



EUROPEAN COMMISSION
DIRECTORATE-GENERAL
ENVIRONMENT
Directorate C Quality of Life, Water & Air
Unit C1 Water

CALL FOR TENDERS

N° ENV.C.1/FRA/2016/0014

FRAMEWORK CONTRACT ON
EVALUATION, REVIEW AND DEVELOPMENT OF EU WATER
POLICY
WITH REOPENING OF COMPETITION

TENDER SPECIFICATIONS

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1. INFORMATION ON TENDERING

1.1.Participation and nature of the contract

Participation in this procurement procedure 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 which has a special agreement with the Union in the field of public procurement on the conditions laid down in that agreement. Where the plurilateral Agreement on Government Procurement¹ concluded within the World Trade Organisation applies, the participation to this procedure is also open to all natural and legal persons established in the countries that have ratified this Agreement, on the conditions it lays down.

The Commission intends to award a multiple framework contract with reopening of competition between 4 economic operators, provided enough tenderers satisfy the published criteria.

Tenderers' attention is drawn to the fact that the Framework contract does not constitute placement of an order, but is merely designed to set the legal, financial, technical and administrative terms governing relations between the contracting parties during the contract term. Orders can only be placed using the model contained in Annex 7 to these tender specifications. Following the placement of an order, a specific contract shall be drawn up for that work. A model specific contract corresponding to the model contract is provided in Annex 8.

Signature of the Framework contract does not give the contractor(s) any exclusive rights to the services covered by the Framework contract. In any case, the Commission reserves the right, at any time during the Framework contract, to cease placing orders without the contractor(s) having the right to any compensation.

DG Environment will be the overall manager for the Framework contract defined in these tender specifications. It will be the only administrative contact point as regards the Framework contract.

The aggregated maximum annual amount for which specific contracts can be awarded will not exceed 3.000.000 € (i.e. 12.000.000 € for the total maximum duration of the framework contract). The indicative price of the specific contracts is envisaged to range between 100.000 and 250.000€. In exceptional cases specific contracts could range up to 1.500.000€.

The Framework contract will run for a period of 48 months without renewals. The Framework Contract shall continue to apply to specific contracts after its expiry, but for no more than 6 months. The framework contract specifies the basic conditions applicable to any assignment placed under its terms. Signature of the contract does not place the Commission

¹ See http://www.wto.org/english/tratop_e/gproc_e/gp_gpa_e.htm

under any obligation to place an assignment. The execution of tasks/assignments may not start before a specific contract has been signed.

1.2.Contractual conditions

The tenderer should bear in mind the provisions of the draft contract which specifies the rights and obligations of the contractor, particularly those on payments, performance of the contract, confidentiality, and checks and audits.

1.3.Compliance with applicable law

The tender must comply with applicable 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/EU².

1.4.Joint tenders

A joint tender is a situation where a tender is submitted by a group of economic operators (natural or legal persons). Joint tenders may include subcontractors in addition to the members of the group.

In case of joint tender, all members of the group assume joint and several liability towards the Contracting Authority for the performance of the contract as a whole, i.e. both financial and operational liability. Nevertheless, tenderers must designate one of the economic operators as a single point of contact (the leader) for the Contracting Authority for administrative and financial aspects as well as operational management of the contract.

After the award, the Contracting Authority will sign the contract either with all members of the group, or with the leader on behalf of all members of the group, authorised by the other members via powers of attorney.

1.5.Subcontracting

Subcontracting is permitted but the contractor will retain full liability towards the Contracting Authority for performance of the contract as a whole.

Tenderers are required to identify all subcontractors. (See Annex 2, questionnaire for joint bids and subcontracting.) In case a tenderer relies on subcontractors to meet the required level under selection criteria, the subcontractor(s) concerned must provide the relevant supporting documents to that effect with their tender (see section 2.3).

² Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC (OJ L 94, 28.3.2014, p. 65).

During contract performance, the change of any subcontractor identified in the tender or additional subcontracting will be subject to prior written approval of the Contracting Authority. Change of experts should be kept to a minimum and must be duly motivated and in line with the selection criteria applicable to this framework contract.

1.6.Content of the tender

The tenders must be presented as follows:

Part A: Identification of the tenderer (see section 1.7)

Part B: Non-exclusion (see section 2.2)

Part C: Selection (see section 2.3)

Part D: Technical offer (see section 3)

Part E: Financial offer containing a pricelist for all services including all categories of personnel (see section 2.7)

1.7.Identification of the tenderer: legal capacity and status

The tender must include a cover letter signed by an authorised representative presenting the name of the tenderer (including all entities in case of joint offer) and identified subcontractors if applicable, and the name of the single contact point (leader) in relation to this procedure. Coherence must be ensured between the information in the cover letter and in Annex 1.

In case of joint tender, the cover letter must be signed by an authorised representative for each member, or by the leader authorised by the other members with powers of attorney. The signed powers of attorney must be included in the tender as well. Subcontractors that are identified in the tender must provide a letter of intent signed by an authorised representative stating their willingness to provide the service presented in the tender and in line with the present tender specifications.

The tenderer (and each member of the group in case of joint tender) must declare whether it is a Small or Medium Size Enterprise in accordance with [Commission Recommendation 2003/361/EC](#). This information is used for statistical purposes only.

All tenderers (including all members of the group in case of joint tender) must provide a signed Legal Entity Form with its supporting evidence. The form is available on: http://ec.europa.eu/budget/contracts_grants/info_contracts/legal_entities/legal_entities_en.cfm

Tenderers that are already registered in the Contracting Authority's accounting system (i.e. they have already been direct contractors) must provide the form but are not obliged to provide the supporting evidence.

The tenderer (or the leader in case of joint tender) must provide a Financial Identification Form and supporting documents. Only one form per tender should be submitted. No form is

needed for subcontractors and other members of the group in case of joint tender. The form is available on: http://ec.europa.eu/budget/contracts_grants/info_contracts/index_en.cfm

2. EVALUATION AND AWARD

2.1.Evaluation steps

The evaluation is based solely on the information provided in the submitted tender. It involves the following:

- Verification of non-exclusion of tenderers on the basis of the exclusion criteria
- Selection of tenderers on the basis of selection criteria
- Verification of compliance with the requirements set out in these tender specifications
- Evaluation of tenders on the basis of the award criteria

The contracting authority may reject abnormally low tenders, in particular if it established that the tenderer or a subcontractor does not comply with applicable obligations in the fields of environmental, social and labour law.

The Contracting Authority will assess these criteria in no particular order. The successful tenderer must pass all criteria to be awarded the contract.

2.2.Verification of non-exclusion

All tenderers must provide a declaration on honour (see Annex 5), signed and dated by an authorised representative, stating that they are not in one of the situations of exclusion listed in that declaration on honour.

In case of joint tender, each member of the group must provide a declaration on honour signed by an authorised representative.

In case of subcontracting, subcontractors whose capacity is necessary to fulfil the selection criteria must provide a declaration on honour signed by an authorised representative.

The Contracting Authority reserves the right to verify whether the successful tenderer is in one of the situations of exclusion by requiring the supporting documents listed in the declaration on honour.

In any event, the successful tenderer must provide the documents mentioned in the declaration on honour before signature of the contract and within a deadline given by the contracting authority. This requirement applies to each member of the group in case of joint tender and to subcontractors whose capacity is necessary to fulfil the selection criteria.

The obligation to submit supporting evidence does not apply to international organisations.

A tenderer (or a member of the group in case of joint tender, or a subcontractor) is not required to submit the documentary evidence if it has already been submitted for another procurement procedure and provided the documents were issued not more than one year before the date of their request by the contracting authority and are still valid at that date. In such cases, the tenderer must declare on its honour that the documentary evidence has already been provided in a previous procurement procedure, indicate the reference of the procedure and confirm that there has been no change in its situation.

A tenderer (or a member of the group in case of joint tender, or a subcontractor) is not required to submit a specific document if the contracting authority can access the document in question on a national database free of charge.

2.3.Selection criteria

Tenderers must prove their legal, regulatory, economic, financial, technical and professional capacity to carry out the work subject to this call for tender.

