



EUROPEAN COMMISSION

DIRECTORATE-GENERAL FOR ENERGY

Directorate A

Unit A4 – Economic analysis and financial instruments

## **CALL FOR TENDERS**

ENER A4/2018/471

**Study on energy costs, taxes and the impact of government interventions on investments in the energy sector**

# **TENDER SPECIFICATIONS**

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# **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. It is also open to all natural and legal persons established in a third country which has a special agreement with the Union in the field of public procurement on the conditions laid down in that agreement. Where the multilateral 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.<sup>2</sup>

## **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>3</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.

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.

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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> For open procedures.

<sup>3</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).

## **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 20 % and those whose capacity is necessary to fulfil the selection criteria.

During contract performance, the change of any subcontractor identified in the tender or additional subcontracting will be subject to prior written approval of the Contracting Authority.

## **1.6. Structure and content of the tender**

The tenders must be presented as follows:

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

Part B: Non-exclusion (see section 4.1)

Part C: Selection (see section 4.2)

Part D: 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 E: Financial offer

The maximum contract price is EUR 2,000,000. Tenders with prices higher than the maximum will be considered unacceptable.<sup>4</sup>

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.

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<sup>4</sup> This must be consistent with the draft contract. It is strongly recommended to ask for an all-in price, not to reimburse travel separately. The tender specifications should indicate the exact number of meetings in Brussels (or other places).

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 F: Power of attorney (for consortia only)

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

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

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

In addition the tenderer must fill and sign Annex I (identification of the Tenderer) and join it to the tender.

## **2. TECHNICAL SPECIFICATIONS**

### ***2.1. GENERAL BACKGROUND***

The production and system costs of different types of energy can be difficult to assess and are not easy to compare. In competitive markets, prices can be taken to reflect costs. However, the energy sector is marked by often low levels of competition, an extensively regulated asset base, externalities and other market failures and significant public intervention through regulation and subsidies. Observed prices are therefore rarely an accurate reflection of costs. Where the price signal is impaired the efficiency of producers is hidden and the size and nature of subsidies and cross-subsidisation between different types of power generation is not transparent. The complex interplay of direct, indirect, financial, or regulatory support measures adds to the lack of clarity.

Under the State of the Energy Union Report and forthcoming Governance Regulation, the Commission and Member States are to review their progress in achieving Energy Union objectives, including stimulating innovation in the energy sector, the achievement of targets and internal market developments such as the removal of market distorting government interventions, including fossil fuel subsidies in particular. This study would develop and explore the methodological issues associated with assessment of energy production, technology and external costs and all the government interventions, including fossil fuel subsidies, which inhibit the deployment of innovative and low carbon technologies in the energy markets of the EU.

Thus a new study with a comparable up-to-date database across all EU countries and generation technologies, with an international comparative dimension, is necessary. The scope of the analysis will be extended to other sectors, such as transport, industry and agriculture, in order to capture the full impact of fossil fuel subsidies. Environmentally harmful subsidies, being an obstacle to green investments in low-carbon technologies, are in the focus of international discussions over the last few years. Therefore, besides collection data on subsidies, production costs and externalities, it is essential to analyse the impact of energy subsidies in such investments. As the energy sector is a significant contributor to the state budget in many countries, in order to see the full picture taxes related to energy should also be analysed.

The EU has international commitments on fossil fuel policies and its own action plans. In September 2009 the declaration<sup>5</sup> followed the Pittsburgh summit, G-20 countries have recurrently expressed their commitment to 'phase out and rationalize over the medium term inefficient fossil fuel subsidies while providing targeted support for the poorest' also noting that 'inefficient fossil fuel subsidies encourage wasteful consumption, reduce our energy security, impede investment in clean energy sources and undermine efforts to deal with the threat of climate change'. The EU is also member of G7 with full privileges and obligation. The 2016 G7 Declaration stated that group's commitment to "the elimination of inefficient fossil fuel subsidies and encourage all countries to do so by 2025". Inefficient fossil fuel subsidies (IFFS) that encourage wasteful consumption distort energy markets, impede investment in clean energy sources, place a strain on public budgets, and incentivise unsustainable infrastructure investments.

The Commission "Clean Energy for all Europeans" package (November 2016) 'is also stepping up EU's action in removing inefficient fossil fuel subsidies in line with international commitments under G7 and G20 and in the Paris Agreement. The Commission will also establish regular monitoring of fossil fuel subsidies in the EU and expects Member States to use their energy and climate plans to monitor the phase-out of fossil fuel subsidies.

DG ENER made the first attempt in 2014 to set up the first detailed database on energy generation costs, external costs and subsidies in the energy sector, covering all major generation technologies in all the 28 EU Member States. However, given the period covered (2008-2012) data are now outdated and important sectors where fossil fuel subsidies are present (e.g.: transport and agriculture) were not covered. DG ENER has also commissioned a study on energy prices and costs, covering the period of 2008-2016 subsidies; however, this study does not include any data on generation costs and externalities.

These two Commission studies have made an attempt to make an inventory of government interventions on the energy market, however, the impact of interventions on innovation and investments in renewable low carbon technologies and on the attainability of the Energy Union objectives have never been analysed so far.

Recently, international organisations, such as the IMF published its data on global fossil fuel subsidies in 2015 and 2017 (including numbers of 2013<sup>6</sup> and 2015 for most of the countries in the world). The OECD carried out analysis fossil fuel subsidies, harmonised with the methods of the IEA, showing 2015 fossil fuel data<sup>7</sup> in all IEA countries and some other large economies.

The aforementioned studies have all contributed to gaining more knowledge on important aspects of government interventions, however, for the complete picture (looking at energy generation and system costs for all relevant technologies, external costs in the energy sector, subsidies in the energy and other sectors consuming energy products, taxation of energy production and use, and how interventions impact investments, especially investments in technologies contributing to the attainment of decarbonisation objectives of the EU, covering all the 28 EU Member States) and G20 countries a new comprehensive study should be prepared.

