Annex I

Tender Procedure No: EIOPA/OP/121/2016

Interim staffing services

TENDER SPECIFICATIONS

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I GENERAL INFORMATION

I.1 General Information on EIOPA

The European Insurance and Occupational Pensions Authority (EIOPA) was established by Regulation (EU) No 1094/2010 of 24 November 2010 of the European Parliament and the Council of 24 November 2010 establishing a European Supervisory Authority (European Insurance and Occupational Pensions Authority), amending Decision No 716/2009/EC and repealing Commission Decision 2009/79/EC.

EIOPA started to be operational on 1 January 2011 at its seat in Frankfurt am Main, Germany. As of July 2016 EIOPA has a total of approximately 140 staff.

The main goals of EIOPA are:

- Better protecting consumers and rebuilding trust in the financial system;
- Ensuring a high, effective and consistent level of regulation and supervision taking account of the varying interests of all Member States and the different nature of financial institutions;
- Greater harmonisation and coherent application of rules for financial institutions and markets across the European Union;
- Strengthening oversight of cross-border groups;
- Promoting coordinated European Union supervisory responses.

Further information about EIOPA can be found on the Authority's website: https://eiopa.europa.eu/

I.2 Procurement Procedures

EIOPA is in constant need of goods and services. Tendering is the structured way to consult the market for the purchase of these goods and services.

The purpose of competitive tendering for awarding contracts is two-fold:

- To ensure the transparency of operations;
- To obtain the desired quality of services and supplies at the best possible price.

The present procurement procedure is governed by the EIOPA Financial Regulation which refers to the following legal provisions:

- Financial Regulation – Regulation (EU, Euratom) No 966/2012 of the European Parliament and the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union, Part One, Title V (Procurement) (Articles 101 to 120), as amended by Regulation (EU, Euratom) No 2015/1929 of the European Parliament and the Council of 28 October 2015.
- Rules of Application – Commission Delegated Regulation (EU, Euratom) No 1268/2012 of 29 October 2012, Part One, Title V (Procurement) (Articles 121 to 172), as amended by Commission Delegated Regulation (EU) 2015/2462 of 30 October 2015.

I.3 Access to the Market and Eligibility

Participation in procurement procedures is open on equal terms to all natural and legal persons falling within the scope of the Treaties. This includes all legal entities registered in the EU and all natural persons having their domicile in the EU. Participation is also open to all natural and legal persons registered or having their domicile in a non-EU country which has an agreement with the European Union in the field of public procurement on the conditions laid down in that agreement. The rules of access to the market do not apply to subcontractors.

The procurement procedures of EIOPA are not however open to tenderers from countries which have ratified the Multilateral Agreement on Government Procurement ("GPA").

I.4 Penalties

Without prejudice to the application of liquidated damages laid down in the contract, tenderers and contractors who have been guilty of making false declarations concerning situations referred to in point III.3 or have been found to have seriously failed to meet their contractual obligations in an earlier procurement or grant procedure shall be subject to the administrative and financial penalties set out in Article 145 of the Rules of Application.

I.5 Joint Tenders/Consortia

Groups/consortia of two or more economic operators can submit an offer (joint tender). A joint tender will be treated no differently from any other type of tender, being assessed on its own merits in relation to the criteria contained in the present Tender Specifications. Joint tenders may include subcontractors in addition to the joint tenderers.

A joint tender is a situation where a tender is submitted by a group of economic operators (natural or legal persons).

Any change in the composition of the group/consortium during the procurement procedure may lead to rejection of the corresponding tender. Any change in the composition of the group/consortium after the signature of the contract may lead to the termination of the contract.

The group/consortium shall nominate one legal entity ("the leader") who will have full authority to bind the group and each of its members, and will be responsible for the administrative management of the contract (invoicing, receiving payments, etc.) on behalf of all other entities.

Nevertheless, all members of the consortium, group or association of companies are jointly and severally liable for performance of the contract. No special legal form is required but, in the event that a group of contractors submits an acceptable tender, it shall be necessary to provide an undertaking that each company shall be jointly and severally responsible for the due performance of the contract.

Statements saying, for instance, that:

- "…one of the partners of the joint tender shall be responsible for part of the contract and another one for the rest…", or
- "…more than one contract shall be signed if the joint tender is successful…",

are thus incompatible with the principle of joint and several liability.