The tenderer may rely on the capacities of other entities, regardless of the legal nature of the links which it has with them. It must in that case prove to the Contracting Authority that it will have at its disposal the resources necessary for performance of the contract, for example by producing an undertaking on the part of those entities to place those resources at its disposal.

2.3.1. Declaration and evidence

The tenderers (and each member of the group in case of joint tender) and subcontractors whose capacity is necessary to fulfil the selection criteria must provide the declaration on honour (see Annex 5), signed and dated by an authorised representative, stating that they fulfil the selection criteria applicable to them individually. In case of joint tender or subcontracting, the criteria applicable to the tenderer as a whole will be verified by combining the various declarations for a consolidated assessment.

This declaration is part of the declaration used for exclusion criteria (see section 2.2 above) so only one declaration covering both aspects should be provided by each concerned entity.

The Contracting Authority will evaluate selection criteria on the basis of the declaration on honour and the evidence submitted with the tender for the legal and regulatory, financial and economic and technical and professional capacity of the tenderers.

A tenderer (or a member of the group in case of joint tender, or a subcontractor) is not required to submit the documentary evidence if it has already been submitted for another procurement procedure and provided the documents were issued not more than one year before the date of their request by the contracting authority and are still valid at that date. In such cases, the tenderer must declare on its honour that the documentary evidence has already been provided in a previous procurement procedure, indicate the reference of the procedure and confirm that there has been no change in its situation.

A tenderer (or a member of the group in case of joint tender, or a subcontractor) is not required to submit a specific document if the contracting authority can access the document in question on a national database free of charge.

2.3.2. Legal and regulatory capacity criteria and evidence

Tenderers must prove that they are allowed to pursue the professional activity necessary to carry out the work subject to this call for tenders. The tenderer (including each member of the group in case of joint tender) must provide the following information in its tender if it has not been provided with the Legal Entity Form:

- For legal persons, a legible copy of the notice of appointment of the persons authorised to represent the tenderer in dealings with third parties and in legal proceedings, or a copy of the publication of such appointment if the legislation applicable to the legal person requires such publication. Any delegation of this authorisation to another representative not indicated in the official appointment must be evidenced.
- For natural persons, if required under applicable law, a proof of registration on a professional or trade register or any other official document showing the registration number.

2.3.3. Economic and financial capacity criteria and evidence

The tenderer must have the necessary economic and financial capacity to perform this contract until its end. The tenderer must comply with the following selection criteria:

Annual turnover of the last two financial years above EUR 3.000.000 this criterion applies to the tenderer as a whole, i.e. the combined capacity of all members of a group in case of a joint tender.

In order to prove their capacity, the tenderer must submit the following evidence with the tender:

- Copy of the profit & loss accounts for the last two years for which accounts have been closed from each concerned legal entity;
- Failing that, appropriate statements from banks;
- If applicable, evidence of professional risk indemnity insurance.

If, for some exceptional reason which the Contracting Authority considers justified, a tenderer is unable to provide one or other of the above documents, he or she may prove his or her economic and financial capacity by any other documents which the Contracting Authority considers appropriate. In any case, the Contracting Authority must at least be notified of the exceptional reason and its justification in the tender. The Commission reserves the right to request any other document enabling it to verify the tenderer's economic and financial capacity.

2.3.4. Technical and professional capacity criteria and evidence

a. Criteria and evidence relating to tenderers

Tenderers (in case of a joint tender the combined capacity of all members of the group and identified subcontractors) must comply with the criteria listed below:

The project references indicated below consist of a list of relevant services provided in the past three years, with the sums, dates and clients, public or private, accompanied by statements issued by the clients.

- **Criterion A1:** The tenderer must prove experience in the field of (a) EU water policy and integrated water management and (b) flood risk management, covering the full scope of policy implementation, i.e. its technical, legal, environmental, social, economic and governance dimensions as well as in survey techniques, data collection, statistical analyses, drafting reports and recommendations.

Evidence A1: the tenderer must provide references for 2 projects delivered in each of these fields in the last three years with a minimum value for each project of € 500.000 for field (a) and € 100.000 for field (b).

- **Criterion A2:** The tender must prove experience in the field of economic analysis supporting environmental policies, in particular relating to Impact Assessments and evaluations.

Evidence A2: the tenderer must provide references for 2 projects delivered in this field in the last three years each with a minimum value of € 200.000.

- **Criterion A3:** The tenderer must prove capacity to work with documents in all EU official languages.

Evidence A3: the tenderer must provide references for 2 projects delivered in the last three years showing the necessary language coverage.

In order to prove their capacity, the tenderer must submit with its tender the evidence listed above.

b. Criteria and evidence relating to the team delivering the service:

The team delivering the service should include, as a minimum, the following profiles:

- **Criterion B1 - Project Manager:** He/she must have at least 10 years' professional experience and at least 7 years' experience in project management, including overseeing project delivery, quality control of delivered service, client orientation and conflict resolution experience in project of at least € 500.000 and international character, with experience in management of team of at least 10 people.

Evidence B1: CV

- **Criterion B2 - Experts in Water Framework Directive and/or the Floods Directive:** Relevant higher education degree and professional experience of at least 7 years with at least 5 years' professional experience in the field concerned. The team should include experts covering collectively all following topics:

- Legal aspects of transposition and implementation
- Governance in the water sector in Member States;

- Transboundary water management;
- Economic analysis (including water pricing and cost-benefit analysis);
- Monitoring and assessment of ecological status of surface waters;
- Monitoring and assessment of chemical status of surface waters;
- Monitoring and assessment of groundwater quantitative status;
- Monitoring and assessment of groundwater chemical status;
- Pressures and measures related to agriculture (including pollution and quantitative issues);
- Pressures and measures related to chemical pollution;
- Pressures and measures related to hydromorphology;
- Pressures and measures related to abstractions;
- Overall design of Programmes of Measures under the Water Framework Directive
- Flood risk identification;
- Flood risk assessment (including mapping);
- Flood risk response (prevention, protection, preparedness);
- Adaptation to climate change.
- Nature Directives (Habitats and Birds Directive) and the Biodiversity Strategy
- Common Agriculture Policy
- Reporting and data processing (including links to other relevant policies such as INSPIRE)

Evidence B2: CV

- **Criterion B3 – Expert in ex-ante and ex-post evaluation techniques:** Relevant higher education degree and professional experience of at least 7 years with at least 5 years' professional experience in this field.

Evidence B3: CV.

- **Criterion B4 – Team leader for the team for data collection and processing:** Relevant higher education degree and professional experience of 5 years in data collection and processing techniques.

Evidence B4: CV.

- **Criterion B5 –Team for data collection and processing:** Each member of the team should have relevant higher education degree and professional experience of 1 year in data collection and processing techniques.

Evidence B5: CV

- **Criterion B6 - Language quality check (English):** at least 3 members of the team should have at least C1 level in the Common European Framework for Reference for Languages³ in English.

Evidence B6: a language certificate or past relevant experience.

In order to prove their capacity, the tenderer must submit with its tender the evidence listed above. Furthermore, a consolidated table of the proposed staff clearly indicating name, profile (e.g. B1, B2 etc.) and categorisation in line with annex 3 must be included in the offer.

2.4.Compliance with the minimum requirements

The technical offer must cover all aspects including the illustrative tasks required in the technical specifications and provide all the information needed to apply the award criteria. Offers deviating from the requirements or not covering all requirements may be excluded on the basis of non-conformity with the tender specifications and will not be evaluated (see point 3 – Technical Specifications).

2.5.Award criteria

The contract will be awarded to the most economically advantageous tenders, according to the ‘best price-quality ratio’ award method. The quality of the tenders will be evaluated based on the following criteria. The maximum total quality score is 100 points divided into: maximum 50 points for the overall management of the framework contract and maximum 50 points for the illustrative tasks.

