

**OPEN PROCEDURE No HR/R1/PO/2018/043**

**PROVISION OF SERVICES IN THE FIELD OF MEDICINE  
FOR THE MEDICAL SERVICE IN LUXEMBOURG**

**Lot 1 – Cardiology services**

**Lot 2 – Ophthalmology services**

**TENDER SPECIFICATION**

## CONTENTS

I.	PART I – TECHNICAL SPECIFICATIONS AND MINIMUM REQUIREMENTS .....	5
I.1.	INTRODUCTION .....	5
I.2.	SUBJECT OF THE CONTRACT .....	5
I.3.	DESCRIPTION OF THE SERVICES .....	5
I.4.	COMPLIANCE WITH ENVIRONMENTAL, SOCIAL AND LABOUR LAW .....	6
I.5.	LOCATION .....	6
I.6.	TIMES OF SERVICES .....	6
I.7.	LANGUAGE OF THE SERVICES.....	6
I.8.	VOLUME OF SERVICES.....	6
I.9.	RELATIONS BETWEEN THE SERVICE PROVIDER, STAFF AND THE COMMISSION’S MEDICAL SERVICE IN LUXEMBOURG.....	7
I.10.	RELATIONS BETWEEN THE SERVICE PROVIDER AND THE MANAGEMENT OF THE MEDICAL SERVICE.....	7
I.11.	INFORMATION SESSION.....	7
II.	PART II – ADMINISTRATIVE SPECIFICATIONS.....	8
II.1.	PARTICIPATION IN THE TENDERING PROCEDURE .....	8
II.2.	PARTICIPATION IN ONE OR MORE LOTS .....	8
II.3.	VARIANTS.....	8
II.4.	JOINT TENDERS.....	8
II.5.	SUBCONTRACTING .....	9
II.6.	DURATION AND NATURE OF CONTRACTS.....	9
II.7.	ORDER FORMS .....	10
II.8.	PAYMENT ARRANGEMENTS .....	10
II.9.	CONTINUITY OF SERVICE GUARANTEE .....	10
II.10.	APPROVAL.....	11
II.11.	OTHER SPECIAL CONDITIONS.....	12
III.	PART III — EVALUATION OF TENDERS AND AWARD OF THE CONTRACT .....	13
	STAGES OF THE EVALUATION.....	13
III.1.	EXCLUSION CRITERIA .....	13
III.2.	SELECTION CRITERIA .....	14
III.2.1.	<i>Legal and statutory capacity</i> .....	14

III.2.2. <i>Economic and financial capacity</i> .....	15
III.2.3. <i>Technical and professional capacity</i> .....	15
III.3. EVALUATION OF THE TENDER .....	18
III.3.1. <i>Award criterion: the lowest price</i> .....	18
III.3.2. <i>Financial evaluation and prices</i> .....	18
III.3.3. <i>Award formula/cascade order</i> .....	18
IV. CONTENT AND PRESENTATION OF TENDERS.....	18
V. ANNEXES .....	21

## GLOSSARY

- **Service provider:** a professional with the technical capacity to supply the professional services covered by the contract.
- **Legal person:** an entity with legal personality, which has direct legal rights and obligations on behalf of the natural or legal persons comprising it or that created it (undertakings, associations, etc.).
- **Natural person:** within the meaning of the law, a human being to whom rights have been accorded.
- **Group:** an ad-hoc association of two or more natural and/or legal persons.
- **Joint tender:** a tender submitted by a group.
- **Lead tenderer:** an entity within a group that has been designated group leader by the other entities/members of the group; the legal representative of the lead tenderer will sign documents on behalf of the group (including the framework contract).
- **Contracting authority:** the European Commission.
- **Contractor:** a natural or legal person or a group that is a party to the contract resulting from this tender procedure; in the case of a group, the contractor is the group as a whole, represented by the lead tenderer.
- **Tenderer:** a natural or legal person or a group that submits a tender.

## **I. PART I – TECHNICAL SPECIFICATIONS AND MINIMUM REQUIREMENTS**

### **I.1. INTRODUCTION**

The European Commission (hereinafter referred to as ‘the Commission’ or ‘the contracting authority’), and in particular unit HR.D.4 – Medical Service – Luxembourg (‘the Medical Service in Luxembourg’) of the Directorate-General for Human Resources and Security, is responsible for drawing up and implementing health policy for Commission staff. The concept of ‘health’ is to be understood here in a broad, inclusive sense encompassing the well-being and physical and mental health of staff throughout their career.

