



EUROPEAN COMMISSION

Directorate-General for Education, Youth, Sport and Culture

Directorate D - Culture and Creativity  
Unit D.1 – Cultural Policy

## **CALL FOR TENDERS**

N° EAC/06/2017

### **STUDY ON**

**"Improving knowledge about illicit trade in cultural goods  
in the EU, and the new technologies available to combat it"**

## **TENDER SPECIFICATIONS**

## TABLE OF CONTENTS

TABLE OF CONTENTS .....	2
1. INFORMATION ON TENDERING .....	4
1.1. Participation .....	4
1.2. Contractual conditions.....	4
1.3. Compliance with applicable law .....	4
1.4. Joint tenders.....	4
1.5. Subcontracting.....	5
1.6. Structure and content of the tender .....	5
1.7. Identification of the tenderer .....	5
2. TECHNICAL SPECIFICATIONS .....	6
2.1. Background .....	6
2.2. Objectives.....	8
2.3. Scope and Duration .....	9
2.4. Tasks of the contractor .....	9
2.5. Methodology .....	12
2.6. Intermediate outputs and deliverables.....	13
2.7. Indicative timetable .....	14
3. CONTENT, STRUCTURE AND GRAPHIC REQUIREMENTS OF THE DELIVERABLES .....	15
3.1. Content .....	15
3.2. Structure .....	16
3.3. Graphic requirements .....	16
4. EVALUATION AND AWARD .....	16
4.1. Award criteria.....	17

4.2. Ranking of tenders .....	19
4.3. Verification of non-exclusion.....	19
4.4. Selection criteria.....	20
5. ANNEXES .....	24

## **1. 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.

For British tenderers:

Please be aware that after the United Kingdom's withdrawal from the EU, the rules of access to EU procurement procedures of economic operators established in third countries will apply to tenderers from the UK depending on the outcome of the negotiations. In case such access is not provided by legal provisions in force tenderers from the UK could be rejected from the procurement procedure.

This procurement procedure is also open to all natural and legal persons established in a third country which have 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<sup>1</sup> 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<sup>2</sup>.

### **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.

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<sup>1</sup> See [http://www.wto.org/english/tratop\\_e/gproc\\_e/gp\\_gpa\\_e.htm](http://www.wto.org/english/tratop_e/gproc_e/gp_gpa_e.htm)

<sup>2</sup> 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).

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

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

### **1.5. Subcontracting**

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

Tenderers are required to identify subcontractors whose share of the contract is above 10%.

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: Technical offer

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.

Part C: Financial offer

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 bear 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.

The quoted price must be a fixed amount which includes all charges (including travel and subsistence). Travel and subsistence expenses are not refundable separately.

Part D: Non-exclusion (see section 4.3)

Part E: Selection (see section 4.4)

### **1.7. Identification of the tenderer**

The tender must include the annex 1 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.

In case of joint tender, the annex 1 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 services presented in the tender and in line with the present tender specifications.

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](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](http://ec.europa.eu/budget/contracts_grants/info_contracts/index_en.cfm)

## **2. TECHNICAL SPECIFICATIONS**

### **2.1. Background**

#### **Policy framework and the legal base**

Following the Conclusions of the Council on the fight against the financing of terrorism and the Commission's Action Plan to strengthen the fight against terrorist financing of February 2016, which recognise the need to combat illicit trade in cultural objects, the Commission Work Programme for 2017 provides that the Commission will present a proposal targeting illicit trade in cultural goods. A draft regulation on the control of imports of cultural goods is currently under preparation.

In addition to this legislative measure, a more comprehensive set of actions is needed to increase the efficiency of the fight against the illicit trade of cultural goods. This has been underlined in particular in the resolution of the European Parliament of April 2015 which calls on the European Commission to devise a coordinated approach in this regard. The commitment of the EU to the protection of cultural heritage at international level was further confirmed in the Communication 'Towards an EU Strategy for International Cultural Relations' of June 2016.

To respond to the need for a stronger evidence base concerning illicit trade in cultural goods, in January 2017 the European Parliament approved a Pilot project on the 'Fight against illicit trafficking in cultural objects'. The Pilot Project foresees amongst its components a study on the dimensions of illicit trade in cultural goods in the EU and on the use of new technologies to combat it. The study contracted following the present call for tenders will serve that purpose.