Tenders scoring less than 60 in the overall points total or less than 50% in the points awarded for a single criterion will be excluded from the rest of the assessment procedure. Assessment of the tenders will focus on the quality of the proposed services, therefore tenderers should elaborate on all points addressed by these specifications in order to score as many points as possible. The mere repetition of mandatory requirements set out in these specifications, without going into details or without giving any added value, will only result in a very low score. In addition, if certain essential points of these specifications are not expressly covered

³ See http://www.coe.int/t/dg4/linguistic/Cadre1_en.asp

by the tender, the Commission may decide to give a zero mark for the relevant qualitative award criteria.

2.5.1. Overall management of the framework contract (max. 50 points)

A maximum of 30 points will be attributed to criterion 1, and a maximum of 20 points will be attributed to criterion 2. In addition a minimum threshold will be set up under this system of points:

- Technical sufficiency levels: Selected companies will have to score a minimum of 15 and 10 points under criteria 1 and 2 respectively, with a minimum total of 25 points.

1 Organisation of the work (30 points – minimum threshold 50%)

This criterion will assess how the roles and responsibilities of the proposed team and of the economic operators (in case of joint tenders, including subcontractors if applicable) will be distributed. It also assesses the global allocation of time and resources to the global management of the framework contract.

2 Quality control measures (20 points – minimum threshold 50%)

This criterion will assess the quality control system applied to the management of the framework contract concerning the quality of the deliverables, the language quality check, and continuity of the service in case of absence of a member of the team. It should be noted that a generic quality control system will result in a low score.

2.5.2. Illustrative tasks (max. 50 points)

A maximum of 25 points will be attributed to criterion 1, a maximum of 20 points will be attributed to criterion 2, and a maximum of 5 points will be attributed to criterion 3. In addition a minimum threshold will be set up under this system of points:

- Technical sufficiency levels: Selected companies will have to score a minimum of 13, 10 and 2 points under criteria 1, 2 and 3 respectively, with a minimum total of 25 points.

1 Quality of the proposed methodology (25 points – minimum threshold 52%)

This criterion assesses the suitability and strength of the proposal as measured against the requirements of the illustrative tasks in terms of the technical content, completeness, and proposed effort. The degree to which the methodology shows the capacity to resolve the questions underlying in the service request in a realistic and well-structured way, as well as whether the methods proposed are suited to the needs set out by the Commission.

2 Organisation of the work (20 points – minimum threshold 50%)

This criterion will assess how the roles and responsibilities of the proposed team and of the economic operators (in case of joint tenders, including subcontractors if applicable) are distributed for each illustrative task. It also assesses the global allocation of time and resources to the project and to each task or deliverable, and

whether this allocation is adequate for the work. The tender should provide details on the allocation of time and resources and the rationale behind the choice of this allocation.

3 Quality control measures (2 points – minimum threshold 40%)

This criterion will assess the quality control system applied to the service foreseen in these illustrative tasks concerning the quality of the deliverables, the language quality check, and continuity of the service in case of absence of a member of the team. The quality system should be detailed in the tender and specific to the tasks at hand; a generic quality control system will result in a low score.

2.6.Ranking and Award

Having examined the tenders from a technical point of view, the evaluation committee will proceed considering which is the economically most advantageous offer taking into account **only those tenders that have obtained at least 60 out of the 100 points that are available for the technical quality of the bid**. The evaluation committee will then proceed with the financial comparison of the tenders retained for further consideration according to the ranking procedure below.

The 4 highest ranked bids offering the best price-quality ratio will be chosen, provided that the minimum number of points cited above is achieved. Best price-quality ratio will be calculated as follows:

- All bids that do not reach the stated technical sufficiency levels for each individual award criteria will not be considered for contract award. All bids that have passed the threshold levels set for the overall management and organisation and the illustrative tasks and score 60 or higher are deemed to be technically sufficient.
- Price will be calculated using the template found in Annex 3. All bids will therefore be assessed using a price based on the assumption of 100 man-days of which 30 are senior, 50 are expert, and 20 are support/junior staff, and on the maximum daily rates that will be used during the execution of the actual framework contract.
- The price is then divided by the total number of points awarded to obtain the price-quality ratio.
- The award of the contract will be made to the 4 tenderers with the lowest ratio.

2.7.Financial offer

Tenders shall specify a maximum daily rate per defined profile. These rates must be flat rate and include all costs⁴ relating both to the overall management of the framework contract and to the implementation of specific contracts (administrative costs, overheads, global and

⁴ For instance fixed percentages on top of the daily rates to cover administrative overheads will not be allowed

project management, quality control, support resources, insurance, etc.). The maximum daily rate(s) quoted shall be valid for any services offered under a specific contract and cannot be exceeded. For guidance purposes see Annex 3.

The prices must be quoted in euro. 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 assume the risks or the benefits deriving from any variation.

Prices must be quoted free of all duties, taxes and other charges, including VAT, as the European Union is exempt from such charges under Articles 3 and 4 of the Protocol on the privileges and immunities of the European Union. The amount of VAT may be shown separately.

2.8.Payment schedule

Payments under this contract will cover, **on a lump-sum** basis, fees, as well as travel expenses and any other costs where appropriate.

The payment schedule throughout the specific contracts will depend on the delivery of final reports or deliverables in response to the specific agreements made under the framework contract.

Only 1 payment will be made for contracts of a value up to and including €80.000. For contracts above €80.000 it will be possible to make an interim payment and a final payment.

3. TECHNICAL SPECIFICATIONS

3.1. Description of services

3.1.1. General background and objectives

The Water Framework Directive⁵ (WFD) is the central piece of legislation in EU water policy. It represents a shift away from a sectoral approach (drinking water, bathing water, waste water, surface water, groundwater, toxic emissions) towards an integrated model of water management at the level of the river basin. The key milestone in WFD implementation is the development of River Basin Management Plans (RBMP), the first of which were due for submission from Member States in December 2009.

The legislative framework provided by the WFD was later completed with two additional directives: the Groundwater Directive 2006/118/EC⁶ and the Directive setting Environmental

⁵ OJ L 327, 22.12.2000, p. 1. http://ec.europa.eu/environment/water/water-framework/index_en.html

⁶ OJ L 372, 27/12/2006 P. 19. http://ec.europa.eu/environment/water/water-framework/groundwater/policy/current_framework/new_directive_en.htm

Quality Standards for Priority Substances 2008/105/EC⁷. The latter has been the subject of a Commission proposal for amendment⁸. Finally, the scope of EU water policy was significantly extended through the adoption of the Floods Directive (FD) 2007/60/EC⁹ and the Marine Strategy Framework Directive¹⁰.

The Commission wishes to ensure that the directives are implemented in a coherent and effective manner across the EU and that Member States comply with their obligations. Given the complexities and challenges of WFD implementation, the Commission together with the Member States, agreed in May 2001 upon an informal programme of co-operation in order to develop a common approach to the technical challenges for implementing the framework directive. The informal programme of co-operation is known as the Common Implementation Strategy (CIS)¹¹. The Commission, the Member States, candidate countries and all relevant stakeholders take part in the CIS. In addition to leading on a number of specific issues, the Commission has also taken on the very significant challenge of managing and co-ordinating the delivery of the strategy.

Since 2001, a considerable number of technical guidance documents and other supporting documents have been produced¹². In addition to the guidance documents, the strategy has been intensively used as a platform for the exchange of information and good practices, mainly through dedicated workshops. The CIS is also the flexible and informal EU arena to discuss, prioritise, foster, and implement EU water policies. The priorities and general way of working are described in the Common Implementation Strategy document of 2001. In addition, multi-annual work programmes (currently 2016-18) describe the objectives and the activities and specify the responsibilities of the different working groups. All details concerning the objectives, organisational structure, expected outcome and timetable for each working group are indicated in specific mandates, which are attached as an Annex to the CIS Work Programme¹³.

After 2008, the CIS was extended to cover the implementation of the Floods Directive.