The Medical Service in Luxembourg is in particular responsible for the medical monitoring of all European Commission staff assigned to the various DGs and units in the city of Luxembourg.

The Medical Service in Luxembourg has:

- a nurse and a first-aid area;
- medical clinics with all the equipment required by the various specialists;
- an ophthalmology clinic.

The Medical Service uses doctors and other service providers to carry out certain activities. This invitation to tender concerns the provision of medical services in the fields of cardiology and ophthalmology. The contract is divided into two lots as indicated in point I.2 and in the technical specifications in Annex I (one document per lot). Service providers must take into account the multicultural and multilingual nature of Commission staff.

### **I.2. SUBJECT OF THE CONTRACT**

The purpose of this contract is to provide the Commission’s Medical Service in Luxembourg with individual service providers or groups of individual service providers, clinics, medical practices or ad-hoc consortia of medical specialists in the fields indicated in the following two lots:

<b>Lot 1 –</b>	Cardiology services
<b>Lot 2 –</b>	Ophthalmology services

For each lot, the contracting authority intends to conclude a ‘multiple framework contract’ for four years with a maximum of three service providers per lot, in accordance with the conditions and technical specifications set out in this tender specification and its annexes and in the draft framework contract.

### **I.3. DESCRIPTION OF THE SERVICES**

The detailed description of the services to be provided for each lot can be found in the technical specifications in Annex I.

#### **I.4. COMPLIANCE WITH ENVIRONMENTAL, SOCIAL AND LABOUR LAW**

The contractor must comply with applicable obligations under environmental, social and labour law established by Union law, national law and collective agreements or by the international environmental, social and labour law provisions listed in Annex X to Directive 2014/24/EU<sup>1</sup>.

#### **I.5. LOCATION**

The services for both lots will be provided at the premises of the Medical Service in the Drosbach building, DRB B-1, at 12 rue Guillaume Kroll, L-1882 Luxembourg.

In the light of the current security situation, the contracting authority reserves the right to ask for background security checks on members of the contractor's team who will have access to Commission premises during the provision of these services.

#### **I.6. TIMES OF SERVICES**

Service providers will be required to provide services according to the timetables laid down in the technical specifications (Annex I). Timetables will be set for each lot according to the specific requirements of each field.

#### **I.7. LANGUAGE OF THE SERVICES**

The services must be performed in English and in French. Tenderers must demonstrate their ability to provide the services and to work in each of these languages (see point III.2.3 below).

#### **I.8. VOLUME OF SERVICES**

Based on annual estimates, the total volume of services to be provided under the framework contracts is as follows:

<b>Lot</b>	<b>Hours per week</b>	<b>Hours per year</b>
Lot 1 – Cardiology services	4 hours	208 hours/year
Lot 2 – Ophthalmology services	8 hours	416 hours/year

Details of the times at which the services must be carried out are set out in the technical specifications for each lot (Annexes I.1 and I.2).

However, this information is given as a guide only and is not in any way binding on the Commission as regards the volume of the contract.

The contracting authority may use a negotiated procedure, without prior publication of a contract notice, for the award of new services which entail the repetition of similar services entrusted to the contractor who was awarded the original contract by the same contracting authority. That procedure may be used only during the performance of the original contract and at the latest during the three years following its signature.

<sup>1</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 (text with EEA relevance) (OJ L 94, 28.3.2014, pp. 65-242).

## **I.9. RELATIONS BETWEEN THE SERVICE PROVIDER, STAFF AND THE COMMISSION'S MEDICAL SERVICE IN LUXEMBOURG**

### **I.9.1. RELATIONS BETWEEN THE SERVICE PROVIDER AND STAFF IN CONSULTATIONS**

The service provider must offer services that meet high quality standards to the persons they are required to see as part of their activities: pre-recruitment examinations, annual check-ups, activities relating to emergencies and preventative campaigns, expert opinions and/or other specialist examinations at the request of the Head of the Medical Service.

They must provide the patients and/or Medical Service colleagues concerned with all the relevant information, which must be as comprehensive and appropriate as possible.

In the course of its activities, the service provider must comply with the code of professional ethics in force in Luxembourg.

### **I.9.2. RELATIONS BETWEEN THE SERVICE PROVIDER, THE MEDICAL SERVICE AND THE OTHER SERVICE PROVIDERS AT THE MEDICAL SERVICE**

The service provider must maintain relations with the staff of the Medical Service, and with other service providers where applicable, on a mutual trust basis.

