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Restricted procedure

Call for tenders JRC/KRU/2018/R.7/0086/RC - Social Assistance at JRC Karlsruhe

1st Phase – Selection of Candidates

Tender specifications

Part 1: Administrative annex

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1. INFORMATION ON TENDERING

1.1. Who may submit a tender

Participation in this procurement procedure is open on equal terms to all natural and legal persons coming within the scope of the [Treaties](#), as well as to international organisations.

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

The rules on participation do not apply to subcontractors.

For tenderers from the United Kingdom:

Please be aware that after the UK'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.

1.2. How economic operators can organise themselves to submit a tender

Economic operators can submit a tender either as a sole tenderer or as a group of tenderers (joint tenders, Section 1.2.1). In either case subcontracting is permitted (Section 1.2.2). A tenderer can also rely on the capacities of other entities to fulfil the selection criteria (Section 1.2.3).

The tenderer must clearly specify the role of each economic operator involved in the tender – as a member of a group, a subcontractor or a third party on whose capacity is being relied upon. This also applies where the entities involved belong to the same economic group.

Changes in the composition of the group or change of subcontractors during the procurement procedure (after submission of the tender) or contract execution is subject to the prior written approval of the Contracting Authority.

The Contracting Authority may require the tenderer to remove or, in case of subcontracting or reliance on a third party for the selection criteria, to replace an entity which is in an exclusion situation or does not fulfil a relevant selection criterion.

¹ https://www.wto.org/english/tratop_e/gp_gpa_e.htm.

1.2.1. Joint tenders

A joint tender is a situation where a tender is submitted by a group (with or without legal form) of economic operators (natural or legal persons) regardless of the link they have between them.

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.

The joint tender must clearly indicate the role and tasks of each member and designate one legal entity ("the leader") as the single point of contact for the Contracting Authority for administrative and financial aspects as well as operational management of the contract. The leader will have full authority to bind the group and each of its members during contract execution.

If the joint tender is successful, the Contracting Authority will sign the contract either with all members of the group, or with the leader, authorised by the other members to sign the contract on their behalf (e.g. via powers of attorney).

1.2.2. Subcontracting

Subcontracting is the situation where the contractor enters into legal commitments with other legal entities which will perform part of the contract on its behalf. The contractor retains full liability towards the Contracting Authority for performance of the contract as a whole. Freelancing, drawing on the activities or staff of any other entirely different legal entity than the contractor, qualifies as subcontracting, independent of the applicable national law.

All contractual tasks may be subcontracted unless the Technical Specifications reserve the execution of certain critical tasks to the tenderer itself, or in case of a joint tender, to a member of the group.

Tenderers must give an indication of the proportion of the contract that they intend to subcontract, if known at the time of submission of the tender, and identify subcontractors (*identified subcontractors*) meeting **any** of these conditions:

- on whose capacities the tenderer relies upon to fulfil the selection criteria as described under Section 2.3;
- whose individual share of the contract is above 20 % (where the subcontracting share is known at the time of submission).

1.2.3. Reliance on a third party for fulfilment of selection criteria

For the fulfilment of selection criteria under Section 2.3 a tenderer may rely on the capacities of other entities, regardless of the legal nature of the links it has with them. In that case it must prove that it will have at its disposal the resources necessary for the performance of the contract by producing a commitment by those entities to that effect.

If the contract is awarded to a tenderer relying on another entity to meet the minimum levels of economic and financial capacity, the Contracting Authority may require the entity to sign the contract or, alternatively, to provide a joint and several first-call financial guarantee for the performance of the contract.

With regard to technical and professional selection criteria, a tenderer may only rely on the capacities of other entities where the latter will perform the works or services for which these capacities are required.

2. EVALUATION AND AWARD

2.1. Order and basis of evaluation

The evaluation of requests to participate will be based on the information contained in the tenders and, if applicable, on additional information and evidence provided by tenderers at the request of the Contracting Authority.

