EUROPEAN COMMISSION
DIRECTORATE-GENERAL
ENVIRONMENT
Directorate A – Green Economy
Unit ENV.A1 - Eco-innovation and Circular economy

CALL FOR TENDERS

ENV.A.1/SER/2016/0027

SERVICE CONTRACT FOR

Exploring measures for strengthening EMAS added value to authorities and organisations

TENDER SPECIFICATIONS

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Information on tendering

1.1. Participation

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 Procurement[1] 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.

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/EU[2].

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.

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[1] See http://www.wto.org/english/tratop_E/gproc_e/gp_gpa_e.htm

[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).

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 and provide an indication of the proportion of subcontracting. See Annex 2, questionnaire for joint bids and subcontracting.

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.

1.6. Structure and 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 (see section 2.6)

1.7. Identification of the tenderer

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 tender) 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 either 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 with its 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

1. 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 minimum 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 tenders will be assessed in the order indicated above. Only tenders meeting the requirements of one step will pass on to the next step.

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, at any point during the procedure, 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 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. 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) 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 evidence submitted 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 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 300.000 (three hundred thousand euros) 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 with its tender the following evidence:

- Copy of the profit and 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, it may prove its 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. 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 development and assessment of policy options related to voluntary environmental policies based on environmental management systems and related policies like environmental certification and supervision and environmental governance as well as in data collection, statistical analyses, managing workshops, drafting reports and recommendations.

Evidence A1: the tenderer must provide references for at least 3 projects delivered in these fields in the last three years with a minimum value for each project of € 100.000.

- **Criterion A2:** The tenderer must prove experience of working in at least 9 EU countries, taking into consideration the country selection criteria as mentioned below with at least 3 projects on the fields indicated under Criterion 1 delivered in the last three years, the combination of which must show the necessary geographical coverage.

Countries selection: in practise, leading EMAS countries (in term of numbers of registered organisations and sites) are: Germany, Spain, Italy and Austria. They are followed by a group of followers with countries like Greece, Denmark, Belgium, the United Kingdom, Sweden, Portugal and Poland; and a group of 'EMAS-laggards' with countries as the Netherlands and Luxemburg. Taking this into account at least 40% of the evaluation efforts have to focus on collecting information and feedback from the four leading EMAS countries (AT, DE, ES and IT), and 60% of the efforts on EMAS registered organisations from other countries.

The selected countries should at least encompass the 4 EMAS frontrunners (Austria, Germany, Italy and Spain) and at least 5 other countries including France, Poland and UK.

The working experience of the tenderer must show a combination of working experience in all 4 leading EMAS countries and in at least 5 other EU-countries including within France, Poland and UK.

Attention should be paid to that the experience in working with a specific set of Member State will also impact the language knowledge requirements (see below).

Evidence A2: the tenderer must provide references for at least 3 projects on policies related to environmental management systems delivered in the last three years. The combination of projects must cover the required geographical coverage, as indicated above.

- **Criterion A3**: The tenderer must prove capacity to work in the EU official languages of the Member States defined in Criterion A2. This capacity shall include at least an active knowledge of English, German, Italian and Spanish (capacity to actively work in these languages), as well as a passive knowledge (capacity to analyse written text) in the languages of the remaining Member States identified according to Criterion A2.

Evidence A3: the tenderer must provide references for at least 2 projects delivered in the last three years showing the necessary language coverage, or provide CVs of the team members that will allow for the language coverage.

- **Criterion A4:** The tenderer must prove capacity to draft reports in English.

Evidence A4: the tenderer must provide one document of at least 10 pages (report, study, etc.) in this language that it has drafted and published or delivered to a client in the last two years. The verification will be carried out on 5 pages of the document.

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: At least 7 years' experience in environmental management systems and of this 5 years of experience in project management, including overseeing project delivery, quality control of delivered service, client orientation and conflict resolution experience in projects of a similar size (at least € 100.000) and coverage (geographical scope should cover at least half of the EU countries that will be identified as subject to this call for tender), with experience in management of teams of at least 5 people.

Evidence B1: CV

Criterion B2 - Language quality check: Language quality check: at least 2 members of the team should have native-level language skills in English or equivalent, as guaranteed by a certificate or past relevant experience.

The members of the team should collectively be able to prove the active capacity to work or the passive understanding (capacity to analyse written text) of the language of the Member States identified according to criterion A2.

Evidence B2: a language certificate or past relevant experience (from the CV).