## **I.10. RELATIONS BETWEEN THE SERVICE PROVIDER AND THE MANAGEMENT OF THE MEDICAL SERVICE**

The Medical Service in Luxembourg is responsible for the management of all contractual aspects in order to harmonise and coordinate the services to be delivered by the service provider. It is also responsible for determining any specific needs which could arise during performance of the contract and for approving and guaranteeing the proper functioning of activities assigned to the service provider.

The service provider must refrain from issuing any document that might appear to constitute a decision issued by the Commission in a given case. The service provider must inform the management of the Medical Service of its opinion on the follow-up to the cases it has handled.

If the service provider becomes aware of facts or events likely to be detrimental to the operation of the Medical Service and/or to harm its reputation, it must inform the management of the Medical Service without delay.

The service provider will be subject to the rules on confidentiality under Regulation (EC) No 45/2001 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data<sup>2</sup>, and/or any other relevant legislation replacing or modifying this Regulation.

## **I.11. INFORMATION SESSION**

An information meeting on the operating procedures of the Medical Service will be organised after the framework contract has been signed, to provide practical details on the duties to be assigned to the contractor/service provider.

---

<sup>2</sup> Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data (OJ L 8, 12.1.2001, pp. 1-22).

## **II. PART II – ADMINISTRATIVE SPECIFICATIONS**

### **II.1. PARTICIPATION IN THE TENDERING PROCEDURE**

Participation in this procurement procedure is open on equal terms to all natural and legal persons coming within the scope of the Treaties, and to all natural and legal persons in a third country that has a special agreement with the European Union in the field of public procurement, under the conditions laid down in that agreement. Where the Multilateral Agreement on Public Contracts concluded within the framework of the World Trade Organisation (WTO) applies, the contracts are also open to nationals of States which have ratified this Agreement, under the conditions laid down therein.

#### **For candidates or tenderers from the United Kingdom:**

Please note that after the United Kingdom's withdrawal from the European Union, the rules of access to EU procurement procedures for economic operators established in third countries will apply to candidates and tenderers from the UK, depending on the outcome of the negotiations. If the legislation in force does not make provision for such access, candidates and tenderers from the UK could be excluded from the procurement procedure.

### **II.2. PARTICIPATION IN ONE OR MORE LOTS**

Tenderers may participate in one or both lots.

### **II.3. VARIANTS**

No variants or substitutes for the contracting authority's model solution are allowed.

Furthermore, tenderers may not submit a tender only for part of the services required under this specification.

### **II.4. JOINT TENDERS**

A group of two or more economic operators may submit a tender (joint tender). A joint tender will be treated in the same way as any other tender, i.e. it will be evaluated on the basis of its intrinsic quality having regard to the criteria set out in this specification. A joint tender may include subcontractors in addition to the joint tenderers.

Any change in the composition of a group during the procurement procedure may result in the tender being rejected. Any change in the composition of the group after the contract is signed may result in the termination of the contract.

The group must provide the details requested on the identification form (Annex II), clearly indicating the identity and respective roles of the members of the group. The group must designate (by means of a power of attorney signed by each member) a legal entity (the 'lead tenderer') with full powers to commit the group and each of its members vis-à-vis the contracting authority as regards the submission of the tender and signing of the contract.

After the contract has been awarded, it will be signed by the contracting authority and the lead tenderer.

The duly authorised lead tenderer will also be responsible for the administrative management of the contract and order forms, invoicing, receipt of payments, etc. on behalf of the other members.

In the case of a joint tender, all the members of the group will assume joint and several liability for the performance of the framework contract.

The exclusion criteria (see point III.1 below) will apply to each individual member of the group. The selection criteria (see point III.2 below) will apply to the group as a whole.

## **II.5. SUBCONTRACTING**

Subcontracting is permitted. The contractor nevertheless retains full liability vis-à-vis the contracting authority for the performance of the contract as a whole.

Tenderers must clearly indicate in their tenders what proportion of the work they intend to subcontract (i.e. the percentage of the total contract value) and the identity of all subcontractors. The full particulars of such subcontractors (name, place of establishment, activities and estimated volume of their participation) must also be indicated in the tender, as requested in the identification form (Annex II). Subcontractors must also provide a declaration/letter of intent stating their firm commitment to work with the tenderer if it is awarded the contract and specifying the resources they will make available to the tenderer for the performance of the contract.