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<sup>5</sup> <http://www.mea.gov.in/Images/pdf/pittsburgh.pdf>

<sup>6</sup> <https://www.imf.org/external/pubs/ft/wp/2015/wp15105.pdf>

<sup>7</sup> [https://www.oecd-ilibrary.org/energy/oecd-companion-to-the-inventory-of-support-measures-for-fossil-fuels-2018\\_9789264286061-en](https://www.oecd-ilibrary.org/energy/oecd-companion-to-the-inventory-of-support-measures-for-fossil-fuels-2018_9789264286061-en)

The main objective of the study is to provide a comprehensive database on all aspects of the energy sector (generation and external costs, government interventions, taxes and investments), within the EU and an outlook to G20 countries. The results of the study could feed in the 2020 edition of the State of the Energy Union Report, and the next Energy prices and costs in the EU report, both documents being regular publications under the Energy Union initiative. On the top of this, as Member States will face a legal obligation under the Governance Regulation to regularly report on measures for phasing out fossil fuel subsidies, the study will provide for a framework for the Member States to develop their own reporting methodologies.

Given this study requires significant amount of work (data collection, inventory, econometric analysis and modelling, interpretation of the results for all EU Member States, etc.) and special expertise in the energy sector and other relevant sectors (transport, agriculture, etc.) Directorate-General Energy of the European Commission proposes to put out to tender the study, for conclusion by mid-2020.

An Indicative List of Relevant Material is provided here after:

- Energy costs and subsidies in the EU (<https://ec.europa.eu/energy/en/studies/full-dataset-energy-costs-and-subsidies-eu28-across-power-generation-technologies>)
- Inventory of Estimated Budgetary Support and Tax Expenditures for Fossil Fuels (<http://www.oecd.org/site/tadffss/>)
- OECD Companion to the Inventory of Support Measures for Fossil Fuels 2018 (<https://www.oecd-ilibrary.org/docserver/9789264286061-en.pdf?expires=1530611401&id=id&accname=oid031827&checksum=7D9BDE2859294BB6B156444098DB606B>)
- OECD – NEA study: System Effects in Low-Carbon Electricity Systems (<http://www.oecd-nea.org/ndd/pubs/2012/7056-system-effects.pdf>)
- G7 fossil fuel subsidy scorecard (<https://www.odi.org/sites/odi.org.uk/files/resource-documents/12222.pdf>)
- The full costs of electricity provision (<https://www.oecd-nea.org/ndd/pubs/2018/7298-full-costs-2018.pdf>)

All other data shall be gathered by the contractor

## ***2.2. GENERAL OBJECTIVES***

The aim of the study is to provide the European Commission with a complete and consistent set of data on energy (electricity and heating) generation costs, system costs and the costs of externalities in the energy sector. Taxes paid by the energy sector and low carbon energy investments will also to be inventoried. Government interventions and subsidies in the energy sector and other sectors consuming significant amount of energy (industry, transport and agriculture) will be fully inventoried in each Member State, for the EU and for the G20. The impact of fossil fuel subsidies on climate friendly investments in the energy sector will also be analysed.

## ***2.3. SPECIFIC OBJECTIVES***

The study requires an assessment of methodologies and definitions of costs and subsidies to determine an objective framework for deriving production, system, consumption, direct, indirect,

financial, regulatory and external costs and subsidies, concluding on a workable methodological framework.

- The study is to provide energy cost data covering capital and operating costs of different generation technologies, all external costs (internalised or not), and energy transmission and distribution networks cost, as well as system costs (impact of one element of the production on the other elements of the production).
- The study is to provide data on all existing forms of subsidies and other regulatory measures in all EU Member States on both the production, system and consumption side of energy products and carriers, focussing on those measures that directly impact energy costs and wholesale energy market prices.
- The study should identify the external costs in the energy sector and in other main energy consuming sectors (industry, transport and agriculture) and should provide details on the extent of costs in each Member States and the EU as whole.
- The study should also set up an inventory on taxation related to energy production and consumption in all Members.
- Finally, the study should also provide detailed analysis on how regulation/subsidies impact on investments in the energy sector, more specifically, how subsidies to fossil fuels impact on investments aiming at attaining decarbonisation objectives.

## 2.4. TASKS

- 1) A thorough **literature review** should be performed on recent activities in the field of data collection, calculation and modelling of energy costs, system costs, external costs, subsidies, taxes and investments in the energy sector. Literature sources include practices of organisations active in energy market analysis (IEA, IMF, OECD, WTO, EEA, FP7/JRC, IRENA, WEC, EIU, BNEF and relevant national institutes). For some tasks of the study other Commission services should be contacted (e.g.: energy taxation issues with DG TAXUD, external costs in the transport sector – DG MOVE) to seek for input from their recent activities.
  - a) Based on these literature sources an appropriate **methodology and framework** should be elaborated in agreement with DG ENER, covering:
    - Costs and subsidies on *production and consumption side, transmission and distribution network and storage*,
    - *Direct and indirect* (including legacy costs<sup>8</sup>, external costs and the analysis of their internalisation), *system costs (including grid connection access costs, dispatching, balancing, etc.)*, *financial and regulatory costs* (e.g.: third party liability regimes).

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<sup>8</sup> Under the so-called "legacy costs" publically financed building of power plants as well as decommissioning, waste management and land decontamination costs should be included. Determination of these different cost elements should be part of the methodological work in *Task 1*



- *The source of financing* (allowing to determine where subsidies come into play and how they are financed): either *directly financed* by all taxpayers in the *form of taxes* or *indirectly* by the *final energy consumers*. Subsidies can be financed by *Member States*, *quasi-governmental funds*, or from the *budget of the EU*.
  - *Energy taxation matters* should also be included, either on the production and consumption side in the energy sector and taxation related to energy use in other sectors (industry, transport and agriculture) analysed.
- 2) Existing estimates of **energy costs** and data must be provided, available in the databases of various international organisations (e.g.: OECD, IEA, IMF), however, in the case of the EU Member States local level data collection should be the first priority, existing estimates should be mainly used for verification purposes.