In addition to the activities under the Common Implementation Strategy, and as part of its core role, the Commission will have to check compliance of the Member States'

⁷ OJ L 348, 24.12.2008, p. 84–97

⁸ http://ec.europa.eu/environment/water/water-dangersub/pri_substances.htm

⁹ OJ L 288, 6.11.2007, p. 27. http://ec.europa.eu/environment/water/flood_risk/index.htm

¹⁰ OJ L 164, 25.6.2008, p. 19–40 http://ec.europa.eu/environment/water/marine/directive_en.htm

¹¹ Available under: <http://ec.europa.eu/environment/water/water-framework/objectives/pdf/strategy.pdf>

¹² <http://europa.eu.int/comm/environment/water/water-framework/> and <http://forum.europa.eu.int/Public/irc/env/wfd/library>

¹³ http://ec.europa.eu/environment/water/water-framework/objectives/implementation_en.htm

implementation efforts with the obligations under the various directives, and prepare subsequent implementation reports based on these integrated assessments.

According to article 19.2 of the WFD, the Commission needs to review the Directive by 2019 and see whether proposals for amendments are necessary. Article 16 of the Floods Directive requires the Commission to produce by 22 December 2018 a report on the implementation of this Directive to be submitted to the European Parliament and to the Council. The impact of climate change shall be taken into account in drawing up such a report. The Commission intends to combine these two requirements and to carry out simultaneously the evaluation of both the WFD and the FD.

The objective of the framework contract is to provide services to the Water Unit in DG Environment in relation to the following:

- (1) **To provide independent, impartial and punctual necessary work and advice on scientific, socio-economic and technical issues related to the issues dealt with within the Common Implementation Strategy (CIS) of the Water Framework Directive (WFD) and Floods Directive.** This includes support to the Strategic Co-ordination Group, the working groups and the other activities under the CIS Work Programme and will in particular ensure both a high technical quality of all products and the necessary harmonisation, co-ordination and quality control in and among the different activities. This includes overviews, fact sheets, resource documents and synthesis documents for specific areas. This also includes the management of the CIS communication tools including the WFD CIRCABC system. In addition, support will also be provided for the organisation and delivery of specific meetings and workshops.
- (2) **To provide technical assistance to the Commission in the integrated** assessment of the implementation of the EU water legislation (WFD, priority substances Directive, Groundwater Directive and Floods Directive) and 2nd RBMPs/1st FRMPs, looking at issues such as coordination performed by MS in the different steps in the WFD and the FD planning process and the implementation of other related environmental Directives (Urban Waste Water Treatment Directive, Nitrates Directive, Birds and Habitats Directive, Bathing Water Directive, Drinking Water Directive...). This includes the support to the preparation of technical assessment reports according to the agreed methodology. These reports will be used by the Commission as a basis for the preparation of Commission reports on implementation.
- (3) **To provide technical assistance to the Commission in in-depth focused assessments of the WFD/FD implementation in MS** on selected issues linked to specific needs, e.g. assessment of water pricing systems in MS for assessing fulfilment of EAC action plans, evaluation of the uptake of Natural Water Retention Measures in MS and how to better ensure mutual benefits of implementation and in integration of water policy into other EU policies areas, including biodiversity, green infrastructure, Nature, soil, forests, Marine, REACH, INSPIRE, agriculture, energy, transport, industry, regional policy and cohesion and trans-boundary and international cooperation.
- (4) **To provide technical assistance to assess information on possible infringement cases following the Commission's initiative or a citizens' complaint.**

(5) To provide technical assistance for the evaluation of the WFD and the REFIT of the FD. Support for specific Impact Assessments and evaluations

The Commission's Impact Assessment procedure involves identifying the likely positive and negative economic, social and environmental impacts of proposed policy actions, enabling trade-offs and synergies to be identified, and informed political judgements to be made. Evaluations involve an assessment of the effectiveness, efficiency, EU value added, relevance and coherence of existing policy frameworks.

3.1.2. Tasks

a) Support to working/expert groups (including the taskforce on water and agriculture)

- Support with providing and analysing technical, scientific and required background documents
- Support in organising meetings and drawing up documents including minute taking and elaboration of conclusions for working/expert groups for other expert ad hoc groups
- Support on the preparation of strategic documents and analytical assessments of information
- This support will be provided considering any required source of information, analysis, study, etc.
- Organisation and preparation of support to CIS meetings in terms of preparing supporting and assessment documents when needed and conclusions of the meeting.

b) Support to the organisation of workshops

- To organise workshops (including preparation of documents, venue arrangements, sending out the invitations, assisting during the workshop and preparing minutes of meetings, conclusions and further documents)

c) Support to the development of guidance documents and technical reports on issues related to implementation EU water policies and other specific areas

- To outline, draft, elaborate and prepare documents, guidance documents, technical, scientific and assessment reports using different sources of information (bibliography, consulting Member States (and/or other countries when needed) making specific research, and any required sources depending on the subject).

d) Support to policy development in the field of water including integration with other policies

- To outline, draft and prepare documents, guidance and technical reports using different sources of information (bibliography, consulting Member States (and/or other countries when needed) making specific research, and any required sources depending on the subject).
- To organise specific meetings and workshops on these issues

e) Support to the assessment and compliance checking of the implementation of existing legislation

- To provide technical, scientific, organisational support to the Commission on in-depth assessments.
- To study, analyse and provide legal, scientific, technical assessment to the Commission on the replies received from countries or documents received from stakeholders and/or organisations
- To provide the information in reports when necessary and or in the adequate electronic format,
- To provide reports summarising the main implementation challenges at Member State or EU level

f) Support to the evaluation of the WFD and REFIT process of the FD.

- To provide technical, scientific, organisational support to the Commission on the evaluation of the Water Framework Directive and the fitness check of the Floods Directive
- To study, analyse and provide scientific, and technical assessment to the Commission.

3.1.3. Performance and quality requirements for the overall management of the framework contract

The Contractors shall perform the framework contract to the highest professional standards and are expected to maintain the technical sufficiency levels demonstrated in the bidding process during the whole execution period of the framework contract.

3.1.4. Deliverables and final output expected per specific contract

The deliverables will vary in nature from request to request.

All documents should be drafted in English and edited by an advanced English speaker (levels C1-C2 in accordance with the Common European Framework of Reference) before finalisation. In case of studies an abstract in French will also be required as per section 4.

The main deliverables will be agreed as part of each specific agreement undertaken in the context of the framework contract. As examples the deliverables could be:

- A final report covering all the tasks under the specific request after taking into account Commission's comments
- Support to meetings or workshops
- MS assessments reports
- Technical reports

3.1.5. General delivery time and maximum number of progress meetings foreseen with the Contracting Authority if any

To be defined in details in specific requests, but typically the duration of the average project may vary between 8 and 18 months, involving usually two to three meetings in Brussels, a

kick off meeting and a further progress or final meeting, in order to discuss an interim or final report. Some meetings may be held in the form of a telephone conference.

3.1.6. Intellectual property rights

As defined in the contract clauses I.8 and II.10 of the contract.

3.1.7. Place of performance

The place of performance of the tasks shall be the contractor's premises or any other place indicated in the tender, with the exception of the Commission's premises.

3.2. Illustrative tasks

For the purpose of the evaluation of tenders, offers shall address the illustrative tasks indicated below. The tenderer shall treat them as **fictitious** specific requests and provide detailed bids for each. These tasks are chosen as examples of services that could be asked for under the framework contract.

These bids should be of sufficient detail to allow the Commission to assess whether tenderers are able to put together a convincing methodology, an appropriate team and suitable quality control measures to undertake the services effectively. The bids are expected to be in the range of 15-20 pages per illustrative task on their technical content, plus possible annexes (such as organisation planning and CVs of the proposed team). The bids for the illustrative tasks will form part of the basis for the award process as set out in paragraph 2.5.

Tenderers' attention is drawn to the fact that the sole objective of each illustrative task is to provide a fair, non-discriminatory basis for comparing the offers. They can in no case be considered to represent a commitment on the part of the Commission to make orders for the services and quantities indicated. They can therefore give rise to no expectation or legitimate right on the part of the contractor.

Illustrative task Nr 1: Support to the Water-Agriculture Task Force (all related to task a), b) and c) of section 3.1.2)

- Introduction and background

The Water-Agriculture Taskforce has been established to help address agriculture and water issues in a more integrated way.

This has arisen due to the need to better address agriculture issues to meet the objectives of the WFD and the need to involve the AGRI sector more in coming up with solutions to the issues (which was not always achieved through the CIS WFD and agriculture working group).