## **Context**

Like other economic sectors, the market for "movable cultural goods" has not escaped globalisation. The expansion of the lawful commercial trade has facilitated the introduction of illicit cultural goods on the market. While the scale of this crime is extensive, the value of trafficking in cultural property is very difficult to quantify. In addition, since illegal items are often mixed with legal ones, it is difficult to distinguish between licit and illicit trade.

However, evidence points to the interconnectedness of transnational organized crime with networks employing the same routes and *modi operandi* to move cultural property that they use to move drugs, illicit arms and other materials across borders. Trafficking in cultural property is also becoming an important channel for the laundering of the proceeds of crime.

Recently, trafficking in cultural goods emerged as one of the main sources of financing of some terrorist groups (e.g. Da'esh and Al-Nusrah Front for the People of the Levant). With several thousand archaeological sites under Da'esh control, the trafficking of cultural goods and antiquities has been estimated between \$50M and \$150M a year. The organization appears even to be imposing taxes on professional smugglers operating in the areas. The assets are not sold immediately or in the nearby areas, but hidden for some time in illicit storehouses managed by specialised networks in order to be put for sale in the future.

Beyond the Syrian-Iraq context, the illicit trafficking of cultural property generates a lucrative unlawful trade, with a great percentage of stolen artefacts never being recovered. The illicit trade in cultural objects directly affects the citizens of the source countries, as they lose part of their cultural identity and the possibility to gain a more sustainable income by means of cultural tourism. It provides criminals, warring factions and terrorists with means to finance and continue their activities, and causes irreparable damage to the common cultural heritage of humankind: it results in the destruction of the heritage sites and deprivation of the artefacts of their archaeological context, while the objects themselves are often damaged to prevent their identification. They often end up in private hands and therefore are not known to the public or studied by archaeologists.

The European Union, as region of departure, of transit and of destination for cultural goods is seriously concerned by this illicit trafficking.

Many initiatives have recently been taken by various international organisations such as the UNGA and UNSC resolutions<sup>3</sup>, World Customs Organisation (WCO) Resolution<sup>4</sup>, UNESCO

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<sup>3</sup> Resolution No 69/281 – Saving the cultural heritage of Iraq; Resolution No 70/76 – Return or restitution of cultural property to the countries of origin; and, Resolution No 70/178 – Strengthening the United Nations crime prevention and criminal justice programme, in particular its technical cooperation capacity; Resolutions 2199, 2249, 2253, 2347 of the UN Security Council.

declaration and statements<sup>5</sup>, negotiations of the Council of Europe Convention on Offences relating to Cultural Property superseding and replacing the Delphi Convention, Initiative "Protecting Cultural Heritage – An Imperative for Humanity" and its follow-up<sup>6</sup>, creation of UNESCO-Italy Task Force of cultural heritage<sup>7</sup>, G7 declaration of Florence<sup>8</sup>.

However, there is not enough reliable data on the cross-border nature of trafficking cultural objects, in particular on the volumes, routes, extent and operational modes of the criminals, as highlighted in the outcome document of the project "Protecting Cultural Heritage – An Imperative for Humanity"<sup>9</sup>. One of its key recommendations was undertaking studies and research to fill these knowledge gaps.

The problem is mainly due to the fact that not all the countries systematically register and analyse the data on offences against cultural property, often because of insufficient resources or lack of skills. Moreover, legal systems differ as to the definition of such offences and methodologies of data collection also vary. This leads to a reduced ability to identify global and regional patterns resulting in a negative impact on the prevention and response.

Yet, better knowing the dimensions of the illicit trade in cultural goods is essential at policy and operational level for the EU Member States, and the wider international community. A better understanding of the phenomenon can support more effective policy, law enforcement and investigations. In addition, analysing the difficulties that the EU Member States face in their criminal justice response could help to propose solutions and best practices based on the international legal and cooperation frameworks.

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<sup>4</sup> Resolution of the on the Role of Customs in Preventing Illicit Trafficking of Cultural Objects

<sup>5</sup> The UNESCO World Heritage Committee's Bonn Declaration of 29 June 2015, calling upon States Parties to evaluate the implementation of pertinent legally binding and other instruments and to strengthen their national legislation and practice for the protection of cultural and natural heritage; the Statement issued at the third Meeting of States Parties to the 1970 UNESCO Convention, 18-20 May 2015, to "*Stop Illicit Trafficking of Cultural Property*".