EIOPA shall disregard any such statement contained in a joint tender, and further reserves the right to reject such tenders without further evaluation on the grounds that they do not comply with the tendering specifications.

Important note: For groups/consortia the exclusion criteria (see point III.3 below) will be applied for each member individually. The selection criteria (see point III.4 below) will apply to the group/consortia as a whole.

I.6 Sub-contracting

Sub-contracting is allowed, provided that the subcontractor(s) and his/their scope of work shall be clearly indicated in the tender. Nevertheless, the responsibility for the full execution of the contract rests with the contractor, as EIOPA has no direct legal commitment with the subcontractor(s).

Accordingly:

- EIOPA shall treat all contractual matters (e.g. payment) exclusively with the main contractor, whether or not the tasks are performed by a subcontractor;
- Under no circumstances can the main contractor avoid liability towards EIOPA on the grounds that the subcontractor is at fault.

If subcontracting is envisaged in the tender it shall include a complete documentation that:

- defines clearly the roles, activities and responsibilities of subcontractor(s);

- specifies the volume / proportion of the tender being subcontracted for each subcontractor; and
- contains a letter of intent signed by each subcontractor stating its intention to collaborate in case the contract is awarded.

Important note: All subcontractors must meet the exclusion criteria set out in point **Error! Reference source not found.**.

Any change in subcontracting during the procurement procedure may lead to the rejection of the tender. Any change in subcontracting after the signature of the contract may lead to the termination of the contract.

I.7 Cost of Preparing Tenders

The invitation to participate in a tender procedure does not constitute any commitment on behalf of EIOPA to award the contract to a company. EIOPA shall not reimburse any costs incurred by tenderers in preparing and submitting tenders.

I.8 Misrepresentation and Corruptive Practices

The contract shall not be awarded to tenderers who, during the procurement procedure:

- are subject to a conflict of interest;
- are guilty of misrepresentation in supplying the information required by EIOPA as a condition of participation in the contract award procedure or fail to supply this information;
- attempt to obtain confidential information, enter into unlawful agreements with competitors or influence the evaluation committee or EIOPA during the process of examining, clarifying, evaluating and comparing tenders.

All the above-mentioned circumstances shall lead to the rejection of this tender and may result in administrative penalties.

I.9 Additional Background

In the general implementation of its activities and for the processing of tendering procedures in particular, EIOPA observes the following legal acts:

- Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data;
- Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents.

II SPECIFIC INFORMATION

II.1 Scope and Contractual Information

II.1.1 Subject of the Contract

The subject of this contract is services as described in the Terms of Reference (Annex I.A to these Tender Specifications).

II.1.2 Type of Contract

EIOPA may conclude a framework service contract with the selected tenderer(s) on the basis of the draft contract (Annex II of the procurement documents). The provisions of the draft FWC can be subject to minor modifications for special conditions only.

Signature of the FWC imposes no obligation on EIOPA to purchase and does not constitute orders per se. Actual orders will be placed after the FWC is signed and in force through Specific Contract based on the draft enclosed to FWC.

The Framework service contract will include a 'cascade', which means that a contract will be awarded to the 3 (three) highest ranked tenderers (provided that there are at least 3 (three) tenderers fulfilling all criteria specified in Section III below).

II.1.2.1 Cascade mechanism

For clarity and ease of reference this section repeats the cases and the mechanisms by which the cascade will be invoked in case more than one contractor is nominated. EIOPA can decide to invoke the cascade in the following scenarios:

1. For each case, EIOPA shall determine the requirements of profile required, and the relevant response time including them in the "Service Request Form"
2. When requesting an offer EIOPA shall initially address its request to the Contractor who has been nominated in first place on the basis of the results of the evaluation of the call for tenders cited in the Contract.
3. If this first Contractor meets the criteria for response time and provides suitable CVs, then he shall be awarded the provision of interim staff in questions.
4. After having submitted the "Service Request Form" to the Focal point, should the first contractor in cascade not be in a position to answer the request (if the Focal point does not answer within the timeline defined or if the Focal point does not intend to submit an answer) EIOPA will automatically send the Service Request Form to the second supplier in cascade.
5. When no suitable interim was identified after the CV evaluation, EIOPA will automatically cascade the "Service Request Form" to the next supplier in cascade.
6. When no suitable interim was identified after the interviews, EIOPA will automatically cascade the "Service Request Form" to the next supplier in cascade.
7. When the selected candidate rejects the offer or is no longer available, EIOPA will automatically cascade the "Service Request Form" to the next supplier in cascade in the list or revert to the second interim proposed initially by the supplier.
8. This process will terminate either with the award of the project in question to one of the Contractors who has been nominated, or with the failure to award the project to any Contractor. In the event of failure EIOPA may redefine the project or start the procedure again on the same project at a later time.
9. The inability of the Contractor to supply the services for a project, requested under the conditions (1) – (8), shall not be considered as such to afford grounds for terminating the Framework Contract, nor shall it affect the order in which the Contractor is to be addressed for subsequent projects.

During the cascade mechanism the service request form specifications may not change (e.g. profiles and/or technical annexes must remain the same).

II.1.2.2 Conflict of interest

In the event that a Contractor is awarded a Framework Contract for two or more lots, EIOPA may conclude that a specific project in the first area and specific project in the second area cannot be carried out by the same Contractor (or group member or subcontractor). In this case, the Contractor will not be asked to provide the services related to the second project and will not be part of the cascade for this specific request.

II.1.3 Lots

This tender is divided into 3 lots as indicated below:

No.	Lot description	Estimated maximum values for the period of 4 years
Lot 1	Interim staffing services for administrative and office management profiles	422.400 EUR
Lot 2	Interim staffing services for project management experts	844.800 EUR
Lot 3	Interim staffing services for financial market experts	1.584.000 EUR

Tenderers may participate in one or more lots covered by this Call for Tender.

The tender shall indicate clearly for which Lot(s) the Tenderer is applying for. If the Tenderer decides to apply for more than one Lot, the tender must include a technical and financial proposal per Lot and an offer for each Lot shall be submitted in a separate envelope;

The Tenderer must not link or make conditional the awarding for one Lot with the award of the other Lots. EIOPA will disregard any statement to this effect contained in an offer, and reserves the right to reject such offers without further evaluation on the grounds that they do not comply with the Tender Specifications.

Please note that the above figures are only estimates and that the total value of the contracts will ultimately depend on the orders which EIOPA will place through Specific Contracts/Order Forms. EIOPA cannot commit itself to order a precise volume of services. Any information on volume is therefore purely indicative.

II.1.4 Duration

The FWC shall be concluded for the initial period of 12 (twelve) months, with renewals up to 3 (three) times, each time for the period of 12 (twelve) months, up to the total maximum of 48 (forty eight) months.

The FWC shall be renewed automatically up to three times under the same conditions, unless written notification to the contrary is sent by one of the contracting parties and received by the other three months before expiry of the period of execution then in effect. Renewal does not imply any modification or deferment of existing obligations.

II.1.5 Contract terms

Tenderers are requested to refer to the provisions of the draft FWC (Annex II to the procurement documents) which are not included in the present Tender Specifications and which specify the rights and obligations of the contractor, particularly those on payments, performance of the contract, intellectual property, confidentiality, data protection, and checks and audits.

II.1.6 Variant Solutions

No variant solutions are allowed. EIOPA will disregard any statement to this effect contained in an offer, and reserves the right to reject such offers without further evaluation on the grounds that they do not comply with the Tender Specifications.

II.1.7 Site visit

No site visit is planned.

II.2 Compliance with Social, Environmental and Labour Law

The contractor must comply with the applicable environmental, social and labour law obligations established by Union law, national legislation, collective agreements or the

applicable international social and environmental conventions listed in Annex X to 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.

To that regard, tenderers must declare their conformity with the above mentioned legislation. Failing to do that, tenderers may not be awarded the contract and will be excluded from further consideration.

A template of the *Declaration on Honour on Compliance with Environmental, Social and Labour Law Obligations* is available in Annex I.C.

II.3 Form and Content of the Tender

II.3.1 Form of the tender:

The tender shall be clear and concise, with continuous page numbering, and assembled so as to constitute a coherent whole (original unbound and unstapled, copies bound or stapled).