Requests to participate received in conformity with the submission modalities of the call for tender will be subject to assessment with regard to the following criteria:

- Exclusion criteria (Section 2.2)
- Selection criteria (Section 2.3)

The Contracting Authority will assess these criteria in no particular order. A tenderer failing to pass a given category of criteria will not be evaluated under the other categories and will be informed of the ground for rejection without being given feedback on the non-assessed content of the tender.

The Contracting Authority shall evaluate tenders as follows:

- Exclusion and selection criteria shall be evaluated on the basis of a signed and dated "Declaration(s) on Honour on Exclusion and Selection criteria" (Annex 1) to be provided at tender submission stage as evidence of non-exclusion and fulfilment of selection criteria (Section 2.3) and, if applicable, on the basis of the information and evidence requested and provided with the tender or during the procurement procedure.

Where the value of the awarded contract is equal to or above EUR **144,000**, the successful tenderer **shall** be required to provide before contract signature and within a deadline given by the Contracting Authority the following documentary evidence:

- Supporting documents of non-exclusion listed in the "Declaration on Honour on Exclusion and Selection criteria" (Annex 1). In case of a joint tender this evidence must be provided by each member of the group, the *identified subcontractors* (Section 1.2.2) and other entities whose capacity is being relied upon for fulfilment of the selection criteria (Section 1.2.3).
- Evidence of legal and regulatory, financial and economic and technical and professional capacity specified in Section 2.3 of this document. For joint tenders, subcontracting or reliance on third parties for the fulfilment of the selection criteria, the evidence must be

provided in accordance with the applicable basis for assessment of each criterion: in case of a consolidated assessment – only by the entities who contribute to the fulfilment of the criterion, and in case of individual assessment – by each entity to whom the criterion applies individually.

The Contracting Authority reserves the right to require the above documentary evidence at any time during the procurement procedure and contract performance. Failure to provide the requested evidence may lead to the tender being rejected. If any of the declarations or information provided as a condition for participating in this procedure proves to be false the Contracting Authority may impose administrative sanctions (exclusion or financial penalties) on the entity providing the false declarations/information.

Tenderers shall not be required to submit:

- **Documentary evidence** that has already been submitted for the purposes of another procurement procedure of the Commission, provided that (1) the declaration and exclusion criteria evidence are still valid and the time that has elapsed since their date of issue does not exceed one year, (2) the supporting evidence to the selection criteria are still up-to-date. In such cases, the tenderer shall declare on its honour that the the declaration and/or documentary evidence have 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 since that time.
- A specific document which the Contracting Authority can access on a national database free of charge. In this case the tenderer shall provide the Contracting Authority with the internet address of the database and, if needed, the necessary identification data to retrieve the document.

International organisations are exempt from the obligation to submit supporting documents of non-exclusion.

2.2. Exclusion criteria

The objective of the exclusion criteria is to assess whether an economic operator is allowed to participate in the procurement procedure or to be awarded the contract.

Tenderers will be rejected from the procurement procedure if they are in any of the situations listed in Article 136(1) of [the Financial Regulation](#). Where the tenderer is a legal person, certain exclusion situations apply also to the natural persons having power of representation, decision-making or control over the tenderer and to natural or legal persons assuming unlimited liability for the debts of the tenderer. All these situations are explicitly described in the "Declaration on Honour on Exclusion and Selection Criteria" (Annex 1).

To verify if any tenderer or identified subcontractor is in an exclusion situation *the Contracting authority* may consult [the Early Detection and Exclusion System](#) or, where this is necessary to ensure the proper conduct of the procedure, require the supporting evidence listed in the declaration of honour.

2.3. Selection criteria

The objective of selection criteria is to assess the capacity of the tenderer to carry out the work subject to this procurement procedure. This includes legal and regulatory, economic, financial, technical and professional capacity.

To fulfil the selection criteria a tenderer may rely on the capacities of other entities (Section 1.2.3).

2.3.1. Legal and regulatory capacity

Tenderers must prove that they are allowed to pursue the activity necessary to carry out the work that is the subject to this call for tenders.

2.3.2. Economic and financial capacity

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

Please note that all of the evidence of economic and financial capacity listed below must be provided with the tender.