Criterion B3 - Expert in assessment of environmental policies: Relevant higher education degree and at least 5 years' professional experience in the field of environmental policy assessment.

Evidence B3: CV

Criterion B4 - Expert in environmental management systems: Relevant higher education degree and at least 5 years' professional experience in the field of environmental management systems.

Evidence B4: CV

Criterion B5 - Team for data collection and legislation analysis: collectively the team should have knowledge of the EU languages identified according to criterion A2. Each person should have a proven experience of at least 3 years in data collection and/or on analysis of environmental legislation and policies.

Evidence B5: CV and a language certificate or past relevant experience.

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

2.4. Compliance with the minimum requirements

The technical offer must cover all aspects and 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 rejected on the basis of non-compliance with the tender specifications and will not be evaluated.

2.5. Award criteria

The contract will be awarded to the most economically advantageous tender, according to the 'best price-quality ratio' award method. The quality of the tender will be evaluated based on the following criteria. The maximum total quality score is 100 points.

A maximum of 50 points will be attributed to criterion 1, a maximum of 25 points will be attributed to criterion 2, and a maximum of 25 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 30, 15 and 15 points under criteria 1, 2 and 3 respectively, with a minimum total of 65 points.

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 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 60%, i.e. 30 points)

The degree to which the methodology shows the capacity to analyse, review and evaluate documents (especially legislation and policies) and figures, in accordance with the needs of the contracting authority.

Furthermore the tender must demonstrate the capacity to resolve the questions underlying in the tender in a realistic and well-structured way, as well as whether the methods proposed are suited to the needs set out by the Commission in the Technical Description. In particular the tenderer shall demonstrate its capacity to define the most relevant and resource efficient geographical and material scope for this study and demonstrate its capacity to identify, develop and assess relevant and appropriate policy measures as requested in task 2 to 4.

Sub-criterion 1.1 - Methodology applied to determine the geographical and material scope of the study and determination of the geographical scope (25 points – minimum threshold 60%, i.e. 15 points)

The tendered shall provide an approach for delimiting the geographical scope of the study (which Member States) and explain the methodology that will be used to define the material scope of the study (i.e. the relevant environmental policies at European, National and Local level).

The geographical scope:

The tendered shall provide an approach and also explain the methodology used for delimiting the geographical scope for this study taking into account the study requirements as set into *"country selection"* above, the time and the budget available.

He should in particular explain how the final proposal of the sample of Member States to be studied will be representative of the different level of EMAS implementation and how this representativeness will allow Member States which are not part of the sample to use the conclusion of the study as a reference for further EMAS implementation.

The material scope (environmental legislation and policies to be taken into account):

The tendered shall explain the method that will be applied to define the type and level (European, National, Regional, Local) of environmental legislation and policies that will be analysed to provide the most relevant insights with regards to the objectives of the study**.**

The tendered shall in particular clarify how he will identify and include in the material scope the most relevant policies to be taken into account with regards to the objective of alleviating the administrative burden on organisations associated with environmental controls and reporting. He shall also highlight how the potential interactions (such as compliance validation) between policies from different levels (European, national, regional and local) and the environmental verification or certification schemes (such as EMAS and ISO 14001) will be taken into account when defining the scope.

The tendered shall also explain how he will take into account existing studies (such as the Brave study[3]) and literature in the field investigated to allow synergies and avoid duplication of work.

Sub-criterion 1.2 - ***Methodology used to develop and assess the requested policy measures (25 points – minimum threshold 60%***, i.e. 15 points***)***

This sub-criterion will assess the degree to which the methodology proposed by the tendered has the capacity to assure the successful development of the different policy measures requested as part of tasks 2 to 4. This methodology should among other explain how the relevant stakeholders and experts will be identified and consulted to assure the (legal) accuracy as well as the relevance of the proposed measures and how existing best practices and barriers have been identified and taken into account.

As part of this methodology the tendered shall also explain which approach will be used to asses those measures and to determine their potential impacts on EMAS, the benefits that will be generated for organisations and authorities and the level of adoption that could be expected in the different Member States.

2 Organisation of the work and allocation of resources (25 points – minimum threshold 60%, i.e. 15 points)

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. Details should be provided as part of the technical offer and not simply as part of the financial offer.

3 Quality control measures (25 points – minimum threshold 60%, i.e. 15 points)

This criterion will assess the quality control system applied to the service foreseen in these tender specifications 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 control 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.