The taskforce is concerned with identifying the scale of water quality and quantity pressures and identifying ways in which to help MS secure compliance with the WFD that minimises impact on agricultural productivity and increase its sustainability.

On the issue of water quality the taskforce shall:

- a) identify available measures under the existing EU legislation to ensure adequate water quality;
- b) assess the challenges of the effective implementation of existing legislation and consideration of how such challenges can best be addressed (including through better collaboration between relevant Commission services; and
- c) assess the adequacy of existing funding for EU measures/policy instruments aimed at improving water quality; and possible sources of additional funding for any such measures,
- d) consider the need for additional measures to improve water quality.

On the issue of adequate water quantity, having regard to water stress in many regions and the necessity for adequate water quantity for food production as well as other economic uses and ecosystems, the taskforce shall:

- e) identify available policy instruments under the existing EU legislation to ensure adequate water availability, particularly in areas subject to water stress
- f) analyse the challenges in the effective implementation of existing legislation and consider how such challenges can best be addressed
- g) assess
 - the adequacy of existing funding for EU measures/policy instruments aimed at improving water quantity; and
 - possible sources of additional funding for any such measures.
- h) consider the need for additional measures to improve water quantity

- Tasks:

The contractor will assist DG ENV in:

1. Establishing an analytical framework that covers all relevant DG AGRI, ENV (and other relevant services such as SANTE) water relevant policies and funding mechanisms and allows for the identification of deficiencies in implementation and good practises that could be encouraged.

To be developed within 1 month of signing the contract.

2. Once the analytical framework is agreed the contractor will populate the framework with the most relevant information sources (EU and MS level data sources should be identified).

To be completed within 3 months of signing the contract.

3. Development of an implementation strategy for the next 2 years of the taskforce - to consider governance, funding, communication activities through relevant EU committees and working groups. The implementation strategy should focus on implementing better existing policies and proposals on changes that could be made to the existing mechanisms to deliver an improved environmental outcome and more sustainable agriculture in the longer term

To be completed within 5 months of signing the contract.

- Final output and deliverables

1. analytical framework agreed by EC
2. populated analytical framework (using existing EU and other relevant studies- to be identified by the contractor) and recommendations to be taken forward by both the Member States and the Commission
3. Implementation strategy document for roll out of Taskforce recommendations in the next 2 years

- General guidance on methodology

An analytical framework (covering the most relevant policies and their delivery) should be proposed to collate the information necessary to understand quality and quantity issues relevant for water and agriculture

The taskforce is open-ended in nature, however the first report to external stakeholders would be expected 5 months after signing the contract. The methodology should set out what approach would be taken to prepare the analytical framework and what data would be considered most relevant for populating the framework. The objective of the taskforce is to deliver sustainable agriculture with regard to the objectives of the WFD. Consideration should be given to identify win-win opportunities to the environment and farmers in developing solutions

- General delivery time and progress meetings foreseen with the Contracting Authority if any

The tasks should be completed within 5 months of the signature of the specific contract. The execution of the tasks may not start before the specific contract has been signed.

Illustrative task nr 2: Support to the evaluation of the WFD and FD (in relation to tasks f) in section 3.1.2)

- Introduction and background

According to article 19.2 of the WFD, the Commission needs to review the Directive by 2019 and see whether proposals for amendments are necessary.

Article 16 of the Floods Directive requires the Commission to produce by 22 December 2018 a report on the implementation of this Directive to be submitted to the European Parliament

and to the Council. The impact of climate change shall be taken into account in drawing up such report.

The Commission intends to combine these two requirements and to carry out simultaneously the evaluation of both the WFD and the FD, having regard to Article 9 of the FD, which requires that Member States take appropriate steps to coordinate the application of the two Directives, focusing on opportunities for improving efficiency, information exchange and for achieving common synergies and benefits. Therefore, two separate evaluations in different times would be counterproductive.

Whereas an evaluation is centred on an individual instrument (e.g. a directive or regulation), fitness checks are comprehensive policy evaluations assessing whether the regulatory framework for a policy sector is fit for purpose (so will often cover more than one directive or regulation). REFIT¹⁴ evaluations are basically not different from other “ordinary” evaluations but there is more focus on administrative burden and costs/benefits (efficiency).

- Tasks

The general objectives of the WFD and FD evaluation are therefore:

- To assess whether the objectives of WFD and FD continue to be relevant vis-à-vis the problems sought to be addressed;
- To measure the delivery of outputs, the impacts, the cost-effectiveness and efficiency of WFD and FD;
- To verify that resources invested by the Commission and by Member States in WFD and FD implementation have been converted into tangible and proportionate results which contribute to achieving the objectives of both Directives;
- To assess the degree of coordination of the implementation of the two Directives in Member States, focusing on opportunities for improving efficiency, information exchange and for achieving common synergies and benefits.

The tenderer should provide a proposal that would set out a series of evaluation questions detailing how the standard issues of effectiveness, efficiency, coherence, relevance and EU value-added would be approached and a stakeholder consultation strategy. The proposal should also include an outline of the methodology for responding to the questions.

The evaluation will provide the Commission and stakeholders with key findings and lessons learned from the status of implementation of WFD and FD.

The tenderer should provide a proposal that would be suited to providing the analysis needed to support such an exercise. It will need to set out a methodological approach, work programme, project team and project management as well as ensure a system for quality control.

- Final output and deliverables

¹⁴ http://ec.europa.eu/smart-regulation/refit/index_en.htm

The final evaluation report will present the findings and lessons, along with the set of recommendations.

- General delivery time and progress meetings foreseen with the Contracting Authority if any

The tasks should be completed within 18 months of the signature of the specific contract.

Illustrative task nr 3: Integrated Assessments of 2nd RBMPs (in relation to tasks d) and e) in section 3.1.2)

- Introduction and background

As requested by the WFD, Member States were to review and update their RBMPs by December 2015 and report them to the Commission by March 2016. The Commission is assessing the compliance of these plans with the requirements of the WFD and expects to publish an implementation report by autumn 2017.

Beyond this compliance assessment of RBMPs and as a preliminary contribution to the review of the WFD, the Commission wants to get further insight on how MS have coordinated the different actions in the planning process required by the WFD (characterisation of pressures, monitoring and assessment of water status, design of measures and monitoring their effectiveness...) to effectively tackle the most significant pressures impairing the status of water bodies and achieve objectives of the WFD.

This assessment will build on the preliminary findings of the assessment of the 2nd RBMPs and on the report by the EEA on the Status of European Waters which are expected to be available in spring 2017, and also on the modelling of pressures at EU level by the JRC expected to be available at the end of 2016. It will require coordination with follow-up activities in the EEA and the JRC.

- Tasks

To develop an assessment framework for the main identified pressures on water status, tentatively hydromorphological alterations (incl. flood protection measures), diffuse pollution, abstractions (incl. adaptation to climate change), and chemicals. The assessment will check how MS have linked the different steps in the WFD planning process, e.g. replying to the following questions:

- How have (mandatory and voluntary) measures planned in 1st RBMPs been effectively implemented?
- How was the evolution of water status considered when updating the characterisation (quantifying significant pressure regarding the likely impact on status)?
- How was the gap between the present status and environmental objective quantified in terms of pressure mitigation?
- How were the updated characterisation (including gap analysis) and the effectiveness of 1st cycle measures considered when elaborating measures and 2nd RBMPs? Was this reflected in better targeted / more ambitious measures?

- How have pricing measures been used as an incentive to mitigate pressures and to increase funding capacity for measures?

This assessment will include a sectoral approach and consider the impact of the sectoral policy (e.g. agriculture, flood protection, energy, navigation...) at EU and MS level on the achievement of the WFD objective.

The assessment will systematically identify best practices related to these issues.

- To perform the integrated assessment for all priority pressures in each MS where the pressure is significant and also at EU level.
- To perform appropriate consultation of MS and stakeholders on the findings of the assessment and include the collected feedback into the final assessment.

The contractor will also organise public events aimed at presenting the main findings of the integrated assessment and collecting feedback from MS and other stakeholders. It is expected that one-day sessions will be organised for each of the 4 priority pressures mentioned above. These will be held in Brussels with the participation of approximately 50 people. Venue and catering will be organized and covered by the contractor.