The tender shall include all the information and documents required by EIOPA for the appraisal of tenders on the basis of the exclusion, selection and award criteria, and in accordance with these specifications, in the absence of which EIOPA may decide to exclude the tender from the awarding procedure for the contract.

Tenderers should note that currently EIOPA is unable to accept electronic signatures and will not accept photocopies of signed declarations.

II.3.2 Documents to be included in the offer

The offer shall include the following documents separately **per Lot**:

II.3.2.1 Technical Offer

Tenderers shall provide their Technical Offer by using the template in the procurement documents (Annex I.D Technical Offer Template).

The Technical Offer shall be in accordance with the requirements specified in the Terms of Reference (Annex I.A), it shall be written clearly and provide all the required information (including information necessary for application of the award criteria specified in point III.6 below).

Offers deviating from the requirements or not covering all requirements of the Terms of Reference may be excluded on the basis of non-conformity with the Tender Specifications and will not be evaluated.

Important note: *The technical offer must not include any prices or references to any documents featuring prices.*

II.3.2.2 Financial Offer

The tenderer shall provide his Financial Offer by using the template in the tender dossier (Annex I.E Financial Offer Template)

All the prices must be quoted in Euro (EUR).

Prices shall be fixed and not subject to revision during the first year of duration of the Framework Contract. They may be adjusted only under the conditions set out in the Framework Contract (Annex II of the procurement documents). Exceptions can be made in case of hiring interim staff for a period which exceeds 9 months.

Tenderers will be deemed to have satisfied themselves, before submitting their tender as to its correctness and completeness, to have taken account of all that is required for the full and proper performance of the contract and to have included all costs in their rates and prices.

In preparing the Financial Offer, the tenderer should take into account that EIOPA is, as a rule, exempt from all taxes and duties, and in certain circumstances is entitled to the refund for indirect tax incurred such as value added tax (VAT), pursuant to the Protocol

on the Privileges and Immunities of the European Union annexed to the Treaty on the Functioning of the European Union.

The Contractor shall take the necessary steps in order to obtain, from the competent national authorities, exemption from VAT in respect of the services to be provided under the contract concluded with EIOPA. EIOPA may assist the Contractor by issuing a "VAT and Excise Duty Exemption Certificate" used for this purpose by the European Community.

If the tenderer is subject to VAT and is required to pay that tax, the offer should clearly show the rate of VAT and the price excluding VAT, as indicated on the compulsory reply form. Nevertheless, the VAT amount shall not be taken into consideration in the financial evaluation.

II.3.2.3 Supporting Documentation

The supporting documentation is an important part of the offer and shall be complete to guarantee that the technical offer shall be evaluated. The supporting documentation shall contain the following four elements:

1. Tenderer's Declaration on Honour on Exclusion Criteria and Selection Criteria (Annex I.B).
2. Tender Submission Form – duly filled and signed by the authorized representative of the tenderer (Annex I.F).
3. Statement of Authorised Signatory (Annex I.G);
4. The Tenderer's Declaration on Honour on Compliance with Environmental, Social and Labour Law Obligations (Annex I.C);
5. Selection criteria documentation (all documentation requested in point III.4 below).

   At the later stage and prior to signature of the contract, the tenderer recommended for award will also be required to submit:

- the Legal Entity Form (http://ec.europa.eu/budget/contracts_grants/info_contracts/legal_entities/legal_entities_en.cfm), and
- the Financial Identification Form (http://ec.europa.eu/budget/contracts_grants/info_contracts/financial_id/financial_id_en.cfm).

III EVALUATION OF TENDERS

Tenders are opened and evaluated by an Evaluation Committee, possessing the technical and administrative capacity necessary to give an informed opinion on the bids. The committee members will have equal voting rights.

III.1 Tender Opening Session

The main aim of the Tender Opening Session is to check whether each of the tenders received is compliant with the following formal requirements:

- It is not submitted later than the submission deadline, and
- The envelope containing the tender is sealed.

III.2 Tender Evaluation Session

Tenders complying with the formal requirements checked during the Tender Opening Session shall be considered eligible and shall be evaluated in several stages:

- The Evaluation Committee verifies that each tenderer complies with the exclusion criteria mentioned in point III.3 below.

  To this account, the Tenderer's Declaration on Honour on exclusion criteria and selection criteria (Annex I.B of these Tender Specifications) will be checked to ensure that it is duly completed and signed.