<sup>6</sup> Several meetings throughout 2015 and 2016 chaired by the Permanent Missions to the UN of Italy and Jordan and organised together with INTERPOL, UNESCO and UNODC for "Protecting Cultural Heritage – An Imperative for Humanity: Acting Together Against the Destruction and Trafficking of Cultural Property by Terrorist Groups and Organized Crime". As a follow-up to the initiative, a workshop was organised by UNIDROIT and Italian and Cypriot Permanent Missions to the UN "Promoting and Strengthening the international legal framework for the protection of cultural heritage – the 1995 UNIDROIT Convention" in February 2017, UN Headquarters, New York.

<sup>7</sup> Task Force of cultural heritage experts was established in the framework of the UNESCO campaign Unite for Heritage. Experts will be available for deployment for the conservation of cultural heritage affected by crises.

<sup>8</sup> [http://www.beniculturali.it/mibac/multimedia/MiBAC/documents/1490881204940\\_DECLARATION-Dichiarazione.pdf](http://www.beniculturali.it/mibac/multimedia/MiBAC/documents/1490881204940_DECLARATION-Dichiarazione.pdf)

<sup>9</sup> "Protecting Cultural Heritage – An Imperative for Humanity": Acting Together Against the Destruction and Trafficking of Cultural Property by Terrorist Groups and Organized Crime", chaired by the Permanent Missions to the UN of Italy and Jordan and organised together with INTERPOL, UNESCO and UNODC.



## **2.2. Objectives**

### **General objective**

The general objective of this project is to support policy makers and enforcement authorities in their activities targeting illicit trade in cultural goods. The study should contribute to the understanding of the cross-border nature of illicit trade in cultural objects and provide an overview of existing new technology tools that can be used to combat this crime.

### **Specific objectives**

The specific objective is to gather, analyse and disseminate information and cross-reference data on source countries, trafficking routes into, from and within the European Union and corresponding methods and actors involved. On the basis of the study, it should be possible to better assess the involvement of organised criminal groups in the illicit trade in cultural goods. This in turn should allow a better understanding of dimensions, trends and patterns of the trafficking, and therefore to help to identify and anticipate risks and threats in order to take informed decisions and more focused control and prevention measures.

The study should be focused on three aspects: (1) description of trafficking routes, volumes, object types and operational modes based on data collected; (2) an analysis of the responses and challenges faced by the relevant authorities; (3) an inventory of new technologies (databases, mobile applications etc.) used for sharing information and identifying potentially illicit cultural goods. It should also provide recommendations for future EU action, both in legal and policy terms.

## **2.3. Scope and Duration**

To implement the action, the European Commission will select one contractor to be in charge of the specific tasks described in section 2.4. below.

The geographical area to be covered includes at least the 28 Member States of the European Union, the European Economic Area and Western Balkans (i.e., Albania, Bosnia and Herzegovina, Kosovo, Montenegro, Serbia, and the Former Yugoslav Republic of Macedonia).

The contract shall enter into force on the date on which it is signed by the last contracting party. The period of implementation of the tasks shall not exceed 24 months.

## **2.4. Tasks of the contractor**

Please note that the nature of the technical specifications below will be understood as follows:

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\* This designation is without prejudice to positions on status, and is in line with UNSCR 1244/1999 and the ICJ Opinion on the Kosovo Declaration of Independence

As a minimum the Final Study to be provided must comply with the mandatory requirements in Sections 2.4.1- 2.4.3. and 2.5. Tenders found not to be compliant with these minimum requirements will be rejected as non-compliant and will not be evaluated.

Only additional services (as formulated in Section 2.4.4) are not mandatory and would be advantageous. These will be taken into account during the evaluation phase in accordance with the award criteria set out in section 4.1 below.

**2.4.1. Task 1: Collecting and analysing information as well as drawing conclusions and providing recommendations on: (i) the dimensions of trafficking in cultural property (including trafficking routes and volumes, object types and operation modes) into, within and out of the EU, and on (ii) the criminal justice responses to trafficking of cultural goods and the challenges faced by the authorities of the countries covered by the research.**

The geographical scope of the research must cover at least EU and EEA area and Western Balkans (i.e., Albania, Bosnia and Herzegovina, Kosovo, Montenegro, Serbia, and the Former Yugoslav Republic of Macedonia).