[3] B.R.A.V.E. - Better Regulation Aimed at Valorising Emas http://ec.europa.eu/environment/life/project/Projects/index.cfm?fuseaction=search.dspPage&n_proj_id=3958&docType=pdf

2.5.1 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 65 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 bid offering the best value for money will be chosen, provided that the minimum number of points cited above is achieved. The ranking of the tenders 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 this project.

2.6.Financial offer

The maximum budget allocated to this contract is fixed at € 150.000 (one hundred fifty thousand Euros) excluding VAT (including fees, travel and all other costs. **Travel and subsistence expenses should be part of the lump sum and will not be refunded separately**). Any offers received that do not respect this maximum budget will be automatically excluded from the evaluation procedure. For guidance purposes see Annex 3.

The price for the tender 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. TECHNICAL SPECIFICATIONS

General background and reference documents:

EMAS is a voluntary instrument open to every type of organisation eager to manage and improve its environmental performance. It spans all economic and service sectors and is applicable worldwide. Currently, about 4,000 organisations and approximately 8,000 operational sites are EMAS registered worldwide; among them are many multinational enterprises, smaller companies

as well as public authorities. All information about EMAS and the registered organisations and sites are available on www.emas.eu.

EMAS is an integral and effective part of the wider Sustainable Consumption and Production (SCP) Action Plan[4], linking with other instruments, such as Green Public Procurement (GPP), the EU Ecolabel, the Ecodesign Directive, the Eco-Innovation Action Plan (Eco-AP), etc.

The Roadmap to a Resource Efficient Europe[5], the 7th Environmental Action Programme[6] and the Council Conclusion on Circular Economy[7] outline further elements for the development of sustainable consumption and production.

On 2nd December 2015, the European Commission adopted a Circular Economy package**,** which includes an EU Action Plan for the Circular Economy that establishes a concrete and ambitious programme of action, with measures covering the whole cycle: from production and consumption to waste management and the market for secondary raw materials. The annex to the action plan sets out the timeline when the actions will be completed.

One of the actions identified in this action plan is a commitment by the Commission to take action to increase the efficiency and uptake of the EU's Eco-Management and Audit Scheme (EMAS).

The EMAS Regulation

The Regulation establishing the EU Eco Management and Audit Scheme was first adopted on 29 June 1993. Its last revision from EMAS II to EMAS III (EC) 1221/2009), which entered into force in early 2010 aimed at:

(I) Improving the applicability and credibility of the scheme:

- Revised audit cycles to further improve applicability for SMEs;
- Single corporate registration to ease administrative and financial burdens on organisations with several sites;
- Cluster approach to provide specific assistance to clusters of organisations in the development and implementation phases of EMAS registration;
- Environmental core indicators help to adequately document environmental performance and create multi-annual comparability within and between organisations;
- Sectoral reference documents to facilitate the practical implementation 'on the ground' of EMAS requirements, to establish sector specific indicators and to provide organisations with environmental management best practices;
- Assistance from Member States to organisations on compliance with legal requirements relating to the environment to ease EMAS registration for organisations;

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4 http://ec.europa.eu/environment/eussd/pdf/com_2008_397.pdf
5 COM(2011) 571
6 Living well, within the limits of our planet, COM(2012) 710 final
7 http://www.consilium.europa.eu/en/meetings/env/2016/03/04/

- Enhanced legal compliance to further strengthen the credibility of the scheme.

(II) Strengthening EMAS' visibility and outreach:

- Single EMAS logo to communicate EMAS in one coherent and distinctive way;
- EMAS Global to encourage the global uptake of the scheme by making EMAS certification possible for organisations and sites located outside the EU Community;
- Informational and promotional activities of EU Member States and European Commission to support EMAS III;
- Recognition of other EMS to facilitate upgrade from existing EMS to EMAS;
- Measures to facilitate the use of EMAS to deliver regulatory relief and decrease in administrative burden thanks to increased synergies with other environmental legislations and policies.

An evaluation has been conducted in 2015[8]. Among other elements this evaluation highlighted that:

1) The scheme is perceived as "competing" with the ISO 14001 standard and in many cases is not seen to provide enough added value to motivate organisation to step from one to the other. More than 100.000 organisations are ISO 14001 certified in the EU.

It should be noted that ISO 14001 is integrated as a constituting part of EMAS. The EMAS scheme complements ISO 14001 environmental management system by requesting additional elements such as a mandatory external reporting (env. statement), a more stringent demonstrated legal compliance, the mandatory involvement of employees, and the registration of verified organisation within the transparent EMAS register managed by national competent bodies.