If the tenderer fails to comply with the provisions on exclusion criteria, the tender may not be awarded the contract and will be excluded on the grounds of non-compliance with the Tender Specifications.

- The capacity of each tenderer to perform the contract in view of the selection criteria described in point III.4 below will be verified.

  If the tenderer fails to comply with the provisions on selection criteria, the tenderer may not be awarded the contract and will be excluded on the grounds of non-compliance with these Tender Specifications.

- The compliance of the tender with the minimum requirements specified in the Terms of Reference (Annex I.A) shall be evaluated.

  If the tender fails to meet the minimum requirements, it may not be considered further.

- The contract will be awarded to the most economically advantageous tender as follows:
  - Each Evaluation Committee member evaluates the technical offer against the Terms of Reference (Annex I.A) and the technical criteria as per point III.6.1 below.
  - The Evaluation Committee proceeds with the financial evaluation of the tenders that reach the minimum technical score as per point III.6.2 below.
  - The most economically advantageous tender is determined as per point III.6.3 below.

The Evaluation Committee's deliberations are held in closed session and its decisions are collective. The members of the Evaluation Committee are bound to secrecy.

III.3 Exclusion Criteria

In line with Articles 106 and 107 of the Financial regulation, tenderers need to submit one declaration on honour duly dated and signed mentioning that they are not in one of the situations in Articles 106 and 107 of the Financial Regulation, which would disqualify him from participating in the tender procedure.

This Declaration on Honour is available in Annex I.B to these Tender Specifications.

In case of joint tenders or subcontracting this declaration must be presented by each member of the group/consortium and by each subcontractor whose intended share of the contract is more than 10% of the value of the contract.

The exclusion criteria apply to each member of the group/consortium and to the tenderer as a whole (including all economic operators involved in the submission of the joint tender). The exclusion criteria apply also to all concerned subcontractors.

According to Article 141 of the Rules of Application and before signature of the contract, the successful tenderer(s) will be invited to submit the evidence requested in the declaration of honour within a deadline fixed by the Contracting Authority.

If the contractor cannot submit the documents requested and cannot prove that he is not in any situation of exclusion, his offer will be rejected and EIOPA reserves the right to sign the contract with another tenderer.

III.4 Selection Criteria

Tenderers must have all the necessary knowledge and experience as well as technical and human resources to implement the contract. They must possess adequate economic and financial capacity to perform the required services in order to be eligible for contract awarding.

To that regard, each tender shall be verified against the criteria specified below. In case formal documents are missing, EIOPA will request the missing formal documents to be submitted by e-mail (usually these are to be submitted within 48 hours following the request). Incomplete tenders will be rejected.

Tenders not covering all the requirements will be excluded on the basis of non-conformity with the tender specifications.

III.4.1 Legal and Regulatory Capacity

All Tenderers must have authorisation to perform the Contract under national law.

As proof, Tenderers shall provide a Declaration on Honour (Annex 1.B), duly signed and dated by an authorised representative, as part of their tender response, stating that they have the legal and regulatory capacity to pursue the professional activity needed for performing the contract.

The Tenderer shall provide the following evidence listed below:

- Authorisation to perform the contract under national law, as evidenced by inclusion in a relevant professional or trade register (except for international organisations), membership of a specific professional organisation, express authorisation or entry in the VAT register. Tenderers must indicate the State in which they have their registered office or are established.
- If the tenderer is not required or permitted to enrol in such a register for reasons of his/her statute or legal status, an explanation must be provided.

III.4.2 Economic and Financial Capacity

In order to prove their economic and financial capacity, the tenderer (i.e. in case of joint tender, the combined capacity of all members of the consortium and identified subcontractors) must demonstrate sufficient economic and financial resources to be able to execute the framework contract and comply with the following criterion:

Tenderers may submit proposals for different lots. In such a case their capacity will be analysed for each individual lot, but also globally for the whole lots for which they tender. This means that if a tenderer submits offers for more than one lot, the assessment of its capacity will be based on the sums of the turnover thresholds required for each lot.