**2.4.1.1 Collection of data and information**

The contractor will collect information on: (i) the dimensions of trafficking in cultural property (including trafficking routes and volumes, object types and operation modes) into, within and out of the EU, and on (ii) the criminal justice responses to trafficking of cultural goods and the challenges faced by the authorities of the countries covered by the research. For this purpose, the contractor should collect the official information from the relevant national and regional authorities, international organisations, experts and from reliable open sources – including case law, prosecution guidelines, practitioners' views, findings of the latest academic research or relevant international legislation on the subject, where applicable.

The contractor will then assess the collected data to ascertain their accuracy and consistency.

**2.4.1.2 Analysis of the data and information**

The contractor will carry out an analysis of the information collected on point (i), i.e. on the dimensions of trafficking in cultural property (including trafficking routes and volumes, object types and operation modes) into, within and out the EU. The study will identify and assess the main trends of illicit trafficking. The volume of trafficked cultural goods, object types and routes should be indicated and explained in relation to the overall context (including explanation why cultural goods are illicitly exported from specific countries, why certain countries are preferred by criminals as transit countries, why certain EU countries are chosen as points of entry or destination market etc.). The operation modes, especially in relation to links with organised crime, should be described and assessed in terms of their impact, especially in relation to the cross-border dimension.

The contractor will carry out an analysis of the information collected on point (ii), i.e. on the criminal justice responses to trafficking of cultural goods and the challenges faced by the authorities of the countries covered by the research. Constraints related to specific national legal traditions will be spelled out clearly. Challenges, in particular those related to the cross-

border dimension, and good practices at national, regional and international levels will be identified and analysed.

#### **2.4.1.3 Drawing conclusions**

The contractor will analyse the data and information gathered on the dimensions of illicit trade in cultural goods and draw conclusions from it to explain to the extent possible the phenomena emerging from the data and analysis.

The study will identify the strengths and weaknesses and gaps in the existing national, regional, international and EU framework on the fight against illicit trade in cultural goods (in particular on criminal justice responses) and formulate conclusions and recommendations for its improvement at EU level.

#### **2.4.2 Task 2: Compiling an inventory and assessment of new technologies used for identifying potentially illicit cultural goods and for sharing information on them; providing recommendations.**

The study will identify and assess the main technical tools used for identifying potentially illicit cultural goods and for sharing information on them such as databases, specific internet platforms, mobile applications etc., as well as innovative products of this type appearing on the market. In this section national and international tools related to combatting trafficking in cultural goods will be listed, described and assessed in terms of their impact, effectiveness and added value, especially in relation to the cross-border cooperation. Special attention will be devoted to the interplay between law enforcement (e.g. national and the EU such as Europol tools) and non-law enforcement tools, the analysis of their usefulness and complementarity.

In addition, the study will identify the existing vulnerabilities and policy needs in the Member States, as well as the main obstacles encountered in the application of the relevant tools by the relevant authorities.

To the extent available the study will be also based on the existing EU, national and international studies, evaluations, impact assessments in the field.

The analysis should include an evaluation of the *status quo*, indication of strengths, weaknesses, impact and the need for interoperability as well as added value of various actions undertaken so far at European level (e.g. those based on EU law, soft law, assistance of the relevant agencies, funded projects). It should also include recommendations for possible future actions at the EU-level.

#### **2.4.3 Task 3: Dissemination**

The contractor will propose a dissemination/communication plan so as to inform the widest possible audience about the findings of the final study. The contractor will disseminate the information on the basis of the dissemination plan proposed in the tender. The plan may include amongst others communication in the specialised press, presentation on conferences or other relevant fora, communication through social media campaign, etc. The plan must foresee at least one presentation of the Final Study to an EU institution based in Brussels.

The contractor will provide two PowerPoint presentations in English that will be used by the Commission when informing about the results of the study: one shall be addressed to the general non-specialist public and one shall be addressed to specialists working in the field of combatting illicit trade in cultural goods.

#### **2.4.4 Additional services**

The supply of the following services by the contractor would be advantageous and are not mandatory:

##### Concerning Task 1 only

- Estimation of illicit financial flows resulting from transnational organised crime of illicit trade in cultural goods;
- Providing services specified for a wider geographical scope (including e.g. Turkey and the most relevant Middle East and North African countries).
- Providing assessment of the data gathered in a global context: (a) by comparing the extent of imports into the EU of illicit cultural goods from different regions of the world (b) providing a tentative ranking of the EU territory as a destination for illicit cultural goods as compared with other regions of the world.
- Establishment of a database in relation to the information specified above.