2) While the EMAS Regulation strongly encourages the adoption of specific measures aiming at boosting EMAS awareness and recognition by authorities and stakeholders, including better interaction with other policies, too few initiatives have been taken by the Member States and the European Commission.

This lack of engagement has been identified by the evaluation study as one of the key reasons preventing the EMAS uptake. In fact, following the last revision, the number of EMAS registrations tended to decrease, with registration of organisations decreasing from 4500 in 2010 to about 4000 in 2014.

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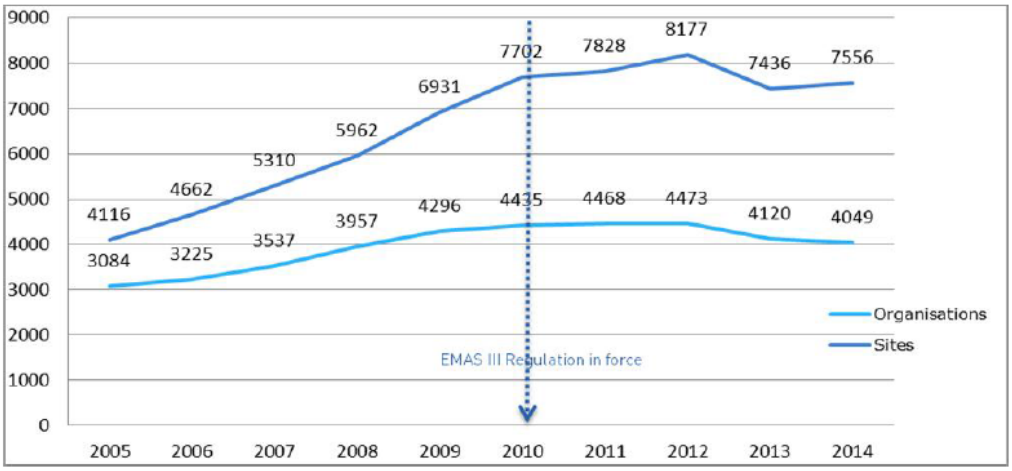
[8] This evaluation is not publically available yet but will be available to the winner of the tender in the context of the contract.

Figure 8: EMAS registered organisations and sites over time



Although the economic crisis has played a role in this lack of support and in registrations decrease, the question of authorities perception of the scheme capacity to deliver an added value considered as sufficiently relevant should also be questioned.

Member States engagement and perceived added value

It should be noted that the level of engagement varies a lot between the majority of Member States and a few front runners (Italy, Spain, Germany and Austria) where well integrated measures exists, have taken measures to increase awareness of the scheme and to better integrate it with other environmental policies and legislation. Examples from those Member States demonstrate that putting in place different incentives of different types, result in a considerable raise in EMAS registrations.

In particular, initiatives recognising EMAS as a tool increasing authorities trust in their compliance and environmental management capacities and being a basis for decreasing the administrative burden on organisations, proved to be successful. Examples of such initiatives can be highlighted in the various Members States.

Over the last years legislation delivering administrative benefits to EMAS registered organisations has been put in place in Italy, on both national and regional level:

- on legal requirements for air emission, water, waste and soil36, including the following features:
  - a higher score for EMAS registered organisations concerning release of permits for the use of water (rivers, lakes);
  - an EMAS registration replaces application for renewal of permits for waste management activities;
  - lower (up to 50%) financial guarantees related to company's liability in the waste treatment field for EMAS (and ISO 14001) registered organisations;
- on IPPC[9] (Directive 96/61/CE):

[9] Decree 59/2005

  - allowing EMAS registered organisations to use the EMAS registration for application for renewal of permits;
  - a renewal of permits at 8 years interval for EMAS registered organisations (instead of at the normal interval of 5 years);
- Landfills[10](Directive 99/31/CE):
  - a renewal of permits at 8 years interval for EMAS registered organisations (instead of at the normal interval of 5 years);
- Reduced time (max 120 days) for releasing permits for EMAS registered organisations. (Regione Emilia-Romagna);
- Reduction of regional taxes for EMAS registered organisations in Toscana, Veneto, Marche;
- Reduction of applicable fees for inspection activities in Marche region for EMAS registered organisations.