### Applying the agreed methodology prepared in task 1:

- 3) **Energy cost and subsidy data** must be gathered or calculated covering the following energy sources and products: coal, oil, natural gas, unconventional gas, nuclear energy, renewable energy sources, including hydropower, solar PV and solar-thermal, on and offshore wind power, biomass for electricity and heating, geothermal and heat pumps. Other energy sources or further disaggregation of sources should be elaborated as appropriate.
- 4) **Energy network assets cost data** (transmission, distribution, storage) must also be collected, covering capital and operating costs. Assessment of subsidies or cross-subsidies, resulting from network tariff structures (e.g.: deep or shallow charging) should also be undertaken.
- 5) The full range of disaggregated **external costs data** must be provided, together with estimates of the *legal and regulatory costs* of different technologies. The coverage of external costs should be decided during the inception phase of the project; as a minimum requirement the impact of climate change, air pollution – especially particulate matter formation, depletion of energy sources, land contamination, agricultural and land occupation, etc. should be covered.
- 6) As energy efficiency measures directly impact energy markets, **energy efficiency subsidies** must be identified, covering energy efficiency measures related to production, transmission/distribution and consumption. Research and development (R&D) related subsidies, in the case of having direct impact on current energy markets, should also be incorporated in the analysis.
- 7) Taxes, levies and other fiscal measures, applicable in the energy sector, related either to energy production or to consumption and taxes related to energy consumption in other sectors (industry, transport and agriculture) should be collected and for each technology in each EU Member State they should also be put in the context of subsidies the given sector receives.
- 8) Data on investments in the whole energy supply chain (production, transmission, distribution, storage, consumption) should be collected and the relation between subsidies and investment should be analysed, especially the impact of fossil fuels subsidies on investments in low carbon renewable technologies.

### **2.4.2 Horizontal requirements**

1. The data must **cover all of the 28 Member States<sup>9</sup>** of the European Union, and include *historical (as of 2008) and the most recently available data* (preferably annual data of 2017 or 2018). For each Member State detailed legal and financial information and a detailed presentation of the specific subsidies in force should be provided.
2. A database on G20 countries with the tasks described in 2.4.1 points 1-8 should be created, being as complete as possible and as compatible as possible with the data of the EU Member States. During the kick-off meeting the contractor should provide details on how feasible it would be to ensure completeness of comparability of G20 with EU data (energy costs, subsidies, taxes and investments).
3. Beside the energy sector, the study should cover economic sectors with significant amount of energy consumption and subsidies, such as industry, transport and agriculture.
4. Data on subsidies for the whole energy chain must be given for each year.
5. Energy costs and subsidies must be expressed as total costs, measured in euros.

If a given cost or subsidy can directly be attributed to a given time period when data on energy production is available, costs and subsidies must also be expressed in euros per energy units (e.g.: €/MWh). If costs and subsidies are aggregated over time, inflation indexes should be used for adjusting data to common base (e.g.: measured in 2018/2019 euros).

6. National level data must be aggregated, in order to have a complete picture at EU level, providing detailed breakdown on energy subsidies for each energy source. Besides national subsidies, in some countries regional subsidies should also be collected and EU funds used for subsidising energy related activities should also be taken into account.
7. DG ENER will provide access to the databases resulting from earlier studies (e.g.: the 2014 energy costs and subsidies in the EU study and the 2018 edition of the energy prices and costs in the EU study) that can be used as input by the contractor, in the case of the subsidies inventory.

## **2.5. Organization and Timetable**

1. The contract will be managed by Unit A4 of DG ENER. The Commission will appoint a technical officer in charge, who will participate in the meetings with the contractor, facilitate access to information, monitor the work and validate the results of the services of the contractor. A steering group will be involved while assessing the quality of the evaluation work and reports submitted by the contractor.

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<sup>9</sup> This also includes the United Kingdom, independently of its status related to the European Union at the end of the project

2. The contractor must ensure that activities progress properly, are reported upon regularly and for that purpose designate a person responsible for permanent and regular contact with the Commission. The contractor is to provide the required reports and documents in accordance with the conditions agreed.
3. European Commission draws the attention of the potential contractor to the *intensity* of the work to be carried out during the limited time of contract, stemming from the full coverage of EU countries, the G20 countries and all of the energy sources. The contractor shall present a plan on the involvement of human resources in the project and expertise of the manpower to be involved at the submission of the tender proposal.
4. **The indicative starting date of the study is in January 2019.** The contract shall enter into force on the date on which it is signed by all contracting parties. The period of execution of the contract is 18 months.
5. The following outline work plan and indicative timetable are envisaged:

Tasks	Deadline (from the entry into force of the contract)
<b>Kick-off meeting</b>  The project is kicked off at the meeting between the contractor and the steering group. The kick-off meeting will ensure that the contractor has a clear understanding of the terms of the contract and the objectives of the project. The contractor will be provided with all relevant available documents and be informed of useful information sources for data collection.	T0 +4 week after signature of contract
<b>Inception report</b>  The contractor submits an inception report. Within <b>two weeks</b> after submission the report will be discussed in a meeting with the steering group and must be approved by the Commission.	T0 +12 weeks after signature of the contract
<b>Intermediate report</b>  The contractor submits an interim report. Within <b>two weeks</b> after submission the report will be discussed in a meeting with the steering group and must be approved by the Commission.	T0+40 weeks after signature of the contract
<b>Draft final report</b>  The contractor submits the draft final report.	T0+56 weeks
Comments on the draft final report	4 weeks from the reception of the draft final

The Commission will provide the contractor with comments on the draft final report and suggests a meeting date for the discussion with the steering group.	report T0+60 weeks after signature of the contract
<b>Final report</b>  The contractor submits the final report which reflects all the Commission's comments. It also submits the executive summaries in English and in French.	4 weeks from the reception of the Commission comments  T0+64 weeks after signature of the contract  T0+70 weeks
<b>Approval of the Final Report</b>  The Commission approves the final report. In the event of inadequate quality of the final report, Article I.11.2 (2.) of the Special Conditions of the Framework Contract applies.	40 calendar days from the reception of the final report – June 2020 (indicative)