Point III.1 below also applies to subcontractors.

Subcontracting must be approved by the contracting authority, either through acceptance of the contractor's tender or, if the subcontracting is proposed by the contractor after the signing of the framework contract, through the contracting authority's prior agreement. In the latter case, subcontracting will be accepted only in exceptional circumstances, if it is judged by the contracting authority to be necessary for implementing the project and does not lead to distortion of competition.

## **II.6. DURATION AND NATURE OF CONTRACTS**

Cascading multiple framework contracts will be concluded for a duration of four years.

The cascading multiple framework contracts will be concluded with a maximum of three service providers per lot, provided a sufficient number of acceptable tenders is received.

'Cascading multiple framework contract' refers to the procedure whereby identical framework contracts are concluded separately between the contracting authority and several service providers to ensure that the contract can be carried out by one or other of the contractors on the basis of the list of tenderers in descending order established according to the contract award method.

Provided that a sufficient number of acceptable tenders is received, there will thus be a maximum of three framework contracts per lot, which will be called on in turn.

Under this 'cascade' system (without reopening competition), an order form will be sent to the first contractor in the cascading list.

- If the contractor does not accept the order, and/or
- if the contractor fails to observe the deadlines as indicated in point I.4.3 of the framework contract, and/or
- if the contractor is in a situation of conflict of interests that may negatively affect the performance of the contract,

the same request will be sent to the second contractor or the third, as the case may be.

## **II.7. ORDER FORMS**

Every service to be provided under the framework contract must be covered by an order prepared in advance by the Medical Service in Luxembourg. There can be no provision of services without such an order form. The specimen order form to be used can be found in the annexes to the draft framework contract.

The implementation of the contract through order forms is described in Article I.4.3 of the framework contract.

## **II.8. PAYMENT ARRANGEMENTS**

Payment arrangements are set out in the draft framework service contract (Article I.6).

Furthermore, the contractor must send a monthly invoice to the Medical Service in Luxembourg for verification of its conformity with the facts. This invoice must be drawn up by the contractor and list in detail the services requested and performed on the basis of the corresponding order form.

The contractor must submit an attendance declaration (Annex IV to the framework contract) completed and signed by the service provider and countersigned to signify approval by a person authorised by the Medical Service in Luxembourg.

## **II.9. CONTINUITY OF SERVICE GUARANTEE**

### **II.9.1. IN THE EVENT OF UNSATISFACTORY PERFORMANCE**

In accordance with Article II.4.9 of the framework contract, should the service provider have insufficient expertise to supply the services required, the Commission will request in writing the replacement of the service provider and reserves the right to terminate the framework contract in accordance with Article II.18.1 thereof. The contractor must propose a replacement within five working days of receipt of the written communication. The replacement must obtain approval in accordance with the procedure described in point II.10.

### **II.9.2. IN THE EVENT OF TEMPORARY UNAVAILABILITY**

In the event of the service provider's being temporarily unavailable (for example because of illness, holiday or a study trip), the contractor must propose a replacement in good time to ensure continuity of service.

The contractor must ensure that the proposed replacement possesses the qualifications and skills required by the tender specification.

The replacement must obtain approval in accordance with the procedure described in point II.10.

The Commission reserves the right to refuse the proposed replacement if he or she does not meet the selection and exclusion criteria set out in points III.2 and III.1 or does not obtain approval.

The contractor must propose a new, qualified replacement within ten working days.

The replacement will be considered as the contractor's subcontractor. Such replacement does not release the contractor from his or her contractual liability to the European Commission throughout the entire period of performance of the contract. The contractor will remain the Commission's sole contact in all areas, particularly for administrative and financial matters.

The contractor must inform the replacement of the extent of the contractual obligations to which he or she is subject and send him or her all the information needed for provision of the services under this framework contract.

The contractor bears the cost of replacing its staff and is responsible for any delay in providing the services resulting from the replacement of staff.

## **II.10. APPROVAL**

The purpose of the approval process is to check to what extent service providers match the profile described in the selection criteria set out in point III.2.3.

### **II.10.1. APPROVAL REQUIREMENT**

The contractor must obtain the approval of the operational department in Luxembourg for all service providers tasked with performing the services covered by this framework contract.

### **II.10.2. APPROVAL PROCEDURE**

For each lot, the approval procedure will take place after the framework contract is signed and before the start of service provision on the basis of the order form. The contractor must bear the costs of approval in full. These will not be reimbursed.