Similar measures have been put in place in Spain, on both national and regional level:

1. On IPPC[11] (Directive 96/61/CE) containing exemptions of inspections for EMAS registered organisations;
2. On environmental liability[12] (Directive 2004/35/CE): providing for reductions and exemptions for EMAS registered organisations;
3. On financial support: most of Regional Governments give financial support to new EMAS registrations every year in form of lumps sums or a percentage of total costs incurred.

Other initiatives have been taken in Austria and/or Germany such as the exemption of Energy audit for EMAS registered organisation in the context of the Energy efficiency directive.

Such kind of measures that build on the capacity of EMAS to validate legal compliance and provide transparent reporting appear to provide added value to both organisations (decrease of administrative burden associated to control and permits) and authorities (better targeted control, better allocation of resources) and should therefore be examined further.

General and specific objectives

The general objective of this contract is to explore measures for strengthening the potential of EMAS to create further added value for authorities and organisations. This should be done through the development and implementation of innovative measures, such as regulatory relief[13] based on the verified compliance demonstrated through the scheme and the facilitation of verified reporting and information exchange.

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[10] Decree 36/2003
[11] Royal Decree 509/ of 20 April
[12] Law of 9/3/2007

[13] Regulatory relief should be understood as all types of measures taken by an authority and aiming at reducing or simplifying the administrative burden on organisation. Such kind of measures can act on different types. of existing constraints such as permitting procedures, inspection and controls, financial guarantee, taxes and fees or communication and reporting obligation.

To achieve this, the contractor shall provide the Commission with a list of the most appropriate measures and also of approaches to implement them based on a thorough analysis of the interactions of EMAS with other environmental policies as well as with other environment management systems such as ISO 14001.

When running this analysis the specific situations of EMAS in the selected Member States shall be assessed. In particular the level of trust, awareness and appreciation of the scheme by these Member States should be taken into account. The attitude of the actors and administrations in the selected Member States with regards to implementing environmental policies and delivering any kind of incentives, regulatory relief and better regulation shall also be considered.

When thinking about the scope and potential impact of the measure proposed in this study it should be noted that, while the number of EMAS registered organisations is relatively small, the potential of the measures identified could easily be extended to ISO 14001 organisations provided they comply with the necessary requirements such as providing public and transparent reporting and demonstrating trustworthy legal compliance.

Based on this, the following specific objectives should be fulfilled:

1. **Further development of the added value delivered by the EMAS scheme to organisations and authorities through the validation of legal compliance leading to regulatory relief and better regulation.**
2. **Identification of the potential of the tool to facilitate verified reporting toward authorities**
3. **Identify the potential of EMAS to be used to facilitate the exchange of verified environmental information between organisations, stakeholders and business partners.**

<u>Tasks</u>:

1. **Based on the methodology and the scope proposed in the tender, finalise the definition of the scope of the study**

   - The geographical scope should be fine-tuned in mutual understanding with the European Commission based on the contractors proposal.

   - The tendered should present in its offer the identification of the most relevant environmental policies and legislation to be taken into account with regards to the objective of alleviating the administrative burden on organisations associated with environmental controls, inspections, fees and reporting. This proposed material scope will be further fine-tuned in the kick-off meeting with the Commission, taking on board the final choice of the sample of EU Member States to be studied.

   - While the definition of the geographical and material scope shall allow the study to deliver learning and recommendations specific to the Member States investigated, it shall also allow the identification of general insights, measures and implementation approaches applicable to all EU Member States.

Estimated budget for this task: 5% to 10% of the total budget

2. **Identify measures/actions apt to enhance the recognition of EMAS as the preferred environmental management tool to deliver regulatory relief and facilitate better regulation in interaction with other environmental policies**.

   Under this task, the contractor should focus first on the identification and replication of existing good practices, with view to:

   - Identify in the selected MS the existing measures aiming at alleviating the administrative burden on organisations based on the utilisation of a recognised EMS (EMAS, ISO 14001, other).
   - Within those measures identify those referring specifically (or in a differentiated manner) to EMAS to alleviate burden, deliver regulatory relief and administrative benefits.
   - Identify the specific characteristics of EMAS that justify this specific reference differentiated from other EMS.
   - Assess the different measures in term of adoption and added value for authorities and organisations and identify those having the higher potential for being replicated in the remaining Member States.
   - Identify barriers preventing those good practices to be implemented in all other MS and the best way to lift those barriers and facilitate the implementation.

   Following from this preliminary analysis the contractor should identify new and innovative measures for implementing EMAS. More specifically the contractor should identify legal / regulatory frameworks where additional regulatory relief could be developed, including identification of main benefits for organisations and for authorities as well as main barriers for both. Based on the evaluation of all potential regulatory relief that could be developed he should set up a ranking or mapping and recommend initiatives to be prioritised on short and mid-term.