## 2.6. Reporting and delivery

### 2.6.1 Deliverables and outputs

1. The contractor shall present a first **inception report**, containing the assessment and recommendations regarding methodology. The inception report specifying the detailed work programme and planning of the evaluation in order to complete the tasks as listed in Chapter 2. It must describe the proposed methodological, empirical approaches and working assumptions. The report will also identify any additional need for information to be collected during the evaluation and present data collection methodology and tools along with the list of contacts to be surveyed or interviewed, interview guides and survey questionnaires.
  - a. A detailed work plan including the allocation of experts per task per number or working-days should also be provided.
  - b. Inception report shall not exceed 50 pages (annexes excluded). This report should be submitted no later than 12 **weeks** after the signature of the contract.
  - c. After the reception of the inception report the contracting authority may organise a workshop event to discuss the proposed methodology and to debate on how energy costs, subsidies, taxes and investments should be taken into account in the EU, based on a uniform methodology. This workshop should also involve representatives of the EU Member States as the projects aims at showing best practices for data collection on fossil fuel subsidies.
2. The contractor shall present an **intermediate report**, summarising the results of tasks one and two. More specifically, it must include initial data sets (energy costs, external costs, subsidies and taxes) for the 28 MSs and at EU level, and it should give a detailed presentation of data availability in each G20 country outside the EU. The intermediate report should also demonstrate how the existing data has been analysed and outline the preliminary conclusions drawn. This report should include the results of the consultation with EU Member States on the applied methodologies of accounting subsidies, especially

fossil fuel subsidies. Detailed methodology and framework foreseen in task 1 should also be presented in the intermediate report. It should give clear indications and detailed planning of the work to be carried out during the rest of the study period. It must include a proposal for the structure of the final report. The intermediate report shall not exceed 150 pages (annexes excluded). This report shall be submitted no later than **40 weeks** after the signature of the contract, in exchange for the interim payment.

3. In the case of both the (draft) inception and intermediate reports, the Commission **has four weeks**, after their submission, to make comments about the reports. The Contractor shall have two weeks to submit a new version of a report, thereby fully reflecting all the Commission's comments. Making the interim payment is subject to the approval by the Commission of the **inception report**.
4. A **draft final report** will follow the structure of the final report as agreed. It will include the findings, analysis, and conclusions. It must take into account of the Commission's comments made earlier in the process. It must give the data for each 28 Member States separately; for the agreed periods, and the aggregation and evaluation at EU level must also be included. The same applies for G20 countries outside the EU, clearly marking data gaps and potential non-comparability issues with EU countries. The draft final report should give detailed presentation on energy costs, subsidies and investments and a separate chapter should be devoted to the relation between fossil fuels subsidies and investments in renewable and climate friendly technologies. The draft final report should include a draft executive summary. The report shall not exceed 250 pages (annexes excluded). It must be submitted no later than **56 weeks** after the signature of the contract.
5. The Commission has **four weeks** to make comments on **the draft final report**. The Contractor has four weeks, after receiving the Commission's comments, to submit the final report.
6. **The final report** will cover all tasks of the work plan and shall include sound analysis of findings and factually based conclusions. It must be delivered, after taking into account the comments of the experts of DG ENER. The final report must be accompanied by an executive summary in English no longer than 10 pages, which provides a short synthesis of the main conclusions of the evaluation, the key points of evidence underpinning them and the resulting recommendations. This report should be submitted no later than **64 weeks** after the signature of the contract, in exchange for the final payment.
7. All reports have to be submitted **in English language**, in MS Word format according to the indicative timetable as specified in Chapter 3 below. Each country report section, both for EU Member States and other G20 countries should contain a data sheet on energy costs, subsidies and investments, which should be made available in Excel format to the contracting authority.
8. All submitted information shall be the intellectual property of the European Commission, which reserves the right to make any decision on dissemination of the data results. Access should be provided for the European Commission to the underlying datasets, analysis and methodology used in each phase of the drafting of the reports.
9. The contractor must ensure that all reports under the contract are **clear, concise and operational**. Each report (excluding the final version of the final report) should have an introductory page providing an overview and orientation of the report. It must describe what parts of the document have been carried over from previous reports or been recycled from other documents, and which represent progress of the work under the contract. It should also specify the status of any findings/conclusions/recommendations (e.g. whether these are tentative or final) and note any problems encountered during the process.

10. **The final report and the executive summary must be of publishable quality**, provided also in *Word* the Adobe portable document format (*pdf*) format and **in 5 hard copies**. All relevant evidence of the analysis process (questionnaires, results of surveys, calculations, etc.) has to be annexed to the report to allow the argument to be followed in a transparent manner. Excel sheets including formulas for any calculations carried out by the consultants to support tables or graphs in the study, should also be provided. On the top of this, each chart in the final report should be made available in a separate Excel file, with the underlying data. As all evaluation reports shall be available to the public, no form of confidential data shall be contained in the final report (if relevant, such data shall be provided in a separate annex).
11. The duration of the tasks shall **not exceed 18 months**. This period is calculated in calendar days as are all the other contractual deadlines, unless clearly stated otherwise.
12. Execution of the tasks begins after the date on which the Contract enters into force.
13. In principle, the deadlines set out below cannot be extended. The Contractor is deemed solely responsible for delays occasioned by subcontractors or other third parties (except for rare cases of *force majeure*). Adequate resources and appropriate organisation of the work including management of potential delays should be put in place in order to observe the timetable below.