Supporting documents to be provided:

a) Balance sheets, or summaries thereof, and profit and loss accounts for the past three financial years for which accounts have been closed, where publication of balance sheets is prescribed under company law in the country in which the economic operator is established.

b) Where the company has been trading for less than three years the following documents shall be provided:

   - Balance sheets, or summaries and profit and loss accounts for the period for which the company has been trading,
   - A statement of the company's cash flow forecast for the current year and a bank letter outlining the current cash and credit facility position.

c) A declaration as to the **average total annual turnover** for each of the past 3 financial years for which accounts have been closed **(for each lot)**

d) A declaration as to the **average specific annual turnover** services for each of the past 3 financial years for which accounts have been closed in the domain of

   - **Lot 1:** 211.200 EUR
   - **Lot 2:** 422.400 EUR
   - **Lot 3:** 792.000 EUR

III.4.3 Technical and Professional Capacity

The tenderer must demonstrate sufficient technical capacity to be able to execute the framework contract. For this purpose, the tenderer must comply with the following criteria and provide the requested documents (in case of group / consortium and/or subcontracting more than 10% of the total contract value, all members must provide the information required, according to their respective role in the group/consortium):

- The tenderer shall have at least five years' experience in the provision of similar services as described in the Specific objectives per lot in the ToRs for the public and/or the private sector.
- The tenderer shall be able to provide a sufficient number of interim staff to accommodate the needs of the Agency (at least 10 interim staff per year per lot in the last three years).
- The tenderer shall provide evidence that they are in a position to provide EIOPA with interim staff sought by EIOPA as per Example Profiles in Annex I.H.
- A suitable focal point shall be appointed and should have appropriate qualifications/expertise in particular at least two years of experience in a similar post (focal point) providing services for interim staff. In addition a good command both spoken and written (at least B1 level) of English is required.

Supporting documents to be provided in relation to the technical and professional capacity:

- A brief description of the company, including the scope of activities, experience in providing interim staffing services, number of personnel and period of operating on the market;
- Description of similar services/past projects performed in the years 2011, 2012, 2013, 2014, 2015 including the following information: list of companies/organisations/authorities to which interim staff was provided, short description of the services provided. Contact details of the recipients should be provided as well. EIOPA upon its consideration may contact the recipients. As an alternative, two reference letters from clients should be provided.
- The tenderer shall provide the number of concluded contracts (interim staff successfully placed) on a yearly basis for the years 2015, 2014 and 2013. Contact details of the recipients should be provided as well. EIOPA upon its consideration may contact the recipients. As an alternative, two reference letters from clients should be provided.
- Provision of a copy of a valid certificate of enrolment in the German Professional Register for the provision of interim staff/license, in pursuance with §1 of the Arbeitnehmerüberlassungsgesetz (AÜG).
- The tenderer shall submit a sample of 3 CV's per example profile from Annex I.H which are currently available in their database of interim staff.
- Presentation of the appointed focal point through submission of CV highlighting the professional experience and language skills of the focal point.

III.5 Compliance with the minimum requirements

Before proceeding to the evaluation of the award criteria, the evaluation committee will assess the compliance of the tender with the minimum requirements contained in Terms of Reference Annex I.A which must be fully complied with.

Furthermore, a declaration on honour should be included in each tender attesting that tenders comply with the social, environmental and labour law obligations using Annex I.C.

Tenders deviating from the requirements defined in the tender specifications or not covering all requirements will be excluded on the basis of non-conformity with the tender specifications and will not be evaluated.

The Checklist of minimum requirements contains the following questions:

Are you able to provide interim services for at least 1 Lot of the 3 lots for EIOPA?
Is the nominated focal point available during EIOPA working days between 09:00 – 17:00 and in case of absence, can you provide a suitable back-up?

All the above questions require an unconditional affirmative answer in order to be evaluated further. If no answer is given or if an affirmative answer is qualified in any way (e.g. a "yes, but…" answer), the offer will be rejected and not evaluated further.

Please note also that only an answer "Yes" without reflection in the technical offer will not be accepted. In such cases your offer will be rejected and not evaluated further.

III.6 Award Criteria

The award criteria serve to identify the most economically advantageous tender. The quality of each tender will be evaluated in accordance with the award criteria and the associated weighting. No award criteria and sub-criteria other than those detailed below will be used to evaluate the offer.