Approval will be based on an interview with members of the 'Health and Well-being – Working conditions' Directorate in Luxembourg.

The arrangements for the approval interview are described below:

- a) The approval interview will take place in French and/or English before a panel of Commission staff. The service provider will be asked to attend the interview at the premises of the Luxembourg Medical Service at 12, rue Guillaume Kroll – Drosbach building, L-1882 Luxembourg. In some cases and subject to the prior agreement of the Commission, the interview may be held by videoconference. Prior to the interview the contractor must supply all the supporting documents relating to the selection criteria (see points III.2.1 and III.2.3), in the event that, following the replacement of staff, they were not sent earlier in the procedure.
- b) The members of the panel from the 'Health and Well-being – Working Conditions' Directorate will:
  - examine the supporting documents relating to the selection criteria, if these documents were not submitted to the contracting authority during the tender procedure, and

- present the service provider with one or more clinical cases in French and/or English, in order to confirm the service provider's practical and linguistic abilities. The service provider will have a maximum of 15 minutes per clinical case to prepare its analysis. The service provider must then present its analysis to the panel, followed by a question-and-answer session. The total duration of the interview (preparation, presentation, questions and answers) is set at 45 minutes.
- c) In the interview, it must be shown that the service provider has the following faculties:
  - ability to analyse and assess the situation;
  - ability to identify and put in place suitable measures;
  - respect for professional and personal ethics; and
  - ability to work with other medical and paramedical professionals.
- d) For approval to be granted, the contractor must have supplied the supporting documents relating to the selection criteria, and the service provider must have made a satisfactory presentation demonstrating its practical ability to perform the contract.

The contractor will be notified of the panel's decision in writing.

In the event of a negative outcome, the contractor may attempt to obtain approval again, either with the same candidate service provider making a new presentation, or with another candidate service provider who has the required profile.

Compliance with the obligations referred to above will be deemed a substantial contractual obligation within the meaning of Article II.18.1.c of the general conditions of the framework contract. Failure to comply with this obligation will constitute grounds for termination of the contract and/or the order form.

## **II.11. CHECKS DURING PERFORMANCE OF THE FRAMEWORK CONTRACT**

The quality of services will be checked:

- on an ad-hoc basis, following complaints or where there are factors indicating the need for immediate measures to be taken;
- on an annual basis by the Medical Service responsible for managing compliance with procedures, risks to professional reputation, etc.

Where applicable, the shortcomings identified will be notified by the Medical Service to the contractor, which will be required to provide explanations within five working days and immediately take all necessary measures to remedy the shortcomings.

If the contractor does not take all necessary measures following three reports drawn up by the Medical Service responsible, the Medical Service may terminate the framework contract in accordance with the arrangements laid down in Article II.18(c) of the draft framework contract.

The other contractual terms and conditions not included in the tender specification, which specify the contractor's rights and obligations, can be found in the draft framework contract.

### **III. PART III — EVALUATION OF TENDERS AND AWARD OF THE CONTRACT**

#### **STAGES OF THE EVALUATION**

The evaluation will be based solely on the information provided by the tenderer in the tender submitted. It will comprise the following three stages:

1. Verification of the non-exclusion of tenderers on the basis of the declaration on the exclusion criteria.
2. Selection of tenderers based on verification of the declaration on the selection criteria and supporting documents.
3. Evaluation of tenders with regard to the award criteria referred to in point III.3.1.

The documentary evidence relating to the declarations on the exclusion and selection criteria is to be provided as indicated in the boxes in the following two points.

#### **III.1. EXCLUSION CRITERIA**

Tenderers must provide a declaration, dated and signed by a duly authorised legal representative, stating that they are not in one of the situations referred to in Articles 106 or 107 of Regulation (EU, Euratom) 2015/1929 of the European Parliament and of the Council of 28 October 2015 amending Regulation (EU, Euratom) No 966/2012 on the financial rules applicable to the general budget of the Union (hereinafter 'the Financial Regulation')<sup>3</sup>. The required declaration can be found in Annex III.<sup>4</sup>

In the case of a joint tender, this declaration must be submitted – dated and signed by a duly authorised legal representative – by each member of the group.

In the case of subcontracting, this declaration – dated and signed by a duly authorised legal representative – must be submitted by each subcontractor.

The exclusion criteria apply to each member of the group and to each subcontractor concerned.