#### **2.6.2 Meetings**

1. A **kick-off meeting** will take place in Brussels, at the latest 4 weeks following the signature of the contract, in order to settle all the details of the study to be undertaken (design and content of each reports, the calendar and deadlines, etc.)
2. A **meeting** with the Steering committee will take place in Brussels, **at the latest 12 weeks** following the signature of the contract to discuss the Inception report.
3. A **meeting** with the Steering committee will take place in Brussels, **at the latest 40 weeks** following the signature of the contract to discuss the Intermediate report.
4. A **meeting** with the Steering committee will take place in Brussels, **at the latest 56 weeks** following the signature of the contract to discuss the draft Final Report.
5. **Two stakeholder review meetings** are also planned: the first one after the inception report, in order to discuss how the contractor fulfilled the requirements of the project, taking into account the literature review, methodologies chosen, the best practices for monitoring fossil fuel subsidies in the EU Member States and the indicated data sources/initial data collected.
6. **The second stakeholder meeting** should take place after the submission of the draft final report, to discuss the results achieved so far and possible options for improvement.
7. **The contractor will submit the final study report** to the Commission at the latest **48 weeks following** the signature of the contract.

The contractor will submit the final report to the Commission at the latest 12 months after the entry into force of the contract.

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

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

#### **3.1. Content**

##### **3.1.1. Final study report**

The final study report must include:

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

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

##### **3.1.2. Publishable executive summary**

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

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

*“The information and views set out in this study 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.”*

##### **3.1.3. Requirements for publication on Internet**

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

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

Both the draft final and final reports should clearly present the data sources, applied methodology, modelling and the rationale behind the choice between them. The final report should present the result in the form of country fact-sheets, for the EU Member States containing data series on energy generation costs, external costs, subsidies, energy taxes and investments in renewable technologies. For the G20 countries a more succinct presentation, depending on data availability and comparability with EU countries, can be envisaged, this is to be discussed with the contractor at the beginning of the project.

### **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)

#### **Option B: professional graphic design**

The contractor must apply the rules set out in Visual Identity Manual for the graphic design of both the cover page and the internal pages of the study. The professional font (EC Square Sans Pro) to be used for the study will be made available to the contractor free of charge upon acceptance of the terms and conditions of its use after contract signature. 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:

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

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

Criteria assessed in order:

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. 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, identified subcontractors must provide a declaration on honour signed by an authorised representative.

The successful tenderer must provide the documents mentioned as supporting evidence in the declaration on honour before signature of the contract and within a deadline given by the contracting authority. This requirement applies to each member of the group in case of joint tender, and to identified subcontractors.

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.

#### **4.2. 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.

##### **4.2.1. Declaration and evidence**

The tenderers (and each member of the group in case of joint tender) and subcontractors whose capacity is necessary to fulfil the selection criteria must provide the declaration on honour (see Annex 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 4.1) so only one declaration covering both aspects should be provided by each concerned entity.

For the selection criteria, the Contracting Authority will evaluate:

- Economical and financial capacity criteria on the basis of the evidence uploaded in the "Participant Register of the Participant Portal"
- Technical and professional capacity criteria on the basis of the evidence to be submitted with the tenders.]

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

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

#### **4.2.2. 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.

#### **4.2.3. Economic and financial capacity criteria**

The tenderer must have the necessary economic and financial capacity to perform this contract until its end. In order to prove their capacity, the tenderer must comply with the following selection criteria.

- **Criterion F1:** Annual turnover of the last two financial years above EUR 2,000,000; this criterion applies to the tenderer as a whole, i.e. the combined capacity of all members of a group in case of a joint tender.

#### **Evidence to be provided:**

- Copy of the profit and loss accounts for the last two years for which accounts have been closed from each concerned legal entity;
- Failing that, appropriate statements from banks;

If, 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.

#### **4.2.4. 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 experience in the field of *electricity and gas markets, the transport and agricultural sector, energy intensive industries, energy market subsidies and external costs* as well as in survey construction techniques, data collection, building up complex databases, statistical analyses, econometric analysis and modelling, drafting reports.

**Evidence A1:** the tenderer must provide references for 2 projects delivered in these fields in the last three years with a minimum value for each project of € 1,000,000.

- **Criterion A2:** The tenderer must prove capacity to work in all of the EU official languages and languages spoken in each of the G20 countries outside the EU.

**Evidence A2:** the tenderer must provide references for 2 projects delivered in the last three years showing the necessary language coverage.

- **Criterion A3:** The tenderer must prove capacity to draft reports in English and French.

**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. The verification will be carried out on 5 pages of the document.

- **Criterion A4:** The tenderer must prove its capacity to work in all of the EU countries and G20 countries outside the EU as well.

**Evidence A4:** the tenderer must provide references for 2 projects delivered in the last three years. Each project or the combination of the two projects must cover the required geographical scope. In addition, the tenderer must prove that it has contacts in the EU countries not covered by its project experience in order to ensure the required geographical coverage; for this purpose, the tenderer must provide letters of intent from the contact points.

##### **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 10 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 (at least € 1,000,000 and coverage (at least 20 countries covered), with experience in management of team of at least 10 people.

**Evidence:** CV

**B2 - Language quality check:** at least 5 members of the team should have at least C1 level in the Common European Framework for Reference for Languages<sup>10</sup> in English.

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

**B3 - Expert in energy market analysis (data analysis, modelling, econometrics):** At least 5 years of professional experience. Relevant higher education degree or equivalent professional experience and at least 5 years' professional experience in the field.

**Evidence:** CV

**B4 - Team for data collection:** collectively the team of at least two people should have knowledge of each official EU language and proven experience of 2 years in data collection techniques. In order to collect data from G20 countries outside the EU, collectively at least one team member should have knowledge of language spoken in G20 countries each, and proven experience of 2 years in data collection techniques.

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

### **4.3. 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.

- **Quality of the proposed methodology** 60 points - – minimum score 50%)

Sub-criterion 1.1: Credibility of the proposed methodology, including the detailed description of all analytical, modelling, econometric tools and the capability of inquiring relationship between different datasets collected: 30 points – minimum score 50%):

Sub-criterion 1.2: Credibility of the proposed data sources and the data collection procedure, ensuring uniform methodology and comparability across countries: 30 points – minimum score 50%)

**Organisation of the work and resources:** 25 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.

- **Quality control measures** 15 points – minimum score 50%)

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<sup>10</sup> See [http://www.coe.int/t/dg4/linguistic/Cadre1\\_en.asp](http://www.coe.int/t/dg4/linguistic/Cadre1_en.asp)

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 control system should be detailed in the tender and specific to the tasks at hand; a generic quality system will result in a low score.