- Final output and deliverables

- a) Inception report 1 month after the signature of the contract.
- b) Development of a methodological framework for the integrated assessment of 2nd RBMPs, including the coordination aspects with the related activities in the JRC and the EEA and a proposed outline for the integrated assessment reports. This task is to be performed by month 4 after signature of the contract.
- c) Integrated assessment reports, both at EU level (overview) and MS level for each priority pressure, including recommendation for a better implementation (EU and MS level) and for the review of the WFD. This task is to be performed by month 18 after signature of the contract.
- d) A public event aimed at presenting the main findings of the integrated assessment and collecting feedback from MS and other stakeholders; to be organised at month 16 after the signature of the contract.

- General guidance on methodology

The tenderer will use all necessary information to perform the assessment. This will include information reported to the Commission by MS¹⁵ (electronic reporting in WISE, 2nd RBMP,

¹⁵ MS will report on the basis of the guidance agreed for the second cycle RBMP (available at http://cdr.eionet.europa.eu/help/WFD/WFD_521_2016).

background documents) but may require further investigation and collection of additional information. An essential part of this information will be accessible only in MS languages.

- General delivery time and progress meetings foreseen with the Contracting Authority if any

The tasks should be completed within 18 months.

Place of performance

The place of performance of the tasks shall be the contractor's premises or any other place indicated in the tender, with the exception of the Commission's premises.

4. CONTENT, STRUCTURE AND GRAPHIC REQUIREMENTS OF THE FINAL DELIVERABLES

When studies will be requested the contractor must deliver the study and other deliverables as indicated below.

4.1. Content

4.1.1. Final study report

The final study report must include:

- an abstract of no more than 200 words and an executive summary of maximum 6 pages, both in English and French;
- specific identifiers which must be incorporated on the cover page provided by the Contracting Authority;
- the following disclaimer:

“The information and views set out in this [report/study/article/publication...] are those of the author(s) and do not necessarily reflect the official opinion of the Commission. The Commission does not guarantee the accuracy of the data included in this study. Neither the Commission nor any person acting on the Commission's behalf may be held responsible for the use which may be made of the information contained therein.”

4.1.2. Publishable executive summary

The publishable executive summary must be provided in both in English and French and must include:

- specific identifiers which must be incorporated on the cover page provided by the Contracting Authority;
- the following disclaimer:

“The information and views set out in this [report/study/article/publication...] are those of the author(s) and do not necessarily reflect the official opinion of the Commission.

The Commission does not guarantee the accuracy of the data included in this study. Neither the Commission nor any person acting on the Commission's behalf may be held responsible for the use which may be made of the information contained therein."

4.1.3. Requirements for publication on Internet

The Commission is committed to making online information as accessible as possible to the largest possible number of users including those with visual, auditory, cognitive or physical disabilities, and those not having the latest technologies. The Commission supports the Web Content Accessibility Guidelines 2.0 of the W3C.

For full details on the Commission policy on accessibility for information providers, see: http://ec.europa.eu/ipg/standards/accessibility/index_en.htm

For the publishable versions of the study, abstract and executive summary, the contractor must respect the W3C guidelines for accessible pdf documents as provided at: <http://www.w3.org/WAI/>.

4.2. Graphic requirements

The contractor must deliver the study and all publishable deliverables in full compliance with the corporate visual identity of the European Commission, by applying the graphic rules set out in the European Commission's Visual Identity Manual, including its logo. The graphic rules, the Manual and further information are available at:

http://ec.europa.eu/dgs/communication/services/visual_identity/index_en.htm

A simple Word template will be provided to the contractor after contract signature. The contractor must fill in the cover page in accordance with the instructions provided in the template. The use of templates for studies is exclusive to European Commission's contractors. No template will be provided to tenderers while preparing their tenders.

ANNEX 1 - ADMINISTRATIVE INFORMATION FORM

(To be signed by the tenderer only or the lead tenderer in the case of joint bids)

Organisation or individual:

NAME:

ADDRESS:

Address where contract should be sent to (if different from above):

.....

PERSON AUTHORISED TO SIGN CONTRACT:

Name and position:

PERSON FOR ROUTINE CONTACT:

Name and position:

ADDRESS:

Telephone and E-mail:

Signature of Tenderer:

Date:

ANNEX 2 - QUESTIONNAIRE FOR JOINT BIDS AND SUBCONTRACTING

(To be completed and signed by the lead tenderer)

This questionnaire should only be completed if your tender involves a joint bid or subcontracting.

Joint bid (refer to paragraph 1.3)

1. Does your bid involve more than one tenderer? Yes ☐ No ☐

Questions 2 - 4 shall be answered only if you have answered yes to question 1.

2. Please fill in the name of the company having power of attorney for the group of tenderers and acting as a co-ordinator:

3. Please fill in the names of the other companies taking part in the joint offer:

4. If a consortium or similar entity exists, please fill in the name and the legal status of the entity:

Subcontracting (refer to paragraph 1.4)

5. Does your bid involve subcontracting? Yes ☐ No ☐

If the answer is yes, please complete question 6, and the next page per sub-contractor.

6. List of sub-contractors:

.....

.....

.....

Reasons, roles, activities and responsibilities of sub-contractors

Please complete this page for each sub-contractor (one page per sub-contractor):

Name of the sub-contractor:

.....

Official legal form:

.....

Country of registration:

.....

Statutory registration number:

.....

(Internet address, if applicable):

.....

Official address in full:

.....

.....

Contact person:

.....

Telephone number:

.....

Reasons for subcontracting:

.....

Role, activities and responsibilities of the sub-contractor:

.....

Do you intend to rely on capacities from the sub-contractor in order to fulfil the selection criteria? If yes, specify which selection criterion - financial and economic capacity or technical and professional capacity - and be aware that the tenderer must provide the documents which make it possible to assess the selection criteria.

.....

Tenderer:

Date:

Signature:

ANNEX 3 - FINANCIAL OFFER TEMPLATE

(To be completed and signed by the tenderer only or the lead tenderer in the case of joint bids)

MAXIMUM DAILY RATES APPLICABLE TO THE FRAMEWORK CONTRACT

The daily rates to be applied to all subsequent specific contracts awarded under this framework contract cannot exceed the prices below

For each member of the core team, the bid should indicate whether they are deemed to be Manager/Senior expert Staff, Expert staff, Support/Junior Staff for the duration of the framework contract. **Please note that additional categories of staff will not be accepted and will result in the exclusion of the offer.** The category should be determined in accordance with the level of qualifications as follows:

Categories of personnel	Level of qualification:	Price per man-day (in EURO)	Days assumed for calculation of price (must total 100)	Price
Project Manager /Senior expert	Highly qualified expert having assumed important responsibilities in his/her profession, recruited for his/her management/supervisory (e.g. relating to project management of specific study projects), conceptual and creative skills in the exercise of his/her profession. He/she must have at least 10 years' professional experience of which at least 7 must be connected with the professional sector concerned and the type of tasks to be performed.		30	
Expert staff	Certified expert having received high-level training in his/her profession, recruited for his/her conceptual and creative skills in the exercise of his/her profession. He/she must have at least 7 years' professional experience of which at least 5 must be connected with the professional sector concerned and the type of tasks to be performed.		50	
Junior expert/ Support staff	Certified expert having received high-level training in his/her profession, recruited for his/her conceptual skills in the exercise of his/her profession. Support staff may include staff offering specialised services, like data collection, surveys, administrative support, language editing, etc.		20	
Total price of the bid				

Signature of Tenderer

.....

Date

ANNEX 4 - LEGAL ENTITY AND FINANCIAL IDENTIFICATION FORMS

These forms can be downloaded from

http://ec.europa.eu/budget/contracts_grants/info_contracts/legal_entities/legal_entities_en.cfm (Legal entity form)

(To be signed by the tenderer and all members of the group in the case of joint tender (not necessary for subcontractors))

http://ec.europa.eu/budget/contracts_grants/info_contracts/financial_id/financial_id_en.cfm (financial identification form)

(One form per offer to be signed by the tenderer or lead tender in the case the of joint tender)

ANNEX 5 - DECLARATION ON HONOUR ON EXCLUSION CRITERIA AND SELECTION CRITERIA

(To be completed by the tenderer, all members of a joint tender and any subcontractor whose capacity is necessary to fulfil the selection criteria)

Comments [in grey italics in square brackets] are to be deleted and/or replaced by appropriate data.