   Finally, the contractor is expected to propose approaches on how EMAS could be optimised to increase its capacity to deliver regulatory relief and better regulation taking into account potential interactions with ISO 14001.

Estimated budget for this task: 45% to 50% of the total budget

3. **Identify the potential of EMAS to be used to facilitate verified reporting toward authorities and determine to which extend EMAS has the potential to evolve toward a transversal reporting platform (one stop shop) where all requested environmental information could be supplied to the authorities**

   Under this task, the contractor should first identify the environmental reporting obligations falling on organisations and determine those for which a third party verification would be an added value or is already mandatory. This should be based on the investigation of all regulatory frameworks requiring environmental reporting from organisations (such as frameworks addressing waste, energy, emissions, etc…).

Following this preliminary analysis, the contractor should assess the opportunity (identify drivers, barriers, costs and benefits) to use EMAS or ISO 14001 to facilitate reporting toward authorities. In particular, following features of those EMS' should be investigated:

- Internal data collection. As a management scheme an EMS collect a lot of relevant data through internal audit within the organisation.
- Reporting feature. Certain EMS such as EMAS have a reporting component including mandatory reporting on specific indicators.
- Existing reporting / communication channel with authorities. Certain EMS such as EMAS comprise a structured interaction between registered organisation and authorities (interaction with EMAS Competent Body as detailed in Annex IV and Annex VII of the EMAS Regulation).

Aside of those existing features the contractor should determine which adaptations (regulatory, practical/technical, communicational, other) should be done to EMAS to increase the capacities of the scheme to make environmental reporting more straightforward and efficient for organisation and authorities.

Potential synergies and complementarity between EMAS and ISO 14001 should also be identified.

Estimated budget for this task: 30% to 35% of the total budget

4. Assess the feasibility and added value of further using the transparent reporting / communication required by EMAS to facilitate the exchange of verified information between registered organisations and (potential) business partners or stakeholders to create new business opportunities and benefits.

Under this task, the contractor should identify the information that should be transparently reported by organisations to facilitate new business opportunities and benefits associated with transparent reporting. When determining those the contractor should also identify the most important business partners and stakeholders that should be considered.

The contractor should also propose approaches and recommendation of the necessary adaptations to be done to EMAS reporting to include the right information and to make those available to the relevant business partners.

Example of business opportunities:

- New business collaboration through the development of new markets for secondary raw material / industrial symbiosis. By providing transparency on the type of "pre-waste" generated by the organisation the reporting could facilitate the identification of those "pre waste" that could be further reused by other organisations as a resource.

Example of additional benefit:

- Further valorisation of verified reporting by the business community (ex: increased recognition in the Dow Jones sustainability index for verified reporting vs. non verified).

Estimated budget for this task: 5% to 10% of the total budget

5. Consultation, communication and project management

The contractor shall consult all relevant experts to assure the execution of the different tasks and the success of the project. Depending on its methodology he can decide to organise those consultations bilaterally or to organise workshops with several experts.

Member States and other stakeholders such as EMAS experts shall be consulted on the draft deliverables of this study. The contractor shall foresee time for such consultation and the incorporation of feedback. To do so he should take profit of the bi-annual EMAS experts meetings (May and October).

The contractor shall also liaise on a regular basis with the project owner. Aside of the kick-off meeting at least two face to face meeting should be foreseen. The exact timing of those meetings can be fine-tuned during the kick-off meeting.

The contractor shall take notes and prepare a draft summary report from all meetings.

Estimated budget for this task: 5% to 10% of the total budget

Deliverables:

1. At the kick-off meeting the contractor should present the definition of the scope for the study and explain the methodology applied to make sure this scope will fulfil the objectives of the project and the different tasks. This scope will be fine-tuned based on the EC feedback.

2. An interim report containing the following elements in a specific chapter addressing the measures proposed to develop the potential of the EMAS scheme to create added value for organisations and authorities through regulatory relief and better regulation.