Criterion F1: Average annual turnover of the last two financial years for which accounts have been closed above EUR 180.000.

- **Evidence F1:** Copy of the profit and loss accounts for the last two years for which accounts have been closed from each concerned legal entity, or, failing that, appropriate statements from banks. The most recent year must have been closed within the last 18 months.
- **Basis for assessment F1:** This criterion applies to the tenderer as a whole (consolidated assessment) - the combined capacities of all members of the group in case of a joint tender, all *identified subcontractors* and all entities on whose capacity is relied for the fulfilment of this criterion.

Criterion F2: The tenderer must have a professional risk indemnity insurance.

- **Evidence F2:** Copy of the professional risk indemnity insurance.
- **Basis for assessment F2:** This criterion applies to the leader of the group in case of joint tender.

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 Contracting Authority reserves the right to request any other document enabling it to verify the tenderer's economic and financial capacity.

2.3.3. Technical and professional capacity

The tenderer must have the necessary technical and professional capacity to perform this contract throughout its duration. In order to prove their technical and professional capacity, the tenderer must comply with the following selection criteria.

Please note that all of the specified evidence of technical and professional capacity listed below must be provided with the tender.

Criterion T1: The tenderer must prove experience in the field of social assistance, and more specifically addressing psychosocial needs in the domains of prevention, welcome services, aid and assistance, help and guidance in family and relation crises, divorce assistance and mediation, advice for youth, crisis shelter, victim support services, etc.

- **Minimum level of capacity T1:** At least 1 similar service completed in the last 3 years preceding the tender deadline.
- **Evidence T1:** A list of contracts/projects meeting the minimum level of capacity. The list shall include details of their start and end date, total contract/project amount and scope, role and amount invoiced by the economic operator. In case of contracts still on-going only the portion completed during the reference period will be taken into consideration.
- **Basis for assessment T1:** This criterion applies to the tenderer as a whole - the combined capacities of all members of the group in case of a joint tender, all *identified subcontractors* and all entities on whose capacity is relied for the fulfilment of this criterion.

Criterion T2: Aptitude of the proposed manpower to perform the contract. The person(s) proposed to carry out the tasks described in the Technical Specifications shall have the profile of Social Assistant / Social Worker (or equivalent).

- **Minimum level of capacity T2:** At least 2 persons with a relevant education degree and with a minimum of 2 years' professional experience in the field.
- **Evidence T2:** For each profile type the tenderer must provide at least the minimum number of CVs per profile (preferably in Europass format) meeting the minimum capacity levels for this criterion. The precise contractual link with the tenderer must be specified. It is reminded that freelancing qualifies as subcontracting.
- **Basis for assessment T2:** This criterion applies to the tenderer as a whole - the combined capacities of all members of the group in case of a joint tender, all *identified subcontractors* and all entities on whose capacity is relied for the fulfilment of this criterion.

2.4. Verification of compliance with Tender Specifications

This stage concerns the evaluation of the tenders in the second phase of the procedure after the selected tenderers have received the invitation to tender.

2.5. Award criteria

The objective of the award criteria is to evaluate the [technical and] financial offer with a view to choosing the most economically advantageous tender in accordance with the award method indicated below.

- Lowest price award method

The contract shall be awarded to the tender that offers the lowest price, complies with the Tender Specifications and is submitted by a tenderer which is not in an exclusion situation and fulfils the selection criteria.

The price considered for evaluation will be the total price of the tender, covering all the requirements and all options as set out in the Tender Specifications.

2.6. Ranking and award

Tenders in compliance with the Tender Specifications, submitted by tenderers not in exclusion situation and fulfilling the selection criteria, will be ranked according to the total price considered for evaluation (Section 2.5). Ranking will be in ascending order of the total price with the lowest price tender being ranked first.

The contract shall be awarded to the tender ranked first, which complies with the Tender Specifications, and is submitted by a tenderer which is not in an exclusion situation and fulfils the selection criteria.

3. STRUCTURE AND CONTENT OF THE TENDER

Tenders shall include the following documents.