##### Concerning all Tasks

- Making an effort to limit the environmental impact of the tasks, for example by using recycled paper, limiting or eliminating printed material during the dissemination events, carrying out interviews via video or telephone calls etc.

#### **2.5. Methodology**

This criterion will assess the quality of the methodology for the project as a whole, as well as for each single task, as detailed in the Technical specifications (Section 2.3).

##### Minimum requirements

The methods proposed below, that should be further developed in the technical offer and in the inception report, constitute a minimum requirement. The contractor may suggest an additional conceptual approach to be agreed upon by the Commission at the stage of the inception report.

The bid should include at least:

- (a) the description of methodology for desk research;
- (b) the description of methodology that will be used for analysis and data gathering from stakeholders at national, regional, international and EU level (e.g. targeted questionnaires, direct, web-based or telephone interviews, etc.);
- (c) the criteria for selection of stakeholders to be interviewed;
- (d) the methodology that will be adopted for the management of data and information collected. The main risks for the data collection are the incompatibility of statistics in the field of trafficking in cultural goods (as explained in section 2.1 above), and insufficient data of adequate quality. The contractor should present options on how to overcome the above mentioned risks (that may include specific extrapolation techniques and alternative ways of

reasoning - in that case the analysis needs to explain in detail where it is based on hard data and where on extrapolations and estimations);  
(e) indicative timetable for implementing the tasks.

Efforts should be made to ensure the sustainability of the impact of activities carried out under the project.

## **2.6. Intermediate outputs and deliverables**

### **2.6.1 Inception report**

The draft inception report must be submitted four weeks after the start of the contract and must include at least:

- The detailed work plan and timetable for implementing the work;
- Details on the approach to be followed for each task.

The revised draft inception report must be submitted two weeks after the Kick-off meeting with the Commission.

### **2.6.2 Interim report**

The draft interim report must be submitted eight months after the start of the contract. It shall include a proposal for the structure of the Final Study to be presented to the contracting authority for comments and approval.

The interim report must be submitted ten months after the start of the contract. It will contain:

- Complete information on the activities carried out in pursuit of the results set out in the technical specifications;
- Problems encountered, solutions found or proposed, and impact on future work;
- A detailed timetable and methodology for completion of the work.

Each report will be submitted in English, proof-edited by a native English speaker, and sent to the contracting authority in printed form (4 copies) and by e-mail. Electronic files must be in Microsoft ® Word for Windows format or equivalent.

In the absence of observations from the Commission within the payment deadline, the reports will be considered as being approved.

### **2.6.3 Final output and deliverables**

The draft Final Study must be submitted 15 months after start of the contract.

The draft Final Study shall consist in a report, which must reflect Task 1 and Task 2 as well as a bibliography.

The Final Study must be submitted 18 months after start of the contract. The conclusions of the study should not constitute the mere summary of answers to the questionnaires and interviews but also aggregate the results of the research and analyse them to present pertinent

issues arising from the entire analysis. Possible solutions to these issues or, where appropriate, recommendations should also be presented.

In addition, the Final Study shall also list all databases created in support of the research, with data, information and bibliographic resources collected during the analysis. The Commission shall have the right to request access to and where relevant copies of the data sources used by the contractor, as well as to any models and possible other tools used for the purpose of the contract.

The Final Study will be submitted in English, proof-edited by a native English speaker, and sent to the responsible body in printed form (4 copies) and by e-mail. Electronic files must be in Microsoft ® Word for Windows format or equivalent.

The Final Study will be accompanied by an executive summary in English, German and French (see point 3.1).

In line with article I.5.3 of the Service Contract conditions, the contracting authority must approve the submitted documents or deliverables before proceeding with the final payment of the balance.

Communication and dissemination activities as agreed with the Commission will take place as from the submission of the Final Study and will be carried out at least during 6 months after the submission of the Final Study. The contractor will produce two presentations in English that will be used by the Commission when informing about the results of the study (addressed to non-specialist and specialist public, according to point 2.4.3.).