Tenders must score minimum 50% for each criterion and sub-criterion, and minimum 60% in total. Tenders that do not reach the minimum quality levels will be rejected and will not be ranked.

#### 4.4. 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	=	$\frac{\text{cheapest price}}{\text{price of tender X}}$	*	100	*	price weighting (in %)	+	total quality score (out of 100) for all award criteria of tender X	*	quality criteria weighting (in %)
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**The tender ranked first after applying the formula will be awarded the contract.**

### 5. LEGAL VALIDATION AND FINANCIAL VIABILITY ASSESSMENT

In the course of the procedure, tenderers are requested to register in the European Commission's Participant Register. On registering, each organisation obtains a Participants Identification Code (PIC, 9-digit number),

In the course of the procedure, the EU Validation Services (Research Executive Agency Validation Services) may contact tenderers via the Participant Register and ask for supporting documents with respect to the legal existence and status and economic and financial capacity. Please note that a request for supporting documents in no way implies that the tenderer has been successful.

For this purpose, the EU Validation Services may request the tenderer to submit the following documents:

i. For the purpose of the legal validation of the entities:

- Signed legal entity identification form<sup>11</sup>:  
Natural Person Form

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<sup>11</sup> [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)

Private Legal Entity Form

Public Legal Entity Form

- Official VAT document or — if the entity is not registered for VAT — the proof of VAT exemption, not older than 6 months.
- Signed Bank Account Form, and
- the following additional documents, where relevant:

Status	Documents to be submitted
Private body  (including SME)	Registration extract (not older than 6 months).
Public body	Copy of the act, law, decree or decision that established the organisation as a public body (or, if this doesn't exist, any other official legal document that proves this).
Non-profit organisation	Copy of an official document attesting that the organisation has a legal or statutory obligation not to distribute profits to shareholders or individual members.  The certificate of tax exemption may only constitute an indication of the non-profit status of the entity, which has to be assessed together with other elements.
Research organisation	Copy of an official document attesting that one of the main objectives of the entity is carrying out research or technological development.
Secondary or higher education establishment	Copy of an official document attesting that the organisation is recognised such as 'secondary or higher education establishment by the national education system and is entitled to deliver diplomas recognized by the State.
International organisation  International organisation of European interest	Copy of the relevant international treaty creating the organisation under international public law.
Natural person	Copy (legible) of valid identity card or passport.
Entities without legal personality	-Copy of an official document attesting that the representatives of the entity have the capacity to undertake legal obligations on its behalf.

	<p>- Copy of an official document attesting that the entity has the same operational and financial capacity as that of a legal entity :i.e.</p> <p>a document showing patrimony/asset/capital that is separated and different from those of the members/owners of the entity, and a copy of the rules providing that creditors can rely on this patrimony/asset/capital and — in case of liquidation/insolvency — are reimbursed before the patrimony/asset/capital is divided between the owners/members.</p>

ii. For the purpose of preparing the financial capacity assessment:

Status	Documents to be submitted
Legal entity	<ol style="list-style-type: none"> <li>1. Profit and loss account</li> <li>2. Balance sheet</li> <li>3. Explanatory notes and/or annexes that form part of the above financial statements (if available)</li> <li>4. External audit report<sup>12</sup>, for the procurement domain – to be submitted on voluntary basis if the entity has already been audited for other purposes</li> </ol>
Natural Person	<ol style="list-style-type: none"> <li>1. Income tax declaration</li> <li>2. Certified declaration of current patrimony (may not be applicable to procurement), including: <ol style="list-style-type: none"> <li>a. fixed patrimony (e.g. land, tenement, hereditament, medium/long-term time deposits (more than one year), stock options that cannot be exercised within one year)</li> <li>b. current patrimony (e.g. available cash, savings, short-term time deposits (maximum of one year), stock-options that can be exercised within one year)</li> </ol> </li> <li>3. List of certified debts, which must contain all debts (with dates and figures), broken down in short-term debts (of maximum one year) and</li> </ol>

	medium/long-term debts (of more than one year)(may not be applicable to procurement).
Start-up companies without closed accounts	Business plan

## 6. ANNEXES

1. Tenderer 's Identification Form
2. Declaration of honour on exclusion criteria and selection criteria
3. Power of attorney (mandate in case of joint tender)
4. Standard Word template for studies
5. Draft Contract or purchase order



# ANNEX 1

## IDENTIFICATION OF THE TENDERER

(Each service provider, including any member of a consortium or grouping and subcontractor(s) whose share of the work is more than 20% of the contract must complete and sign this identification form)

**Call for tenders MOVE/ENER/SRD xx/xxxx-xx**

Identity	
Name of the tenderer	
Legal status of the tenderer	
Date of registration	
Country of registration	
Registration number	
VAT number	
Description of statutory social security cover (at the level of the Member State of origin) and non-statutory cover (supplementary professional indemnity insurance) <sup>12</sup>	
Address	
Address of registered office of tenderer	
Where appropriate, administrative address of tenderer for the purposes of this invitation to tender	
Contact Person	
Surname: First name: Title (e.g. Dr, Mr, Ms) : Position (e.g. manager): Telephone number: Fax number:	

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<sup>12</sup> For natural persons.

E-mail address:	
<b>Legal Representatives</b>	
<b>Names and function of legal representatives</b> and of other representatives of the tenderer who are authorised to sign contracts with third parties	
<b>Declaration by an authorised representative of the organisation<sup>13</sup></b> I, the undersigned, certify that the information given in this tender is correct and that the tender is valid.	
Surname: First name:	Signature:

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<sup>13</sup> This person must be included in the list of legal representatives; otherwise the signature on the tender will be invalidated.