The undersigned [insert name of the signatory of this form], representing:

<i>(only for natural persons)</i> himself or herself	<i>(only for legal persons)</i> the following legal person:
ID or passport number: ('the person')	Full official name: Official legal form: Statutory registration number: Full official address: VAT registration number: ('the person')

I – Situation of exclusion concerning the person

1. declares that the above-mentioned 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 national legislation or regulations;	<input type="checkbox"/>	<input type="checkbox"/>
b) it has been established by a final judgement 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 law of the country in which it is established, with those of the country in which the contracting authority is located or those of the country of the performance of the contract;	<input type="checkbox"/>	<input type="checkbox"/>
c) it has been established by a final judgement 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	<input type="checkbox"/>	<input type="checkbox"/>

selection criteria or in the performance of a contract;		
(ii) entering into agreement with other persons with the aim of distorting competition;	<input type="checkbox"/>	<input type="checkbox"/>
(iii) violating intellectual property rights;	<input type="checkbox"/>	<input type="checkbox"/>
(iv) attempting to influence the decision-making process of the contracting authority during the award procedure;	<input type="checkbox"/>	<input type="checkbox"/>
(v) attempting to obtain confidential information that may confer upon it undue advantages in the award procedure;	<input type="checkbox"/>	<input type="checkbox"/>
d) it has been established by a final judgement that the person is guilty of the following:		
(i) fraud, within the meaning of Article 1 of the Convention on the protection of the European Communities' financial interests, drawn up by the Council Act of 26 July 1995;	<input type="checkbox"/>	<input type="checkbox"/>
(ii) corruption, as defined in Article 3 of the Convention on the fight against corruption involving officials of the European Communities or officials of EU Member States, drawn up by the Council Act of 26 May 1997, and in Article 2(1) of Council Framework Decision 2003/568/JHA, as well as corruption as defined in the legal provisions of the country where the contracting authority is located, the country in which the person is established or the country of the performance of the contract;	<input type="checkbox"/>	<input type="checkbox"/>
(iii) participation in a criminal organisation, as defined in Article 2 of Council Framework Decision 2008/841/JHA;	<input type="checkbox"/>	<input type="checkbox"/>
(iv) money laundering or terrorist financing, as defined in Article 1 of Directive 2005/60/EC of the European Parliament and of the Council;	<input type="checkbox"/>	<input type="checkbox"/>
(v) terrorist-related offences or offences linked to terrorist activities, as defined in Articles 1 and 3 of Council Framework Decision 2002/475/JHA, respectively, or inciting, aiding, abetting or attempting to commit such offences, as referred to in Article 4 of that Decision;	<input type="checkbox"/>	<input type="checkbox"/>
(vi) child labour or other forms of trafficking in human beings as defined in Article 2 of Directive 2011/36/EU of the European Parliament and of the Council;	<input type="checkbox"/>	<input type="checkbox"/>
e) the person has shown significant deficiencies in complying with the main obligations in the performance of a contract 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, OLAF or the Court of Auditors;	<input type="checkbox"/>	<input type="checkbox"/>
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;	<input type="checkbox"/>	<input type="checkbox"/>
g) for the situations of grave professional misconduct, fraud, corruption, other criminal offences, significant deficiencies in the performance of the contract or irregularity, the applicant is subject to: i. facts established in the context of audits or investigations carried out by the	<input type="checkbox"/>	<input type="checkbox"/>

<p>Court of Auditors, OLAF or internal audit, 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;</p> <p>ii. 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;</p> <p>iii. decisions of the ECB, the EIB, the European Investment Fund or international organisations;</p> <p>iv. decisions of the Commission relating to the infringement of the Union's competition rules or of a national competent authority relating to the infringement of Union or national competition law; or</p> <p>v. decisions of exclusion by an authorising officer of an EU institution, of a European office or of an EU agency or body.</p>		
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II – Situations of exclusion concerning natural persons with power of representation, decision-making or control over the legal person

Not applicable to natural persons, Member States and local authorities

2. declares that a natural person who is a member of the administrative, management or supervisory body of the above-mentioned legal person, or who has powers of representation, decision or control with regard to the above-mentioned legal person (this covers company directors, members of management or supervisory bodies, and cases where one natural person holds a majority of shares) is in one of the following situations:	YES	NO	N/A
Situation (c) above (grave professional misconduct)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Situation (d) above (fraud, corruption or other criminal offence)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Situation (e) above (significant deficiencies in performance of a contract)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Situation (f) above (irregularity)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

III – Situations of exclusion concerning natural or legal persons assuming unlimited liability for the debts of the legal person

3. declares that a natural or legal person that assumes unlimited liability for the debts of the above-mentioned legal person is in one of the following situations:	YES	NO	N/A
Situation (a) above (bankruptcy)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Situation (b) above (breach in payment of taxes or social security contributions)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

IV – Grounds for rejection from this procedure

4. declares that the above-mentioned person:	YES	NO
h) has distorted competition by being previously involved in the preparation of procurement documents for this procurement procedure.	<input type="checkbox"/>	<input type="checkbox"/>

V – Remedial measures

If the person declares one of the situations of exclusion listed above, it must indicate measures it has taken to remedy the exclusion situation, thus demonstrating its reliability. This may include e.g. technical, organisational and personnel measures to prevent further occurrence, compensation of damage or payment of fines. The relevant documentary evidence which illustrates the remedial measures taken must be provided in annex to this declaration. This does not apply for situations referred in point (d) of this declaration.

VI – Evidence upon request

Upon request and within the time limit set by the contracting authority the person must provide information on the persons that are members of the administrative, management or supervisory body. It must also provide the following evidence concerning the person itself and concerning the natural or legal persons which assume unlimited liability for the debt of the person:

For situations described in (a), (c), (d) or (f), production of a recent extract from the judicial record is required 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 situation described in point (a) or (b), production of recent certificates issued by the competent authorities of the State concerned are required. These documents must provide evidence covering all taxes and social security contributions for which the 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 concerned, 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 procurement procedure. 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
<i>Insert as many lines as necessary.</i>	

VII – Selection criteria

5. declares that the above-mentioned person complies with the selection criteria applicable to it individually as provided in the tender specifications:	YES	NO	N/A
(a) It has the legal and regulatory capacity to pursue the professional activity needed for performing the contract as required in section 2.3.2 of the tender specifications;	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(b) It fulfills the applicable economic and financial criteria indicated in section 2.3.3 of the tender specifications;	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(c) It fulfills the applicable technical and professional criteria indicated in section 2.3.4 of the tender specifications.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

6. if the above-mentioned person is the sole tenderer or the leader in case of joint tender , declares that:	YES	NO	N/A
(d) the tenderer, including all members of the group in case of joint tender and including subcontractors if applicable, complies with all the selection criteria for which a consolidated assessment will be made as provided in the tender specifications.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

VII – Evidence for selection

The signatory declares that the above-mentioned person is able to provide the necessary supporting documents listed in the relevant sections of the tender specifications and which are not available electronically upon request and without delay.

The person is not required to submit the evidence if it has already been submitted for another procurement procedure. 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
<i>Insert as many lines as necessary.</i>	

The above-mentioned 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

ANNEX 6 – BUDGETING THE ORGANISATION OF WORKSHOPS/CONFERENCES

(Rules regarding travel and subsistence for the organisation of workshops/conferences if specified in the tender specifications)

Travel costs must be based on the following:

- Train: first-class rail travel for journeys less than 400 km (one way).
- Flight: economy class air travel for distances of more than 400 km. Business class is allowed for a flight of 4 hours or more without stopovers.
- Private car: the travel shall be reimbursed at the same rate as the first-class rail ticket, or by default at the rate of 0.22 € per km.