## **2.7. Indicative timetable**

T0	Start of the contract
T0 + 4 weeks	Submission of draft Inception Report (see point 2.6.1)
T0 + 6 weeks	Kick-off meeting with the Commission
T0 + 8 weeks	Submission of the Inception Report (see point 2.6.1) + <i>First interim payment</i> (10 %)
T0 + 8 months	Submission of the draft Interim Report (see point 2.6.2) + 2nd meeting with the Commission
T0 + 10 months	Submission of the Interim Report (see point 2.6.2) + <i>Second interim payment</i> (25%)
T0 + 15 months	Submission of the draft Final Study (see point 2.6.3) + 3rd meeting with the Commission
	Start of the communication and dissemination activities
T0 + 18 months	Submission of the Final Study to the Commission + <i>Third interim payment</i> (40%)
T0 + 24 months	Submission of the list of communication and dissemination activities carried out (see point 2.6.3) + <i>Final payment</i> (25 %)

**The Commission Decision of 12 December 2011 on the reuse of Commission documents applies to the results of this contract.<sup>10</sup>**

This Decision determines the conditions for the reuse of documents held by the Commission or on its behalf by the Publications Office of the European Union (the Publications Office) with the aim of facilitating a wider reuse of information, enhancing the image of openness of the Commission, and avoiding unnecessary administrative burdens for re-users and the Commission services alike.

### **3. CONTENT, STRUCTURE AND GRAPHIC REQUIREMENTS OF THE DELIVERABLES**

The contractor must deliver the study and other deliverables as indicated below.

#### **3.1. Content**

##### **Final study report**

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

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

##### **Publishable executive summary**

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

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

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

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<sup>10</sup> COMMISSION DECISION of 12 December 2011 on the reuse of Commission documents (2011/833/EU) <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:330:0039:0042:EN:PDF>

*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."*

## **Requirements for publication on Internet**

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

For full details on the Commission policy on accessibility for information providers, see: [http://ec.europa.eu/ipg/standards/accessibility/index\\_en.htm](http://ec.europa.eu/ipg/standards/accessibility/index_en.htm)

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

### **3.2. Structure**

The structure of the report shall be proposed by the contractor in the interim report and agreed by the European Commission.

### **3.3. Graphic requirements**

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

[http://ec.europa.eu/dgs/communication/services/visual\\_identity/index\\_en.htm](http://ec.europa.eu/dgs/communication/services/visual_identity/index_en.htm)

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

## **4. EVALUATION AND AWARD**

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

1. Verification of compliance with the minimum requirements set out in these tender specifications
2. Verification of exclusion and selection criteria based on Declaration on the honour.
3. Evaluation of tenders on the basis of the award criteria
4. Verification of evidence for selection criteria of tenderers whose tenders have been ranked first and second in relation to the assessment of the award criteria and to the ranking formula



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.

#### **4.1. Award criteria**

The contract will be awarded based on 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.

Tenders must score minimum 50% for each criterion and sub-criterion, and minimum 65 % in total. Tenders that do not reach the minimum quality levels will be rejected and will not be ranked.

##### **4.1.1. Relevance and quality of the proposed methodology (50 points – minimum score 50%)**

This criterion will assess the relevance and quality of the methodology for the project as a whole, as well as for each single task, as detailed in the Technical specifications (Section 2.5 of this document).

Sub-criterion 4.1.1.1 Methodology for Task 1 (35 points – minimum score 50%):

This criterion will assess the quality of the methodology for task 1, in particular a description of the methodology that will be adopted for the overcoming of risks (incompatibility of statistics in the field of trafficking in cultural goods, insufficient data of adequate quality), methodology for gathering information from stakeholders operating in different languages, the criteria for selection of the experts and stakeholders to be interviewed; the methodology that will be adopted for the management of the data and information collected.

Sub-criterion 4.1.1.2 Methodology for Task 2 (15 points – minimum score 50%)

This criterion will assess the proposed methodology that will be adopted for compiling an inventory and assessment of new technologies used for identifying potentially illicit cultural goods and for sharing information on them.

##### **4.1.2. Organisation of the work and resources (20 points – minimum score 50%)**

This criterion will assess how the roles and responsibilities of the proposed team and of the different 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 human resources and the rationale behind the choice of this allocation. Details should be provided as part of the technical offer. It is not a budget requested as part of the financial offer.

#### **4.1.3. Planning of dissemination and communication activities (5 points - minimum score 50%)**

This criterion will assess the proposed dissemination activities taking into account their intensity, choice of the relevant audiences, and the number of people informed about the findings of the study.