## ANNEX 2

### Declaration of honour on exclusion criteria and selection criteria

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

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

➤ declares whether the above-mentioned person is in one of the following situations or not:		
SITUATION OF EXCLUSION CONCERNING THE PERSON	YES	NO
a) it is bankrupt, subject to insolvency or winding up procedures, its assets are being administered by a liquidator or by a court, it is in an arrangement with creditors, its business activities are suspended or it is in any analogous situation arising from a similar procedure provided for under national legislation or regulations;	<input type="checkbox"/>	<input type="checkbox"/>
b) it has been established by a final judgement or a final administrative decision that the person is in breach of its obligations relating to the payment of taxes or social security contributions in accordance with the law of the country in which it is established, with those of the country in which the contracting authority is located or those of the country of the performance of the contract;	<input type="checkbox"/>	<input type="checkbox"/>
c) it has been established by a final judgement or a final administrative decision that the person is guilty of grave professional misconduct by having violated applicable laws or regulations or ethical standards of the profession to which the person belongs, or by having engaged in any wrongful conduct which has an impact on its professional credibility where such conduct denotes wrongful intent or gross negligence, including, in particular, any of the following:		
(i) fraudulently or negligently misrepresenting information required for the verification of the absence of grounds for exclusion or the fulfilment of selection criteria or in the performance of a contract;	<input type="checkbox"/>	<input type="checkbox"/>
(ii) entering into agreement with other persons with the aim of distorting competition;	<input type="checkbox"/>	<input type="checkbox"/>
(iii) violating intellectual property rights;	<input type="checkbox"/>	<input type="checkbox"/>
(iv) attempting to influence the decision-making process of the contracting authority during the award procedure;	<input type="checkbox"/>	<input type="checkbox"/>
(v) attempting to obtain confidential information that may confer upon it undue advantages in the award procedure;	<input type="checkbox"/>	<input type="checkbox"/>

d) it has been established by a final judgement that the person is guilty of any of the following:		
(i) fraud, within the meaning of Article 1 of the Convention on the protection of the European Communities' financial interests, drawn up by the Council Act of 26 July 1995;	<input type="checkbox"/>	<input type="checkbox"/>
(ii) corruption, as defined in Article 3 of the Convention on the fight against corruption involving officials of the European Communities or officials of EU Member States, drawn up by the Council Act of 26 May 1997, and in Article 2(1) of Council Framework Decision 2003/568/JHA, as well as corruption as defined in the legal provisions of the country where the contracting authority is located, the country in which the person is established or the country of the performance of the contract;	<input type="checkbox"/>	<input type="checkbox"/>
(iii) participation in a criminal organisation, as defined in Article 2 of Council Framework Decision 2008/841/JHA;	<input type="checkbox"/>	<input type="checkbox"/>
iv) money laundering or terrorist financing, as defined in Article 1 of Directive 2005/60/EC of the European Parliament and of the Council;	<input type="checkbox"/>	<input type="checkbox"/>
(v) terrorist-related offences or offences linked to terrorist activities, as defined in Articles 1 and 3 of Council Framework Decision 2002/475/JHA, respectively, or inciting, aiding, abetting or attempting to commit such offences, as referred to in Article 4 of that Decision;	<input type="checkbox"/>	<input type="checkbox"/>
(vi) child labour or other forms of trafficking in human beings as defined in Article 2 of Directive 2011/36/EU of the European Parliament and of the Council;	<input type="checkbox"/>	<input type="checkbox"/>
e) the person has shown significant deficiencies in complying with the main obligations in the performance of a contract financed by the Union's budget, which has led to its early termination or to the application of liquidated damages or other contractual penalties, or which has been discovered following checks, audits or investigations by an Authorising Officer, OLAF or the Court of Auditors;	<input type="checkbox"/>	<input type="checkbox"/>
f) it has been established by a final judgment or final administrative decision that the person has committed an irregularity within the meaning of Article 1(2) of Council Regulation (EC, Euratom) No 2988/95;	<input type="checkbox"/>	<input type="checkbox"/>
g) for the situations of grave professional misconduct, fraud, corruption, other criminal offences, significant deficiencies in the performance of the contract or irregularity, the applicant is subject to: <ul style="list-style-type: none"> <li>i. facts established in the context of audits or investigations carried out by the Court of Auditors, OLAF or internal audit, or any other check, audit or control performed under the responsibility of an authorising officer of an EU institution, of a European office or of an EU agency or body;</li> <li>ii. non-final administrative decisions which may include disciplinary measures taken by the competent supervisory body responsible for the verification of the application of standards of professional ethics;</li> <li>iii. decisions of the ECB, the EIB, the European Investment Fund or international organisations;</li> <li>iv. decisions of the Commission relating to the infringement of the Union's competition rules or of a national competent authority relating to the infringement of Union or national competition law; or</li> <li>v. decisions of exclusion by an authorising officer of an EU institution, of a</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>

European office or of an EU agency or body.		
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**[Only for legal persons other than Member States and local authorities, otherwise delete this table]**

- declares whether a natural person who is a member of the administrative, management or supervisory body of the above-mentioned legal person, or who has powers of representation, decision or control with regard to the above-mentioned legal person (this covers the company directors, members of the management or supervisory bodies, and cases where one natural person holds a majority of shares) is in one of the following situations or not:

<b>SITUATIONS OF EXCLUSION CONCERNING NATURAL PERSONS WITH POWER OF REPRESENTATION, DECISION-MAKING OR CONTROL OVER THE LEGAL PERSON</b>	<b>YES</b>	<b>NO</b>
Situation (c) above (grave professional misconduct)	<input type="checkbox"/>	<input type="checkbox"/>
Situation (d) above (fraud, corruption or other criminal offence)	<input type="checkbox"/>	<input type="checkbox"/>
Situation (e) above (significant deficiencies in performance of a contract )	<input type="checkbox"/>	<input type="checkbox"/>
Situation (f) above (irregularity)	<input type="checkbox"/>	<input type="checkbox"/>

