents showing that the signatory or signatories were authorised or empowered to engage the supplier, in accordance with the Articles of Association.

In these documents, it shall clearly indicate the relevant page(s) and/or passage.

- Entry in the Commercial Register/enterprise number:

No.(in accordance with country-specific rules)

VAT number

- Bank details:

IBAN

SWIFT/BIC

- Address of the registered office:

Address:

.....

Postal code:Town/city:

Country:

Telephone:

Email:

- Supplier's address for correspondence (for price quotations, orders, etc.) if different from the registered office:

Address:

.....

Postal code:Town/city:

Country:

Telephone:

Email:

- Supplier's address to be used for payments (invoicing) if different from the registered office:

Address:

.....

Postal code:Town/city:

Country:

Telephone:

Email:

- Account Manager (contact for Infrabel contracts):

Name and first name.....

Title/Position.....

Email.....

Telephone..... Mobile.....

- The "Data Processing Agreement (DPA)" in Annex 6 must be completed by any supplier wishing to qualify for qualification system I-83 "Services: Complex systems and peripheral systems for Safer-W".
- Infrabel requests any supplier wishing to qualify for qualification system I-46 "Services: IT and/or telecommunications" to complete the "Data Processing Agreement (DPA)" in Annex 6. If the supplier does not use this option, this will not result in non-qualification, the supplier still has the option to submit the DPA during the e-Market procurement procedure.
- If the supplier relies on the capacity of a third party, it shall specify the portion of the contract that this represents: The supplier shall arrange for the third party to complete Annex 3 of this document.

- Reuse of documents:

The supplier, third party or participant in the group of economic operators may reuse an ESPD³ and/or the documents related to the exclusion or selection criteria provided during a previous procedure, to the extent that they still meet the set requirements. To do so, please state the reference of this contract/qualification

.....
.....

Infrabel also reserves the right to consider suppliers already qualified in a qualification system of another contracting authority as qualified within the Infrabel qualification system, provided that the conditions of these qualification systems are the same and that the supplier gives its approval for the reuse of the qualification documents.

³ If reusing an ESPD, the company thereby declares that all information contained therein is still valid.

3. Representation/use of a third party/group of economic operators

3.1 Authorised representative

The supplier DOES/DOES NOT (delete as appropriate) have an external authorised representative (see section 3.1.1). If a supplier uses an external authorised representative, it must attach the following as AD02 to its application for qualification:

- annex 2 of this document completed and signed by the supplier
- an up-to-date extract from the criminal record of the representative (in the name of the company if it is a legal entity, in the name of the individual if it is a natural person).

3.2 Use of a third party

If the supplier relies on the resources of another entity (see section 3.1.2), it must attach to its application for qualification, as Annex AD08, the following documents from the third party:

AD08.1. signed ESPD.

AD08.2. The documents demonstrating that the signature(s) on the ESPD and Annex 3 was/were made by the person(s) authorised or empowered in accordance with the Articles of Association to enter the third party into an undertaking.

In these documents, it shall clearly indicate the relevant page(s) and/or passage.

AD08.3. Completed Annex 3 as proof of engagement of the third party.

AD08.4. Documents concerning the third party's capacity, relied upon to meet the selection requirements (see 3.3.2 and 3.3.3).

AD08.5. Evidence that the third-party enterprise does not meet any of the exclusion criteria in Articles 67 up to and including 69 of the Law of 17 June 2016:

Belgian third party:

- The third party only employs personnel from another EU Member State:
The third party must provide a recent certificate showing that it has fulfilled its obligations in relation to the payment of social security contributions, in accordance with the statutory provisions of the country where it is located. This certificate is issued by the competent authority in the other country and covers the last full calendar quarter before the submission of the qualification application.
- The third party employs personnel with Belgian citizenship and personnel from another EU Member State:
The third party must provide a recent certificate showing that it has fulfilled its obligations in relation to the payment of social security contributions, in accordance with the statutory provisions of the country where it is located. This certificate is issued by the competent authority in the other country and covers the last full calendar quarter before the submission of the qualification application.
- An up-to-date extract from the criminal record or an equivalent document recently issued by a judicial or governmental authority of the country of origin or provenance of the third party (in the company's name if the third party is a legal person, or in the individual's name if the third party is a natural person).