- **2.1. A compendium of existing measures considered as good practice:** a detailed and well-structured collection of all exiting measures aiming at alleviating administrative burden on organisations based on the utilisation of a recognised EMS (EMAS, ISO 14001, other), and specifically highlighting those referring to EMAS in a differenced manner.
- **2.2. An analysis determining the legal framework and policies where additional regulatory relief could be developed.** This analysis shall list the relevant framework and shall include an assessment of the potential measures based on their costs and benefits for organisations and for authorities as well as main barriers preventing the establishment of such regulatory relief through the selected framework and policies.
- **2.3. A SWOT analysis of the EMAS scheme capacity to demonstrate legal compliance.** This analysis should investigate the specific characteristic of the scheme driving its capacity to deliver different form of regulatory relief and

highlight options for improvements. This analysis should integrate differentiation per selected Member States.

2.4. A replication plan based on existing measures. The identification of the measures having the most potential to be replicated in the different Member States and the different steps to take to achieve this replication.

2.5. An implementation plan for innovative measures. Based on the analysis (task 2.3), identification of the measures having the most potential to be implemented in the different Member States and the different steps to take to achieve this implementation.

2.6. A conclusion establishing:

- A ranking and a prioritisation among the different measures identified.
- A recommendation about how EMAS should be optimised to increase its capacity to deliver regulatory relief and better regulation taking into account potential interactions with ISO 14001.

This deliverable should be delivered 5 months after the signature of the contract.

3. An interim report containing the following elements in a specific chapter addressing the potential of EMAS to be used to facilitate verified reporting toward authorities:

3.1. A compendium of existing reporting obligations. A detailed and well-structured compilation identifying legal / regulatory framework requiring environmental reporting from organisations and highlighting those that must be verified by a third party and those for which a third party verification would represent an added value.

3.2. An analysis of the opportunities to use existing EMS and EMAS in particular to facilitate reporting towards authorities and the determination of the most relevant reporting obligations to be considered

3.3. A recommendation identifying the necessary adaptation to be done to EMAS to increase the capacities of the scheme to facilitate reporting in an integrated and transversal way toward authorities and including at least:

- The regulatory adaptations to be performed to the scheme (such as a revision of the indicators and/or information to be reported);
- The definition of the best technical interfaces to be developed to make this reporting efficient and straightforward.
- An evaluation of the existing reporting channel toward authorities (reporting toward EMAS Competent Bodies) and a proposal of adaptation if deemed necessary.

This deliverable should be delivered 5 months after the signature of the contract.

4. An interim report containing the following recommendations in a specific chapter addressing the feasibility and added value of further using EMAS to facilitate the exchange of verified information to create new business opportunities and benefits.

4.1. The identification of most relevant stakeholders and business partners to be considered to increase the added value of the reporting feature of EMAS.

4.2. The potential information and/or indicators that could be disclosed by organisations to facilitate the emergence of new business opportunities and/or to strengthen the benefits of transparent reporting.

4.3. The necessary adaptations to be done to EMAS Regulation reporting to achieve this objective.

This deliverable should be delivered 5 months after the signature of the contract.

5. A final report addressing the content defined under deliverables 1, 2, 3 and 4.

This deliverable should be delivered 12 months after the signature of the contract at the latest.

6. Project management and active participation to meetings.

- Input by the Contracting Authority

The following information will be provided to the successful tenderer:

- EMAS evaluation study (Adelphi - 2015)
- EMAS fitness check (European Commission Staff Working Document - 2016)
- BRAVE Study (Scuola Superiore di Studi Universitarie di Perfezionamento Sant'Anna – 2015)
- IMPEL Project Report "Working Together public and private supervisor assessing Environmental management systems/compliance management systems". (IMPEL 2015).
- Tentative list of environment legislation requesting Member States to report on environmental information to the EC.
- Contacts of EMAS Competent Bodies and relevant experts in the various EU Member States

Intermediate outputs and deliverables

Deliverables, meetings and timing	**Delivery date (expressed in months after signature of the specific contract)**
Kick-off meeting (including detailed planning and first draft of scoping paper)	Latest **4 weeks:** discussing and finalising the approach of the contractor.
Interim report .	**5 months**
Draft Final Report and meeting to discuss report finalisation	**10 months**
Final report (including all deliverables).	**12 months**

- Final output and deliverables

The final report shall be delivered on printed (2 copies) and digital formats (DVD), including a word and pdf version. The tenderer shall propose a final report structure that will facilitate reading and understanding of the key findings.

The final report must include:

- an abstract of no more than 200 words and an executive summary of maximum 6 pages, both in English and French;
- 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."

It is reminded that the report shall deliver learning and recommendations specific to the Member States investigated but also to identify general insight, learning and recommendation applicable to all EU Member States.