#### **4.1.4. Quality control measures (12 points – minimum score 50%)**

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

#### **4.1.5. Availability and quality of additional services (12 points)**

Sub-criterion 4.1.5.1 Estimation of illicit flows 3 points

This criterion will assess the quality of the methodology of collection and analysis of the data with respect to the estimation of financial flows resulting from transnational organised crime of illicit trade in cultural goods, in particular a description of the solutions that will be adopted for the overcoming of risks (incompatibility of statistics, insufficient data of adequate quality).

Sub-criterion 4.1.5.2 Providing services for a wider geographical scope 3 points

This criterion will assess the extent of the proposed additional geographical scope and the proposed methodology for the collection of the data.

Sub-criterion 4.1.5.3 Assessment of the data gathered in a global context 3 points

This criterion will assess the proposed methodology for the assessment of the EU illicit trade in cultural goods in a global context.

Sub-criterion 4.1.5.4 establishment of a database 3 points

This criterion will assess the sustainability of the database and its availability for updates after the termination of the project.

#### **4.1.6. Limiting environmental impact (1 point)**

This criterion will assess the proposed undertakings by the contractor to lower impact of the tasks on the environment.

#### **4.2. Ranking of tenders**

The contract will be awarded to the most economically advantageous tender, i.e. the tender offering the best price-quality ratio determined in accordance with the formula below. A weight of 60/40 is given to quality and price.

Score for tender X	=	$\frac{\text{cheapest price}}{\text{price of tender X}}$	*	40	+	$\frac{\text{total quality score (out of 100) for all award criteria of tender X}}{100}$	*	60
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#### **4.3. Verification of non-exclusion**

All tenderers must provide a declaration on honour (see Annex 2), 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 share of the contract is above 10% must provide a declaration on honour signed by an authorised representative.

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

The successful tenderer must provide the documents mentioned as supporting evidence in the declaration on honour before signature of the contract and within the standstill period.

The standstill period is a period of 10 days during which the contract cannot be signed by the contracting authority. This period counts from the day after simultaneous dispatch of the notification by electronic means to all tenderers whose tenders have been considered regular at the opening phase (Art. 161 RAP).

If, due to technical reasons, the dispatch is made when using other means, the standstill period is 15 days (Article 171 RAP). If the requested evidence is not submitted in due time, the Contracting Authority can award the Contract to the Tenderer evaluated as the next-best.

This requirement applies to each member of the group in case of joint tender whose share of the contract is above 10%.

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

A tenderer (or a member of the group in case of joint tender, or a subcontractor) is not required to submit the documentary evidence if it has already been submitted for another procurement procedure and provided the documents were issued not more than one year before the date of their request by the contracting authority and are still valid at that date. In such cases, the tenderer must declare on its honour that the documentary evidence has already

been provided in a previous procurement procedure, indicate the reference of the procedure and confirm that there has been no change in its situation.

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

#### **4.4. Selection criteria**

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

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.

The tender must include the proportion of the contract that the tenderer intends to subcontract.

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.

#### **Declaration and evidence**

***[http://myintracomm.ec.testa.eu/budgweb/EN/imp/procurement/Pages/imp-080-030-010\\_contracts.aspx#HONOUR](http://myintracomm.ec.testa.eu/budgweb/EN/imp/procurement/Pages/imp-080-030-010_contracts.aspx#HONOUR)***

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 2), 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 4.3) so only one declaration covering both aspects should be provided by each concerned entity.

In order to speed up the evaluation process, the tenderers are also required to provide, at the time of submitting their tender, the evidence that they fulfil the selection criteria.

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

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

### **Legal and regulatory capacity**

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 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.

### **Economic and financial capacity criteria**

In order to prove their economic and financial capacity (in case of joint tender, the combined capacity of all members of the consortium and identified subcontractors), tenderers must comply with the following criteria:

- Annual turnover of the last two financial years above € 150.000; this criterion applies to the tenderer as a whole, i.e. the combined capacity of all members of a group in case of a joint tender.
- Satisfactory results following the analysis of the financial capacity which will be performed by the Contracting Authority based on the following methodology:

[http://ec.europa.eu/dgs/education\\_culture/calls/evaluation-procurements-2016\\_en.htm](http://ec.europa.eu/dgs/education_culture/calls/evaluation-procurements-2016_en.htm)\_\_\_\_The following evidence should be provided:

For contracts worth more than EUR 135 000 but equal to or less than EUR 260 000, in addition to the declaration on the honour in Annex 2, proof of financial capacity is also provided by a statement of overall turnover and turnover specifically related to the supplies or services covered by the contract for the last two financial years for which accounts have been closed.