Foreign third party:

- The third party only employs personnel from another EU Member State:
The third party must provide a recent certificate showing that it has fulfilled its obligations in relation to the payment of social security contributions, in accordance with the statutory provisions of the country where it is located. This certificate is issued by the competent authority in the other country and covers the last full calendar quarter before the submission of the qualification application.

- The third party employs personnel with Belgian citizenship and personnel from another EU Member State:
The third party must provide a recent certificate showing that it has fulfilled its obligations in relation to the payment of social security contributions, in accordance with the statutory provisions of the country where it is located. This certificate is issued by the competent authority in the other country and covers the last full calendar quarter before the submission of the qualification application.
- An up-to-date extract from the criminal record or an equivalent document recently issued by a judicial or governmental authority of the country of origin or provenance of the third party (in the company's name if the third party is a legal entity, or in the individual's name if the third party is a natural person).
- A third party registered in another country shall submit a recent tax certificate issued by the competent national authority. This certificate confirms that the third party fulfils its tax obligations in accordance with the statutory provisions of the country where it is located.
- A third party registered in another country shall provide a recent certificate of non-bankruptcy issued by the national competent authority.

3.3 Group of economic operators

If the supplier temporarily groups together with another entity (see section 3.1.3), it must attach to its qualification application, as Annex AD09, the following documents from the other entity:

AD09.1. signed ESPD.

AD09.2. The documents demonstrating that the signature(s) on the ESPD and on Annex 5 was/were made by the person(s) authorised or empowered in accordance with the Articles of Association to enter the other entity into an undertaking.

In these documents, it shall clearly indicate the relevant page(s) and/or passage.

AD09.3 Annex 4 "Criminal Records" completed.

AD09.4. Documents concerning the other entity's capacity, necessary to meet the selection requirements (see 3.3.2 and 3.3.3), if applicable.

AD09.5. Completed Annex 5 as proof of engagement.

AD09.6. Evidence that the other entity does not meet any of the exclusion criteria listed under Articles 67 up to and including 69 of the Law of 17 June 2016:

Belgian entity:

- The participant in the group of economic operators only employs personnel from another EU Member State:
It must provide a recent certificate showing that it has fulfilled its obligations in relation to the payment of social security contributions, in accordance with the statutory provisions of the country where it is located. This certificate is issued by the competent authority in the other country and covers the last full calendar quarter before the submission of the qualification application.
- The participant in the group of economic operators employs personnel with Belgian citizenship and personnel from another EU Member State:
It must provide a recent certificate showing that it has fulfilled its obligations in relation to the payment of social security contributions, in accordance with the statutory provisions of the country where it is located. This certificate is issued by the competent authority in the other country and covers the last full calendar quarter before the submission of the qualification application.
- An up-to-date extract from the criminal record or an equivalent document recently issued by a judicial or governmental authority of the country of origin or provenance in the name of the company and the directors/representatives.

Foreign entity:

- The participant in the group of economic operators only employs personnel from another EU Member State:
It must provide a recent certificate showing that it has fulfilled its obligations in relation to the payment of social security contributions, in accordance with the statutory provisions of the country where it is located. This certificate is issued by the competent authority in the other country and covers the last full calendar quarter before the submission of the qualification application.
- The participant in the group of economic operators employs personnel with Belgian citizenship and personnel from another EU Member State:
It must provide a recent certificate showing that it has fulfilled its obligations in relation to the payment of social security contributions, in accordance with the statutory provisions of the country where it is located. This certificate is issued by the competent authority in the other country and covers the last full calendar quarter before the submission of the qualification application.
- An up-to-date extract from the criminal record or an equivalent document recently issued by a judicial or governmental authority of the country of origin or provenance in the name of the company and the directors/representatives.
- An entity registered in another country shall submit a recent tax certificate issued by the competent national authority. This certificate confirms that it fulfils its tax obligations in accordance with the statutory provisions of the country where it is located.
- An entity registered in another country shall provide a recent certificate of non-bankruptcy issued by the national competent authority.