3.1. Administrative documents

The tender must include:

- A cover letter signed by an authorised representative of the tenderer (in case of joint tenders an authorised representative of each member or only of the leader duly authorised by the other members). The letter must clearly indicate:
 - the name of the tenderer, including the names of all members of the group in case of a joint tender, as well as their tasks during contract execution,
 - the tender reference number and title,
 - if applicable, the names of subcontractors and entities on whose capacity the tenderer relies for fulfilling the selection criteria, as well as their tasks during contract execution,
 - the period of tender validity (in the absence of such indication the Contracting Authority shall assume that the tender is valid at least for the minimum validity period set in the Invitation letter),

- contact details for communications with the Contracting Authority (including contact person and email),
- confirmation of acceptance of all terms and conditions of the Tender Specifications and the Draft Contract,
- indication whether the tenderer (each member in case of a joint tender) is a Small or Medium Size Enterprise in accordance with [Commission Recommendation 2003/361/EC](#) (this information is used for statistical purposes only).
- Evidence confirming that the person signing the cover letter and other documents on behalf of the tenderer is so authorised (e.g. copy of notice/publication of appointment or extract from trade register). Any delegation of this authorisation to another representative not indicated in the official appointment must be evidenced.
- (if applicable) Evidence that the leader of the joint tender is authorised to sign the cover letter and, if the joint tender is successful, the contract on behalf of the other members of the group.
- (if applicable) Document proving the commitment of subcontractors/third parties on whose capacity the tenderer relies for fulfilling the selection criteria and confirming that the tenderer will have at its disposal the resources necessary for the performance of the contract.
- Legal Entity Form signed by an authorised representative of the tenderer (each member of the group in case of joint tender) and the supporting documents indicated in the form.

The form is available at the following link:

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 contractors of the Commission) must provide the form but are not obliged to provide the supporting documents.

- Financial Identification Form signed by an authorised representative of the tenderer (only the leader in case of joint tender) and the supporting documents indicated in the form.

The form is available at the following link:

http://ec.europa.eu/budget/contracts_grants/info_contracts/financial_id/financial-id_en.cfm

3.2. Non-exclusion

As evidence of non-exclusion criteria it is sufficient at the request to participate submission stage, to submit the "Declaration on Honour on Exclusion and Selection criteria" (Annex 1), signed and dated by an authorised representative of:

- the tenderer (each member of the group in case of joint tender), and
- (if applicable) each identified subcontractor (see Section 1.2.2), and
- (if applicable) each third party on whose capacity is being relied for fulfilment of the selection criteria (see Section 1.2.3).

3.3. Technical offer

No technical offer is required at this stage of the procedure.

3.4. Financial offer

No financial offer is required at this stage of the procedure.

4. ADDITIONAL INFORMATION

The aim of the present administrative annex is to enable interested parties to submit requests to participate (applications). Only candidates who are selected based on the requirements listed in this Annex will be invited to tender.

The request to participate and any additional information are available in a specially designated section of the contracting authority's website at the following address:
<http://web.jrc.ec.europa.eu/callsfortender/>

Candidates are therefore requested to check this website regularly, on which answers to questions and requests for additional information will be made available. It is the candidate's responsibility to check for updates and modifications during the invitation to tender period.

The Commission reserves the right to use a negotiated procedure if the circumstances set out in Article 134 (1) (e) of Commission Regulation (EU) No 1268/2012 of 29 October 2012ⁱ apply. It states that the negotiated procedure may be applied without prior notification of the contract in the case of the repetition of similar services or works contracted by the same contracting authority to the economic operator who has received the initial contract, provided that such work or construction work corresponds to a basic project and this project was the subject of the original contract awarded after a contract notice.

5. ANNEXES

Annex 1: Declaration on Honour on Exclusion and Selection criteria

Annex 2: Evaluation Form

ⁱ Amended by Delegate Regulation (EU) 2015/2462 of the Commission of 30 October 2015 amending Delegate Regulation (EU) No 1268/2012 of the Commission laying down the rules for the application of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council on the Financial Regulation applicable to the general budget of the Union (Amtsblatt L 342/7 of 29.12.2015).