However, in case of doubt, the evaluation committee reserves the right to request supporting documents and to carry out the financial analysis described in point 4 of the abovementioned methodology.

Along similar lines, entities falling into one of the following high-risk categories must provide proof of their financial capacity (see points 3.3, 3.4 and 3.5 of the methodology) and are required to undergo the financial analysis provided for in point 4 of the methodology:

- newly-established entities which have existed for less than a year and for which no financial history is available;
- new entities which have existed for between one and three years;
- entities against which one or more expired and unpaid recovery orders have been issued by DG EAC;
- entities that are the subject of suspicions of or findings relating to serious administrative errors or fraud;
- entities against which legal proceedings have been brought for serious administrative errors or fraud.

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 document 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.

## **Technical and professional capacity criteria and evidence**

### **A. Criteria 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 in 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 at least 5 years of experience in the field of combatting illicit trade in cultural goods.

**Evidence A1:** the tenderer must provide references for at least 2 projects delivered in this field in the last five years with a minimum value for each project of € 25.000.

- **Criterion A2:** The tenderer must prove professional capacity to work in fluent English (level C1 or equivalent).

**Evidence A2:** the tenderer must provide references (copies or weblinks) for two projects delivered in English within the last three years.

- **Criterion A3:** The tenderer must prove capacity to draft professional reports in fluent English (level C1 or equivalent).

**Evidence A3:** 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.

- **Criterion A4:** The tenderer must prove experience of knowledge of the different frameworks for combatting illicit trade in cultural goods at least in five EU countries and one third country covered by the scope of the study.

**Evidence A4:** the tenderer must provide references for at least two projects delivered in the last six years the combination of which must show the necessary coverage.

**Criterion A5:** The tenderer must prove experience in survey techniques, data collection and statistical analysis in the field of illicit trade in cultural goods or other forms of illicit trade, organized crime and/or fight against terrorism, or cultural heritage based on evidence collected in EU member states.

**Evidence A5:** the tenderer must provide references by providing copies or weblinks to at least two evidence-based reports and publications delivered in the last six years.

## **B. Criteria relating to the team delivering the service:**

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

Evidence will consist in CVs of the team responsible to deliver the service. Each CV should indicate the intended function in the delivery of the service.

**B1 - Project Manager:** At least five years' experience in project management, including overseeing project delivery, quality control of delivered service, client orientation and conflict resolution experience in project of a similar size and coverage (geographical scope at least one third of the one subject to this call for tender), with experience in management of team of at least eight people.

**Evidence:** CV

**B2 - Language quality check:** at least three members of the team should have at least C1 level in the Common European Framework for Reference for Languages<sup>11</sup> in English. Collectively the team should have knowledge of at least four languages official in the countries covered by the geographical scope (section 2.4).

**Evidence:** a language certificate or past relevant experience.

**B3 - Expert in combatting illicit trade in cultural goods:** Two experts, each with a minimum of five years of professional experience in at least two of the following fields:

- data collection and analysis on the dimensions of illicit trade in cultural goods within or outside of the EU;

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<sup>11</sup> See [http://www.coe.int/t/dg4/linguistic/Cadre1\\_en.asp](http://www.coe.int/t/dg4/linguistic/Cadre1_en.asp)

- expertise and practical knowledge of the international legislative framework on combatting illicit trade in cultural goods;
- expertise and practical knowledge of the cross-border cooperation on combatting illicit trade in cultural goods, preferably acquired within an enforcement authority, international organisation or national administration competent for protection of cultural heritage;
- expertise and practical knowledge of combatting illicit trade in cultural goods in a wider context of organised crime, money laundering, tax evasion and /or fight against terrorism;
- empirical research and analysis on combatting illicit trade in cultural goods;
- practical knowledge of the existing technological tools used for combatting illicit trade in cultural goods;
- expertise and practical knowledge on methodology of collection and organisation of data with a view to create databases.

**Evidence:** CV

**B4 - Team for data collection:** collectively the team of at least three people should have knowledge of at least four languages which are official in the countries covered by the geographical scope and proven experience of five years in data collection techniques.

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

## 5. ANNEXES

The following documents are annexed to these Tender Specifications and form an integral part of them:

Annex 1	:	Information on the Tenderer
Annex 2	:	Declaration on Honour
Annex 3	:	Economic & Financial Capacity Form
Annex 4	:	Price
Annex 5	:	Draft Contract