In accordance with Article 141 of the rules of application of the Financial Regulation, before the framework contract is signed, the successful tenderer(s) will be invited to submit the supporting documentation referred to in the declaration by the deadline set by the contracting authority.

The successful tenderer(s), referred to below and in the declaration as 'the person', must submit the following in particular:

For the cases mentioned in points (a), (c), (d) or (f) of the declaration,

---

<sup>3</sup> OJ L 286, 30.10.2015, pp. 1-29.

<sup>4</sup> Please note that the new Financial Regulation (Regulation (EU, Euratom) 2018/1046 on the Financial Regulation applicable to the general budget of the Union, repealing Regulation (EU, Euratom) No 966/2012 will apply from 01.01.2019 for administrative credits. The declaration on honour in Annex III already complies with the new Regulation.

- a recent extract from the judicial record 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 met.

For the cases mentioned in points (a) or (b) of the declaration,

- recent certificates issued by the competent authorities of the State concerned. These documents must provide proof of payment of all taxes and social security contributions for which the person is liable, including 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 the country of establishment.

If the person has already submitted such evidence for the purposes of another procurement procedure, its date of issue is not more than one year ago and it is still valid, the person must declare on their honour that the documentary evidence has already been provided and confirm that no changes have occurred in their situation. In such cases, the person must indicate the reference of the procedure.

If the tenderer is unable to provide the documents requested within the time-limit specified by the contracting authority and cannot therefore prove that it is not in one of the exclusion situations, the tender may be rejected and the contracting authority reserves the right to sign the contract with another tenderer.

### **III.2. SELECTION CRITERIA**

Tenderers must demonstrate that they have sufficient economic, financial, technical and professional resources to be able to perform the framework contract.

Tenders submitted by tenderers who do not fulfil the selection criteria will not be evaluated against the award criteria.

**Please note that the supporting documents listed below must be submitted with the tender in support of the declaration on the selection criteria (Annex III).**

#### *III.2.1. Legal and statutory capacity*

For all lots, tenderers must demonstrate that the persons proposed as service providers are licensed/authorised to practise their profession in one of the Member States of the European Union in accordance with the laws in force in the Member State in which they are practising their profession.

#### Supporting documents to be provided:

- All documentation relating to the licence/authorisation issued by the country in which the proposed service providers are established.

After the signing of the framework contract, the contractor must provide evidence that each service provider is specifically authorised to practise their profession in Luxembourg. This evidence must be provided by the date of the approval interview (see point II.10) at the latest.

### *III.2.2. Economic and financial capacity*

Tenderers must demonstrate that they have sufficient economic and financial resources to be able to perform the framework contract. To evaluate tenderers' economic and financial capacity, they must satisfy the following criterion:

For each lot, tenderers must demonstrate an annual average turnover of more than EUR 20 000 over the last two financial years for which accounts have been closed; this criterion applies to all the members of the group (combined capacity of all the members) in the case of a joint tender.

#### Supporting documents:

- A statement showing the average annual turnover for each of the last two financial years for which accounts have been closed. This statement must refer to the headings in the operating accounts that indicate the annual turnover.
- A copy of the operating accounts for the last two financial years for which accounts have been closed.

If, for some exceptional reason which the contracting authority considers to be justified, the tenderer is unable to produce one of the required documents specified above, it may provide evidence of its economic and financial capacity by means of any other document which the contracting authority deems suitable. In any event, the contracting authority must at least be notified of the exceptional reason and the explanation for it. The contracting authority reserves the right to demand any other document allowing it to verify the tenderer's economic and financial capacity.

In the case of a group, each member must provide the required details indicated above. In the case of subcontractors who perform a part of a contract which represents more than 10 % of the total value of the framework contract, the required details above must be provided individually for each subcontractor.

In addition, in the case of a group and/or subcontracting, a document summarising the information for the group and/or subcontractors must be submitted. In this case it is the combined capacity of the members of the group and/or the identified subcontractors, taken as a whole, which will be taken into account.

### *III.2.3. Technical and professional capacity*

Tenderers must demonstrate that they have sufficient technical and professional capacity to be able to perform the framework contract.

For the evaluation of technical and professional capacity for each lot, tenderers must satisfy the criteria below and the supporting documents must be submitted with the tender.