4. Supplier Code of Conduct

Available at www.infrabel.be

Please tick to indicate as "Read and approved".

By signing these administrative clauses, the supplier declares to have taken note of this Code of Conduct and to comply with it.

If the supplier relies on a third party (referred to in section 3.1.2) or another entity (referred to in section 3.1.3), the supplier should also include with its application for qualification a statement signed by that party in which it declares to have taken note of the aforementioned Code of Conduct and to comply with it.

In on

NAME.....

Position

(please ensure signature by person(s) authorised to represent the supplier in accordance with the Articles of Association)

Signature

ANNEX 2: Template form 'Supplier's declaration for the official appointment of an **external** authorised representative'

(see 3.1.1 of Y15bis)

To be completed by the person(s) authorised to represent the supplier in accordance with the Articles of Association.

I, the undersigned,(1), authorised to officially represent the supplier (2), hereby appoint (3) as authorised representative to

(tick and fill in the desired option)

Option 1

Administratively guide the qualification process under Qualification System No. (4) for service..... (5)

Option 2

Administratively guide the qualification process under Qualification System No. (4) for service..... (5) and receive the specifications for this after qualification.

I hereby accept the terms of these Y15bis administrative clauses.

In, on

Name and signature

- (1) Surname and first name of the person(s) authorised to represent the supplier.
- (2) Supplier's name and address.
- (3) First and last name or company name and address of the authorised representative.
- (4) Number of the qualification system as defined in the issue of the Official Journal of the European Union.
- (5) Name of the service in accordance with the qualification system.

ANNEX 3: Template form 'Use of third party capacities'

(see 3.1.2 of Y15bis)

To be completed by the person(s) authorised to represent the third party in accordance with the Articles of Association.

THIRD PARTY CAPACITY

1. General

If the supplier relies on the capacity of third party to meet the selection criteria, it shall arrange for the following to be completed by that entity.

Any entity whose capacity is relied on, shall be subject to section 3.3 of these administrative clauses on qualification. The entity will provide the supplier with the necessary documents in support of this to add to the qualification application.

2. Engagement⁴

Where my capacity is required, I,

.....(name of third party company), undertake to make my resources available to the

supplier(name of supplier company).

By signing this engagement, I declare that I have read and will comply with Infrabel's Code of Conduct (available at www.infrabel.be).

In(town/city), on(date)

Name and signature

⁴ The third party adds the documents demonstrating that the signature(s) was/were made by the person(s) authorised or empowered to enter the third party into an undertaking. In these documents, it shall clearly indicate the relevant page(s) and/or passage.

ANNEX 4: Criminal records

The supplier and participant in the group of economic operators must submit an up-to-date extract from the criminal record or an equivalent document issued by a judicial or governmental authority of the country of origin or provenance

- (I) of the supplier/participant in the group of economic operators,
- (II) of each member of the administrative, management or supervisory body or anyone who has powers of representation, decision-making or control therein,
- (III) for the supplier: of the signatory or signatories of the submission report,
for the participant in the group of economic operators: of the signatory or signatories to the ESPD.

Please complete this document in line with the above paragraph.

An extract from the criminal register record or an equivalent document must be submitted for all natural persons and legal entities included in this list.

If the enterprise wishes to reuse still-valid documents submitted in a previous procedure, the reference of this contract/qualification must be included as provided for in Annex 1, point 2 "Reuse of documents".

Name	
Name	
Name	
Name	
Name	
Name	
Name	
Name	

ANNEX 5: Template form 'Engagement of participant in the group'

(see 3.1.3 of Y15bis)

To be completed by the person(s) authorised to represent the participant in the group of economic operators in accordance with the Articles of Association.

Company name of participant in the group:

Engagement⁵

By signing this engagement, I declare that I have read and will comply with Infrabel's Code of Conduct (available at www.infrabel.be).

In(town/city), on(date)

Name and signature

⁵ The participant in the group shall attach the documents proving that the signature(s) were made by the person(s) authorised or empowered to bind the participant in the group. In these documents, it shall clearly indicate the relevant page(s) and/or passage.