III.6.1 Technical Evaluation

The Technical Offers will be evaluated as follows:

1. The technical score will be awarded on the basis of the following quality-related criteria and scoring system:

Criteria	Maximum points
Please specify the response time between receiving EIOPA's interim staff request and submitting CV's to EIOPA. Expected response time: Below 5 working days.	25 (minimum pass points: 15)
Provision of qualitative CVs: Description of pre-selection methods and other methods, tools for ensuring the quality of CVs of interim staff.	40 (minimum pass points: 24)
Sound management of interim staff: Procedures/methods for ensuring sound management of interim staff.	35
Total maximum	**100**

The assessment of technical quality will be based on the ability to meet the purpose of the contract as described in the terms of reference. To this end, the technical proposal shall contain the all necessary information to allow evaluation of the tender according to the technical criteria mentioned above, including in particular:

- Response to EIOPA's requests for Interim staff:
    - Proposed procedure for ensuring the timely provision of CVs of interim staff;
    - Proposed minimum number of profiles to be submitted for each request to allow the Agency to have a sufficient range of options (at least three CVs);
    - Proposed maximum response time to EIOPA needs.
- Provision of qualitative CVs of interim staff:
    - Description of the pre-selection methods of interim staff prior to proposing profiles to EIOPA (e.g. assessment of CVs, interviews/tests etc.);
    - Description of methods and tools used to ensure that the proposed candidates match the requested profiles and have the necessary skills, experience and competence for the job.
- Ensuring sound management of the interim staff:

- Description of methods in place to ensure compliance with the basic principles of equal treatment, non-discrimination and transparency;
- Procedures in place for preparing interim staff for assignments in particular at EIOPA;
- Method proposed for monitoring performance of the interim staff and processing feedback from EIOPA;
- Proposed procedure for responding to the needs of EIOPA in relation to interim staff (e.g. availability of focal point for answering questions, solving problems, changing interim staff etc.);
- Description of how relevant administrative support (management of leave, absences, time sheets, etc.) is managed and provided to interim staff.
- Proposed monitoring and reporting system for expiring contracts;
- Description of procedure in place to ensure the timely preparation of contracts;
- Level of flexibility of the respective administrative formalities governing the entry into service, replacement and exit of interim staff.

Points will be allocated according to the following system:

Points awarded[1]	Definition
0%	No evidence / total failure: The tender totally fails to address the criterion under examination, or cannot be assessed due to missing evidence.
20%	Very poor: The criterion under examination is addressed in an incomplete and unsatisfactory manner; serious concerns.
40%	Poor: The criterion under examination is partly addressed but with a few major gaps or issues.
60%	Fair: The criterion under examination is generally addressed with minor issues.
80%	Good: The criterion under examination is fully addressed.
100%	Excellent: The criterion under examination is fully addressed and the tender offers some added value.

2. The technical score will be calculated as follows:

$$Q = \frac{Q_{tender}}{Q_{max}} \times 100$$

Q_{tender} - Quality mark (total number of points) of the tender
Q_{max} - Quality of the tender with the highest quality mark (total number of points)

Offers that do not reach a minimum total number of 60 points will be eliminated from further evaluation.

III.6.2 Financial Evaluation

The financial evaluation will be performed on the basis of the Financial Offer (Annex II of these Tender Specifications).

The financial score will be calculated as follows:

$$F = \frac{P_{min}}{P_{tender}} \times 100$$

[1] 100% equals the maximum number of points achievable per each quality criterion

P_{min} – Price of the tender with the lowest average hourly rate charged to EIOPA, calculated as per the weighing below.

P_{tender} – Reference price offer of the tender

The following weightings shall be applied:

For Lot 1:

Ref.:	Pay group (As included in the Collective Pay Agreement on Agency Work of 17 Sept 2013 and subsequent amendments[2])	Hourly rate (in Euro charged to EIOPA (without VAT)	Weighting
C	**Pay group 3**	**Prices as indicated in Annex II of the Financial Evaluation**	**35%**
D	**Pay group 4**		**35%**
E	**Pay group 5**		**10%**
F	**Pay group 6**		**10%**
G	**Pay group 7**		**10%**
	TOTAL POINTS		**100%**

For Lot 2:

Ref.:	Pay group (As included in the Collective Pay Agreement on Agency Work of 17 Sept 2013 and subsequent amendments[3])	Hourly rate (in Euro charged to EIOPA (without VAT)	Weighting
G	**Pay group 7**	**Prices as indicated in Annex II of the Financial Evaluation**	**50%**
I	**Pay group 9**		**50%**
	TOTAL POINTS		**100%**

For Lot 3:

Ref.:	Pay group (As included in the Collective Pay Agreement on Agency Work of 17 Sept 2013 and subsequent amendments[4])	Hourly rate (in Euro charged to EIOPA (without VAT)	Weighting
G	**Pay group 7**	**Prices as indicated**	**30%**

[2]http://www.personaldienstleister.de/fileadmin/user_upload/05_Presse/Downloads/141205_BAP_Basistarifwerk_Nov13_Web.pdf
[3]http://www.personaldienstleister.de/fileadmin/user_upload/05_Presse/Downloads/141205_BAP_Basistarifwerk_Nov13_Web.pdf
[4]http://www.personaldienstleister.de/fileadmin/user_upload/05_Presse/Downloads/141205_BAP_Basistarifwerk_Nov13_Web.pdf

H	**Pay group 8**	**in Annex II of the Financial Evaluation**	**35%**
I	**Pay group 9**		**35%**
	TOTAL POINTS		**100%**

III.6.3 Most economically advantageous tender

The most economically advantageous tender will be determined according to the best price-quality ratio i.e. by taking into consideration technical quality and price or cost of each tender.

Technical quality (technical score) and price (financial score) will be given follwoing weighting: the quality ratio weighting will be 50% and the price ratio weighting will be 50% as well.

The award will be based on the following formula:

Total score of a tender = (Q 50%) + (F 50%)

Q= technical score of the tender

F = financial score of the tender

Tender with the highest total score will be awarded the contract.

III.7 Assessment of Joint Tenders and Tenders Involving Sub-contracting

Joint tenders shall be assessed as follows:

- The exclusion criteria shall be assessed in relation to each company individually.
- The selection criteria for technical and professional capacity and economic and financial capacity[5] shall be assessed in relation to the combined capacities of all members of the consortium, as a whole.
- The award criteria shall be assessed in relation to the tender, irrespective of whether it has been submitted by a single legal or natural person or by a tendering group.

Joint tenders in the stage following the award:

If the tenderer submits a joint tender but has not yet set up an entity with a legal form, and if he is awarded the contract, the contracting authority may require the tenderer to give a formal status to his/her collaboration before the contract is signed, if this change is necessary for the proper performance of the contract. This can take the form of an entity with, or without, legal personality, but offering sufficient protection for EIOPA's contractual interests (depending on the Member State concerned, this may be, for example, a consortium or a temporary association).

The contract shall be signed by all members of the group, or by one of the members who has been duly authorised by the other members of the group (a power of attorney or sufficient authorisation has to be provided and shall be attached to the contract as an annex), when the tenderers have not formed a legal entity.

Tenders involving subcontracting shall be assessed as follows:

a) The exclusion criteria shall be assessed in relation to each company individually.

b) The selection criteria for technical and professional capacity and economic and financial capacity[6] shall be assessed in relation to the combined capacities of the tenderer and the subcontractor as a whole, to the extent that the subcontractor

[5] For the criteria that are deemed to be achieved above a certain level, e.g. overall turnover or turnover with respect to this specific procurement, a consolidated assessment of all members of the consortium shall be made.

[6] For the criteria that are deemed to be achieved above a certain level, e.g. overall turnover or turnover with respect to this specific procurement, a consolidated assessment of candidate/tenderer plus subcontractor will be made, to the extent that the subcontractor puts his/her resources at the disposal of the candidate/tenderer for the performance of the contract.

puts his/her resources at the disposal of the tenderer for the performance of the contract.

c) The awarding criteria shall be assessed in relation to the tender. Subcontracting as such cannot be an award criterion.

Annexes:

Annex I.A - Terms of Reference

Annex I.B - Declaration on honour on exclusion criteria and selection criteria

Annex I.C - Declaration on honour on Compliance with Environmental, Social and Labour Law obligations

Annex I.D - Technical Offer Template

Annex I.E - Financial Offer Template

Annex I.F - Tender Submission Form

Annex I.G - Statement of Authorised Signatory

Annex I.H - Example Profiles