#### ***Lot 1: Cardiology services***

The tenderer must provide at least one person who:

**(a) Education**

- holds a degree in medicine. This qualification must have been issued in a Member State of the European Union or be recognised as equivalent by a Member State;
- holds a specialist qualification in cardiology. This specialist qualification must have been issued in a Member State of the European Union or be recognised as equivalent by a Member State;

**(b) Professional experience**

- has the required minimum of at least three years' full-time professional clinical experience in cardiology, acquired in the last five years and after obtaining the specialist qualification in cardiology;

**(c) Language skills**

- has knowledge of English and French at a minimum of B2 level as defined by the Council of Europe's Common European Framework of Reference for Languages (CEFR) (<https://europass.cedefop.europa.eu/resources/european-language-levels-cefr>).

**Supporting documents to be submitted for Lot 1:**

- For (a): a certified copy of the medical degree referred to above, or an equivalent document.
- For (a): a certified copy of the specialist qualification in cardiology referred to above, or an equivalent document.
- For (b) and (c): A CV providing evidence of the professional experience and language skills required above, specifying the level of proficiency in each language.

For the purposes of this invitation to tender, tenderers must use the Europass CV format, which can be downloaded from <http://europass.cedefop.europa.eu>. The CV must be dated and signed by the person concerned and will be deemed to be a solemn declaration from the author under his or her own responsibility.

***Lot 2: Ophthalmology services***

The tenderer must provide a person who:

**(a) Education**

- holds a degree in medicine. This qualification must have been issued in a Member State of the European Union or be recognised as equivalent by a Member State;

- holds a specialist qualification in ophthalmology. This specialist qualification must have been issued in a Member State of the European Union or be recognised as equivalent by a Member State;

**(b) Professional experience**

- has the required minimum of at least three years' full-time professional clinical experience in ophthalmology, acquired in the last five years and after obtaining the specialist qualification in ophthalmology;

**(c) Language skills**

- has knowledge of English and French at a minimum of B2 level as defined by the Council of Europe's Common European Framework of Reference for Languages (CEFR) (<https://europass.cedefop.europa.eu/resources/european-language-levels-cefr>).

Supporting documents to be submitted for Lot 2:

- For (a): a certified copy of the medical degree referred to above, or an equivalent document.
- For (a): a certified copy of the specialist qualification in ophthalmology referred to above, or an equivalent document.
- For (b) and (c): A CV providing evidence of the professional experience and language skills required above, specifying the level of proficiency in each language.

For the purposes of this invitation to tender, tenderers must use the Europass CV format, which can be downloaded at the following address:

<http://europass.cedefop.europa.eu>

The CV must be dated and signed by the person concerned and will be deemed to be a solemn declaration from the author under his or her own responsibility.

***For both lots:***

A 'certified copy' means a copy that has been authenticated in accordance with the law of the country in which the document was issued.

Professional experience comprises the years in practice after all the required qualifications have been obtained.

In the case of a group, each member must provide the information required above according to their role in the group. In the case of a group or of subcontracting, a document summarising the information for the group/subcontractors as a whole must be submitted. In this case it is the combined capacity of all the members of the group and/or the identified subcontractors, taken as a whole, which will be taken into account.

### **III.3. EVALUATION OF THE TENDER**

Any tender which departs from the requirements set out in the tender specification or which fails to meet all those requirements may be rejected on the grounds of non-compliance with the tender specification and will not be evaluated.

All tenders that are in compliance will be evaluated according to the award method described below.

#### *III.3.1. Award criterion: the lowest price*

For each lot, the contract will be awarded to the three tenders offering the lowest prices of the bids that are in order and that satisfy the conditions laid down.

In the event of a tie for the lowest bid between several tenders, the tenderers concerned will be asked to submit a new price. If it is still not possible to decide between the tenders, the contracting authority will draw lots.

#### *III.3.2. Financial evaluation and prices*

After checking the compliance of the financial tenders submitted, the financial evaluation will be based on an analysis of the hourly rates offered in the tenders which are in order and satisfy the conditions laid down for each lot.

To submit their financial tenders, tenderers are asked to complete with the utmost care the financial tender form for the relevant lot in Annex IV. A separate form must be submitted for each lot.

The tender price must consist of the price per hour of the services, expressed in euros (to two decimal places). Tenderers from countries outside the euro area must also quote their prices in euros. The price indicated cannot be revised to take account of exchange rate fluctuations. The tenderer will bear the risks or receive the profits arising from any such fluctuation.

The prices quoted must be flat-rate prices, inclusive of all costs.

Prices must be quoted free of all duties, taxes and dues, including value-added tax (the institutions of the European Union are exempt from such charges under Articles 3 and 4 of the Protocol on the Privileges and Immunities of the European Union).