Different travel options will not be accepted and will result in refusal of the offer. Amounts must be quoted in EURO. Prices must be fixed amounts and be calculated exclusive of all duties and taxes.

Maximum rates for accommodation and subsistence.

DESTINATION	Daily subsistence allowance in euros	Hotel ceiling in euros
Austria	95	130
Belgium	92	140
Bulgaria	58	169
Croatia	60	120
Cyprus	93	145
Czech Republic	75	155
Denmark	120	150
Estonia	71	110
Finland	104	140
France	95	150
Germany	93	115
Greece	82	140
Hungary	72	150
Ireland	104	150
Italy	95	135
Latvia	66	145
Lithuania	68	115
Luxembourg	92	145
Malta	90	115
Netherlands	93	170
Poland	72	145
Portugal	84	120
Romania	52	170
Slovakia	80	125
Slovenia	70	110
Spain	87	125
Sweden	97	160
United Kingdom	101	175

Rates for hotel and subsistence for countries not included in the above table will be provided by the Commission services if necessary.

ANNEX 7 - METHOD OF ORDERING SERVICES

When the Commission wishes to procure services under the framework contract, it will send all the contractors a request for services by post or E-mail. The request will set out the terms of reference for the service(s) required, including the price covering all expenses and the performance deadlines in keeping with the contract terms, and a deadline for making bids (usually around 15 working days depending on the nature of the tasks being requested).

The contractors will provide the Commission with a written offer for the services required (electronic offers will not be accepted), including a team of experts whom he proposes to entrust with the work in question, an outline of the methodologies proposed, a work programme and a lump-sum price for the service(s), based on the maximum daily rates defined in Annex 3 to these tender specifications, and including any other relevant costs in line with the requirements of these tender specifications.

The Commission services concerned will examine the offers received. The assessment will consist of an assessment of the quality and a comparison with the price. The specific contract will be awarded to the best offer received, on the basis of the award criteria established below.

Within 15 working days of a specific contract being sent by the Commission to the Contractor, the Commission shall receive it back, duly signed and dated.

A maximum of 50 points will be attributed to criterion 1, a maximum of 40 points will be attributed to criterion 2, and a maximum of 10 points will be attributed to criterion 3. In addition a minimum threshold will be set up under this system of points:

- Technical sufficiency levels: Selected companies will have to score a minimum of 25, 20 and 5 points under criteria 1, 2 and 3 respectively, with a minimum total of 50 points.

Tenders scoring less than 60 in the overall points total or less than 50% in the points awarded for a single criterion will be excluded from the rest of the assessment procedure. Assessment of the tenders will focus on the quality of the proposed services therefore tenderers should elaborate on all points addressed by the specific request in order to score as many points as possible. The mere repetition of mandatory requirements set out in the specific request, without going into details or without giving any added value, will only result in a very low score. In addition, if certain essential points of the specific request are not expressly covered by the tender, the Commission may decide to give a zero mark for the relevant qualitative award criteria.

1 Quality of the proposed methodology (50 points – minimum threshold 50%)

This criterion assesses the suitability and strength of the proposal as measured against the requirements of the tasks in terms of the technical content, completeness, originality of ideas (*where appropriate*) and proposed effort. The degree to which the methodology shows the capacity to resolve the questions underlying in the service request in a realistic and well-structured way, as well as whether the methods proposed are suited to the needs set out by the Commission.

2 Organisation of the work (40 points – minimum threshold 50%)

This criterion will assess how the roles and responsibilities of the proposed team and of the economic operators (in case of joint tenders, including subcontractors if applicable) are distributed for each task. It also assesses the global allocation of time and resources to the project and to each task or deliverable, and whether this allocation is adequate for the work. The tender should provide details on the allocation of time and resources and the rationale behind the choice of this allocation.

3 Quality control measures (10 points – minimum threshold 50%)

This criterion will assess the quality control system applied to the service foreseen in these tasks concerning the quality of the deliverables, the language quality check, and continuity of the service in case of absence of a member of the team. The quality system should be detailed in the tender and specific to the tasks at hand; a generic quality control system will result in a low score.

The bid offering the best value for money according to the 'best price-quality ratio' award method will be chosen, provided that the minimum number of points cited above is achieved. 'Best price-quality ratio' will be calculated as follows:

- All bids that do not reach the stated technical sufficiency levels for each individual award criteria will not be considered for contract award.
- All bids that have passed the individual levels and score 60 or higher are deemed to be technically sufficient. Then the price is divided by the total number of points awarded to obtain the price-quality ratio. The award of the contract will be made in accordance with the lowest ratio.

The Commission reserves the right not to select any tender if the amounts tendered exceed the budget envisaged for the particular piece of work or to reject any offers that do not comply with the pre-agreed maximum rates in the framework contract.

Specimen: **SERVICE REQUEST**

Under framework contract No
between the Commission and

Pursuant to the above-mentioned framework contract, concluded between the Commission and your company, we request an offer for the service specified below:

1. Designation of service requested	
2. Requester (name and function)	
3. Specific terms of reference	See annex
4. Tasks under the framework contract to which this specific request refers	.... (please list)
5. Estimated duration of the work (calendar days) Proposed starting and completion dates	
6. Maximum budget available for the services	€
7. Expected result	
8. Requester's address (to which the offer is to be sent)	
9. Requester's signature	
10. Date of signing request	

Thank you in advance for responding rapidly to this request by submitting an offer in accordance with the provisions of the framework contract within 15 working days. Please also advise the Commission services within 5 working days if you do not intend to submit an offer.

Annex: Specific terms of reference

Specimen: **SERVICE / STUDY REQUEST – ANNEX “Specific Terms of Reference”**

- *General background and objectives*
- *Tasks*
- *Deliverables and final output*
- *Guidance on methodology*
- *Performance and quality requirements*
- *General time line and progress meetings foreseen with the Contracting Authority if any*
- *Duration of the tasks*
- *Intellectual property rights*

Place of performance

The place of performance of the tasks shall be the contractor's premises or any other place indicated in the tender, with the exception of the Commission's premises.

Specimen: SPECIFIC REQUEST – FINANCIAL OFFER TEMPLATE

SPECIFIC CONTRACT N° _____

(FOR GUIDANCE PURPOSES ONLY)**PRICE AND ESTIMATED BUDGET BREAKDOWN****Calculation of the costs (incl. travel and any other related costs)**

Type of service provider	Position within the project team	Number of working days	Allocation of tasks	Proportion of the contract in %	Daily rate in € ¹⁶	Costs in €
Lead contractor						
	
	
	<i>Sub-total</i>	.....		.....	.....
Sub-contractor 1						
	
	<i>Sub-total</i>	.....		.....	.....
Sub-contractor 2						
	
	<i>Sub-total</i>	.....		.....	.....
Sub-contractor 3						
	
	<i>Sub-total</i>	.....		.....	.....
Travel/other costs ¹⁷ (if applicable)						
	Total	.....		.....	.....

Signature of Tenderer

.....

Date

.....

¹⁶ Only the daily rates up to the maximum indicated in Annex 3 can be used.¹⁷ Will be reimbursed on a lump-sum basis.

ANNEX 8 - MODEL CONTRACT FOR THE FRAMEWORK CONTRACT

ANNEX 9 - ACKNOWLEDGEMENT OF RECEIPT



EUROPEAN COMMISSION
DIRECTORATES-GENERAL
ENVIRONMENT AND CLIMATE ACTION
SRD - Shared Resources Directorate
SRD.2 – Finance

(Please fill in your address)

ACKNOWLEDGEMENT OF YOUR TENDER

Our reference: ENV.C.1/FRA/2016/0014

Your reference:

We wish to confirm the receipt and opening of your offer¹. Your offer will now be evaluated by the Commission and its experts. You will be informed of the result in due course.

We thank you for your interest.

MarketsTeam
SRD.2

¹ Your personal contact data has been recorded in a database used by the Markets Team of unit SRD.2 for the administrative management of offers. The Commission is bound by Regulation 45/2001 on the protection of individuals with regard to the processing of personal data by the Union institutions and bodies. For more information, and to exercise your rights to access and eventually correct data concerning you, please don't hesitate to contact us.