The quality of the final report shall allow the European Commission to use its outcome as a direct input in the development of any new EMAS policies and measures. Recommendations shall be based on thorough legal investigation and should take into account feedback from the relevant stakeholders.

- Delivery time and maximum number of progress meetings planned with the Contracting Authority if any

The project management shall foresee regular feedback with Commission services, at least once a month per phone or video conference. In addition, at least 3 project meetings shall be envisaged in the course of the contract which should be organised in such a way that they are held back to back with internal or external meetings so that the contractor can participate also in these other meetings.

Duration of the tasks:

The tasks should be completed within 12 months of the signature of the contract. The execution of the tasks may not start before the contract has been signed.

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.

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 .....

ANNEX 2 – QUESTIONNAIRE FOR JOINT BIDS AND SUBCONTRACTING

(To be completed and signed by the lead tenderer)

Joint bid (refer to paragraph 1.4)

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 1.5)

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:	Percentage of subcontracting:
…….	…….
…….	…….

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:

……..

The volume or the proportion of the sub-contracting:

……..

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)

(for guidance purposes only)

Price and Estimated budget breakdown

Calculation of the costs (incl. travel, overheads, consumables 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 %	Costs in €
Lead contractor					
	……	…….	……..	……..	……..
	……	…….	……..	……..	……..
	……	…….	……..	……..	……..
	Sub-total	…….		……..	……..
Sub-contractor 1					
	……	…….	……..	……..	……..
	……	…….	……..	……..	……..
	Sub-total	…….		……..	……..
Sub-contractor 2					
	……	…….	……..	……..	……..
	……	…….	……..	……..	……..
	Sub-total	…….		……..	……..
Sub-contractor 3					
	……	…….	……..	……..	……..
	……	…….	……..	……..	……..
	Sub-total	…….		……..	……..
Travel/other costs[1] (*if applicable)*					
	Total	……		……	……

Signature of Tenderer **.....**

Date **.....**

[1] Will be reimbursed on a lump-sum basis.

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:

(*only for natural persons*) himself or herself	(*only for legal persons*) 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

➢ 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;	☐	☐
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;	☐	☐
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 credibity 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 selection criteria or in the performance of a contract;	☐	☐
	(ii) entering into agreement with other persons with the aim of distorting competition;	☐	☐
	(iii) violating intellectual property rights;	☐	☐
	(iv) attempting to influence the decision-making process of the contracting authority during the award procedure;	☐	☐
	(v) attempting to obtain confidential information that may confer upon it undue advantages in the award procedure***;***	☐	☐
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;	☐	☐
	(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;	☐	☐
	(iii) participation in a criminal organisation, as defined in Article 2 of Council Framework Decision 2008/841/JHA;	☐	☐
	(iv) money laundering or terrorist financing, as defined in Article 1 of Directive 2005/60/EC of the European Parliament and of the Council;	☐	☐
	(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;	☐	☐
	(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;	☐	☐
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;	☐	☐
f)	it has been established by a final judgment or final administrative decision that the person has committed an irregularity within the meaning of Article 1(2) of Council Regulation (EC, Euratom) No 2988/95;	☐	☐
g)	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 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; 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; iii. decisions of the ECB, the EIB, the European Investment Fund or international organisations; 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 v. decisions of exclusion by an authorising officer of an EU institution, of a European office or of an EU agency or body.		

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

➢ 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)	☐	☐	☐
Situation (d) above (fraud, corruption or other criminal offence)	☐	☐	☐
Situation (e) above (significant deficiencies in performance of a contract)	☐	☐	☐
Situation (f) above (irregularity)	☐	☐	☐

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

➢ 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)	☐	☐	☐

Situation (b) above (breach in payment of taxes or social security contributions)	☐	☐	☐

IV – GROUNDS FOR REJECTION FROM THIS PROCEDURE

➢ 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.	☐	☐

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
Insert as many lines as necessary.	

VII – SELECTION CRITERIA

➢ 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;	☐	☐	☐
(b) It fulfills the applicable economic and financial criteria indicated in section 2.3.3 of the tender specifications;	☐	☐	☐
(c) It fulfills the applicable technical and professional criteria indicated in section 2.3.4 of the tender specifications.	☐	☐	☐

➢ 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 asseessment will be made as provided in the tender specifications.	☐	☐	☐

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
Insert as many lines as necessary.	

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 - 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.A.1/SER/2016/0027

Your reference:

We wish to confirm the receipt and opening of your offer[1]. 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

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[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.