ANNEX 6: DPA

- **I-46**

Infrabel requests any supplier wishing to qualify for Qualification System I-46 "Services: IT and/or telecommunications" to attach to its application, as AD07, the "Data Processing Agreement (DPA)" available below, duly completed and signed. If the supplier does not use this option, this will not result in non-qualification, the supplier still has the option to submit the DPA during the e-Market procurement procedure.

The DPA is only available in French and Dutch.



I-46 DPA FR
202109.docx



I-46 DPA NL
202109.docx

- **I-83**

Any supplier wishing to qualify for qualification system I-83 "Services: Complex Systems and Peripheral Systems for Safer-W" must attach to its application, as AD07, the "Data Processing Agreement (DPA)" available below, duly completed and signed.

The DPA is only available in French and Dutch.



I-83 DPA FR
202109.docx



I-83 DPA NL
202109.docx

ANNEX 7: Checklist of administrative documents requested for qualification

<p>AD01: Questionnaire (use template form in Annex 1)</p>
<p>AD02: External authorised representative (if applicable)</p> <ul style="list-style-type: none"> • Annex 2 completed and signed • an extract from the criminal record of the representative (in the name of the company if it is a legal entity, in the name of the individual if it is a natural person).
<p>AD03: ESPD</p>
<p>AD04: Annex 4 "Criminal Records" completed.</p>
<p>AD05: The documents (with highlighting of the relevant page(s) and/or passage) showing that the signature(s) was/were made by the person(s) authorised or empowered to enter the supplier into an undertaking.</p>
<p>AD06: <u>Belgian supplier:</u></p> <ul style="list-style-type: none"> • Social security certificate if the supplier does not only employ Belgian personnel • Extract from the criminal records in the name of the company and directors/representatives <p><u>Foreign supplier:</u></p> <ul style="list-style-type: none"> • Social security certificate if the supplier does not only employ Belgian personnel • Extract from the criminal records in the name of the company and directors/representatives • Tax certificate • Certificate of non-bankruptcy
<p>AD07: Annex 6 "DPA" (for I-46 (desired) and I-83 (mandatory) only)</p>
<p>If using third-party capacity, the following documents from the THIRD PARTY must be added:</p> <p>AD08.1 ESPD signed</p> <p>AD08.2 Evidence that the signature(s) was/were made by the person(s) authorised or empowered to enter the third party into an undertaking. In these documents, it shall clearly indicate the relevant page(s) and/or passage.</p> <p>AD08.3 Third-party capacity signed (use template form in Annex 3)</p> <p>AD08.4 Documents relating to capacity (see sections 3.3.2 and 3.3.3) if applicable</p> <p>AD08.5 <u>Belgian third party:</u></p> <ul style="list-style-type: none"> • Social security certificate if the third party does not only employ Belgian personnel • Extract from the criminal record in the name of the company if the third party is a legal entity, in the name of the individual if the third party is a natural person <p><u>Foreign third party:</u></p> <ul style="list-style-type: none"> • Social security certificate if the third party does not only employ Belgian personnel • Extract from the criminal record in the name of the company if the third party is a legal entity, in the name of the individual if the third party is a natural person • Tax certificate • Certificate of non-bankruptcy
<p>If a group of economic operators is formed, the following documents of the PARTICIPANT IN THE GROUP must be added:</p> <p>AD09.1 ESPD signed</p> <p>AD09.2 Evidence that the signature(s) was/were made by the person(s) authorised or empowered to enter the participant into an undertaking. In these documents, it shall clearly indicate the relevant page(s) and/or passage.</p> <p>AD09.3 Annex 4 "Criminal Records" completed</p> <p>AD09.4 Documents relating to capacity (see sections 3.3.2 and 3.3.3) if applicable</p> <p>AD09.5 Signed commitment participant in the group (use template form in Annex 5)</p> <p>AD09.6 <u>Belgian participant:</u></p> <ul style="list-style-type: none"> • Social security certificate if it does not only employ Belgian personnel • Extract from the criminal records in the name of the company and directors/representatives <p><u>Foreign participant:</u></p> <ul style="list-style-type: none"> • Social security certificate if it does not only employ Belgian personnel • Extract from the criminal records in the name of the company and directors/representatives • Tax certificate • Certificate of non-bankruptcy