- declares whether a natural or legal person that assumes unlimited liability for the debts of the above-mentioned legal person is in one of the following situations or not:

<b>SITUATIONS OF EXCLUSION CONCERNING NATURAL OR LEGAL PERSONS ASSUMING UNLIMITED LIABILITY FOR THE DEBTS OF THE LEGAL PERSON</b>	<b>YES</b>	<b>NO</b>	<b>N/A</b>
Situation (a) above (bankruptcy)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Situation (b) above (breach in payment of taxes or social security contributions)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

- declares whether the above-mentioned person is in one of the following situations or not:

<b>GROUND FOR REJECTION FROM THIS PROCEDURE</b>	<b>YES</b>	<b>NO</b>
h) has not distorted competition by being previously involved in the preparation of procurement documents for this procurement procedure;	<input type="checkbox"/>	<input type="checkbox"/>
i) has provided accurate, sincere and complete information to the contracting authority within the context of this procurement procedure;	<input type="checkbox"/>	<input type="checkbox"/>
➤ acknowledges that the above-mentioned person may be subject to rejection from this procedure and to administrative sanctions (exclusion or financial penalty) if any of the declarations or information provided as a condition for participating in this procedure prove to be false.		

## **REMEDIAL MEASURES**

If the person declares one of the situations of exclusion listed above, it should indicate the measures it has taken to remedy the exclusion situation, thus demonstrating its reliability. They may include e.g. technical, organisational and personnel measures to prevent further occurrence,

compensation of damage or payment of fines. The relevant documentary evidence which appropriately illustrates the remedial measures taken should be provided in annex to this declaration. This does not apply for the situations referred in point (d) of this declaration.

#### **EVIDENCE UPON REQUEST**

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

For situations described in (a), (c), (d) or (f), production of a recent extract from the judicial record is required or, failing that, an equivalent document recently issued by a judicial or administrative authority in the country of establishment of the person showing that those requirements are satisfied.

For the situation described in point (a) or (b), production of recent certificates issued by the competent authorities of the State concerned are required. These documents must provide evidence covering all taxes and social security contributions for which the person is liable, including for example, VAT, income tax (natural persons only), company tax (legal persons only) and social security contributions. Where any document described above is not issued in the country concerned, it may be replaced by a sworn statement made before a judicial authority or notary or, failing that, a solemn statement made before an administrative authority or a qualified professional body in its country of establishment.

If the person already submitted such evidence for the purpose of another procedure, its issuing date does not exceed one year and it is still valid, the person shall declare on its honour that the documentary evidence has already been provided and confirm that no changes have occurred in its situation.

➤ declares whether the above-mentioned person complies with the selection criteria as provided in the tender specifications:		
<b>SELECTION CRITERIA</b>	<b>YES</b>	<b>NO</b>
(a) It has the legal and regulatory capacity to pursue the professional activity needed for performing the contract as required in section <i>[insert]</i> of the tender specifications;	<input type="checkbox"/>	<input type="checkbox"/>
(b) It fulfills the applicable economic and financial criteria indicated in section <i>[insert]</i> of the tender specifications;	<input type="checkbox"/>	<input type="checkbox"/>
(c) It fulfills the applicable technical and professional criteria indicated in section <i>[insert]</i> of the tender specifications.	<input type="checkbox"/>	<input type="checkbox"/>
➤ declares that the above-mentioned person will be able to provide the necessary supporting documents listed in the relevant sections of the tender specifications and which are not available electronically upon request and without delay.		

Full name

Date

Signature

## ANNEX 3

### POWER OF ATTORNEY

**mandating one of the partners in a joint tender as lead partner and lead contractor<sup>14</sup>**

The undersigned:

– Signatory (Name, Function, Company, Registered address, VAT Number)

having the legal capacity required to act on behalf of his/her company,

HEREBY AGREES TO THE FOLLOWING:

- 1) To submit a tender as a partner in the group of partners constituted by Company 1, Company 2, Company N, and led by Company X, in accordance with the conditions specified in the tender specifications and the terms specified in the tender to which this power of attorney is attached.
- 2) If the European Commission awards the Contract to the group of partners constituted by Company 1, Company 2, Company N, and led by Company X on the basis of the joint tender to which this power of attorney is attached, all the partners shall be co-signatories of the Contract in accordance with the following conditions:
  - (a) All partners shall be jointly and severally liable towards the European Commission for the performance of the Contract.
  - (b) All partners shall comply with the terms and conditions of the Contract and ensure the proper delivery of their respective share of the services and/or supplies subject to the Contract.
- 1) Payments by the European Commission related to the services and/or supplies subject to the Contract shall be made through the lead partner's bank account: [Provide details on bank, address, account number].
- 2) The partners grant to the lead partner all the necessary powers to act on their behalf in the submission of the tender and conclusion of the Contract, including:
  - (a) The lead partner shall submit the tender on behalf of the group of partners.
  - (b) The lead partner shall sign any contractual documents — including the Contract, and Amendments thereto — and issue any invoices related to the Services on behalf of the group of partners.
  - (c) The lead partner shall act as a single contact point with the European Commission in the delivery of the services and/or supplies subject to the Contract. It shall co-ordinate the delivery of the services and/or supplies by the group of partners to the European Commission, and shall see to a proper administration of the Contract.

Any modification to the present power of attorney shall be subject to the European Commission's express approval. This power of attorney shall expire when all the contractual obligations of the group of partners towards the European Commission for the delivery of the services and/or supplies subject to the Contract have ceased to exist. The parties cannot terminate it before that date without the Commission's consent.

Signed in ..... on [dd/mm/yyyy]

Place and date:

<sup>14</sup> To be filled in and signed by each partner in a joint tender except the lead partner.



Name (in capital letters), function, company and signature:

ANNEX 4  
**Standard Word template for studies**

*<Insert template from the [Models](#) section of the Manual of Procedures.>*

ANNEX 5

**DRAFT CONTRACT**

*Please see separate document*