#### *III.3.3. Award formula/cascade order*

For each lot, the three best tenders that offer the lowest prices and are in order and satisfy the conditions laid down will be ranked in ascending order. The tenderer offering the lowest-priced bid will be ranked first in the cascade, and so on.

## **IV. CONTENT AND PRESENTATION OF TENDERS**

Each tender must contain all the information and documents necessary to enable the contracting authority to conduct an evaluation of the tender on the basis of the exclusion criteria, selection criteria and award criteria. It is the responsibility of all those wishing to submit a tender to ensure that their tender is complete.

All the documents requested must be signed by the tenderer itself in the case of a natural person, or by the tenderer's legal representative in other cases, i.e. a person duly authorised to represent the tenderer for the purposes of this invitation to tender and for the signing of the contract.

If any annexes are reproduced on the tenderer's computer, care must be taken to ensure that no change is made to the original.

Each tender must contain the following information and documents:

<b>PART I: ADMINISTRATIVE INFORMATION</b>			
<b>TENDERER IDENTIFICATION</b>			
A <b>covering letter</b> bearing the reference of the procedure and the lot number(s) ('HR/R3/PO/2018/043 – Lot(s) ...'), written on the tenderer's headed notepaper (or that of the lead tenderer in the case of a joint tender), signed by the tenderer or the tenderer's duly authorised legal representative.		<input type="checkbox"/>	
The <b>identification form</b> duly completed, dated and signed, <u>accompanied by:</u>	<u>Legal representative:</u> <b>- written authorisation(s) or equivalent supporting document(s)</b> - applicable to the tenderer and to each member in the case of a group.	<input type="checkbox"/>	Annex II Sections I I.4 and II.5
	<u>Legal personality:</u> <b>- legal entities form</b> <b>- supporting documents</b> required as per the instructions on the form - applicable to the tenderer and to each member in the case of a group.	<input type="checkbox"/>	Annex II
	<u>Bank details:</u> <b>- financial identification form</b> <b>- supporting documents</b> required as per the instructions on the form - applicable to the tenderer/lead tenderer.	<input type="checkbox"/>	Annex II

In the case of a group: a <b>power of attorney</b> signed by each member, appointing a lead tenderer with full powers to commit the group and each of its members vis-à-vis the contracting authority as regards the submission of the tender and signing of the contract.	<input type="checkbox"/>	Section II .4
In the event of subcontracting, tenderers must also provide a <b>declaration/letter of intent</b> from each subcontractor concerned stating their firm commitment to work with the tenderer if it is awarded the contract and specifying the resources they intend to make available to the tenderer for the performance of the contract.	<input type="checkbox"/>	Section II .5
<b>PART II: EXCLUSION AND SELECTION CRITERIA</b>		
<b>Declaration(s)</b> by the tenderer/lead tenderer and members of the group/consortium, and by subcontractors.	<input type="checkbox"/>	Annex III Sections I II.1 and III.2
– A statement showing the average annual turnover for each of the last two financial years for which accounts have been closed.	<input type="checkbox"/>	Section II I.2.1
– A copy of the operating accounts for the last two financial years for which accounts have been closed.	<input type="checkbox"/>	
- A <b>certified copy of the degree in medicine and of the specialist qualification (in accordance with the requirements for that lot)</b>	<input type="checkbox"/>	Section II I.2.3
- A <b>curriculum vitae, dated and signed by the person concerned</b>	<input type="checkbox"/>	
<b>PART III: FINANCIAL TENDER</b>		
<b>Financial tender form for the relevant lot(s).</b>  The form must be complete and duly dated and signed by the tenderer's legal representative.  <b>This form may not include any items other than those requested.</b> Consequently, it is strictly forbidden to propose options or other variants. Any tender failing to comply with this will be rejected.	<input type="checkbox"/>	Annex IV .1/IV.2

## V. ANNEXES

The following documents are attached to this tender specification and form an integral part of it:

Annex I.1:	Technical specifications for Lot 1 – Cardiology services
Annex I.2:	Technical specifications for Lot 2 – Ophthalmology services
Annex II:	Identification form
Annex III:	Declaration relating to the exclusion and selection criteria
Annex IV.1:	Financial tender form for <b>Lot 1</b> – Cardiology services
Annex IV.2:	Financial tender form for <b>Lot 2</b> – Ophthalmology services