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DIRECTORATE-GENERAL
ENVIRONMENT
Directorate D - Natural Capital
ENV.D.1 - Land Use & Management

CALL FOR TENDERS

ENV.D.1/SER/2018/0035

**Scientific Support for the Implementation of the Nitrates Directive
(Directive 91/676/EEC)**

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 plurilateral Agreement on Government Procurement¹ 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.

For British candidates or tenderers:

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 candidates or tenderers from the UK depending on the outcome of the negotiations. In case such access is not provided by legal provisions in force candidates or tenderers from the UK could be rejected from the procurement procedure.

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/EU².

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.

¹ See http://www.wto.org/english/tratop_e/gproc_e/gp_gpa_e.htm

² Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC (OJ L 94, 28.3.2014, p. 65).

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

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

1.5. Subcontracting

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

Tenderers are required to identify all subcontractors and provide an indication of the proportion of subcontracting. See Annex 2, questionnaire for joint bids and subcontracting.

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 2.2)

Part C: Selection (see section 2.3)

Part D: Technical offer (see section 3)

Part E: Financial offer (see section 2.6)

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. Coherence must be ensured between the information in the cover letter and in Annex 1.

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 service presented in the tender and in line with the present tender specifications.

The tenderer (and each member of the group in case of joint tender) must declare whether it is a Small or Medium Size Enterprise in accordance with [Commission Recommendation 2003/361/EC](#). This information is used for statistical purposes only.

All tenderers (including all members of the group in case of joint tender) must provide a signed Legal Entity Form with its supporting evidence. The form is available on: http://ec.europa.eu/budget/contracts_grants/info_contracts/legal_entities/legal_entities_en.cfm

Tenderers that are already registered in the Contracting Authority's accounting system (i.e. they have already been direct contractors) must provide the form but are not obliged to provide the supporting evidence.

The tenderer (or the leader in case of joint tender) must provide a Financial Identification Form with its supporting documents. Only one form per tender should be submitted. No form is needed for subcontractors and other members of the group in case of joint tender. The form is available on: http://ec.europa.eu/budget/contracts_grants/info_contracts/index_en.cfm

2. EVALUATION AND AWARD

2.1.Evaluation steps

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.

The Contracting Authority will assess these criteria in no particular order. The successful tenderer must pass all criteria to be awarded the contract.

2.2.Verification of non-exclusion

All tenderers must provide a declaration on honour (see Annex 5), signed and dated by an authorised representative, stating that they are not in one of the situations of exclusion listed in that declaration on honour.

In case of joint tender, each member of the group must provide a declaration on honour signed by an authorised representative.

In case of subcontracting, subcontractors whose capacity is necessary to fulfil the selection criteria must provide a declaration on honour signed by an authorised representative.

The Contracting Authority reserves the right to verify whether the successful tenderer is in one of the situations of exclusion by requiring, at any point during the procedure, the supporting documents listed in the declaration on honour.

In any event, the successful tenderer must provide the documents mentioned 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 subcontractors whose capacity is necessary to fulfil the selection criteria.

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.

2.3.Selection criteria

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

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.

2.3.1. 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 5), signed and dated by an authorised representative, stating that they fulfil the selection criteria applicable to them individually. 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 2.2) so only one declaration covering both aspects should be provided by each concerned entity.

The Contracting Authority will evaluate selection criteria on the basis of the declaration on honour and evidence submitted for the legal and regulatory, financial and economic and technical and professional capacity of the tenderers.

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.

2.3.2. Legal and regulatory capacity criteria and evidence

Tenderers must prove that they are allowed to pursue the professional activity necessary to carry out the work subject to this call for tenders. The tenderer (including each member of the group in case of joint tender) must provide the following information in its tender if it has not been provided with the Legal Entity Form:

- For legal persons, a legible copy of the notice of appointment of the persons authorised to represent the tenderer in dealings with third parties and in legal proceedings, or a copy of the publication of such appointment if the legislation applicable to the legal person requires such publication. Any delegation of this authorisation to another representative not indicated in the official appointment must be evidenced.
- For natural persons, if required under applicable law, a proof of registration on a professional or trade register or any other official document showing the registration number.

2.3.3 Economic and financial capacity criteria and evidence

The tenderer must have the necessary economic and financial capacity to perform this contract until its end. The tenderer must comply with the following selection criteria:

Annual turnover of the last two financial years above EUR 240,000 (two hundred and forty thousand euros); this criterion applies to the tenderer as a whole, i.e. the combined capacity of all members of a group and identified subcontractors in case of a joint tender.

In order to prove their capacity, the tenderer must submit with its tender the following evidence:

- 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 applicable, evidence of professional risk indemnity insurance.

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 documents 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.

2.3.4 Technical and professional capacity criteria and evidence

a. Criteria and evidence 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 of a list of relevant services provided (i.e. fully delivered) in the past five years, with the sums, dates and clients, public or private, accompanied by statements issued by the clients.

- **Criterion A1:** The tenderer must prove wide breadth of knowledge and scientific expertise as well as a proven track record (minimum three years but preferably five) in the fields of water and agriculture, especially in relation to water pollution with nutrients from agricultural origin both in terms of nutrients dynamics in the soil and water and practices to fight pollution.

Evidence A1: The tenderer must provide references for at least 2 projects delivered in these fields in the last five years.

- **Criterion A2:** The tenderer must prove capacity to work in English

Evidence A2: The tenderer must provide references for at least 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.

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 experience and capacity to work with and treat information from at least three EU countries.

Evidence A4: The tenderer must provide references for at least two projects delivered in the last five years. The combination of projects must cover at least three EU countries.

In order to prove their capacity, the tenderer must submit with its tender the evidence listed above.

b. Criteria and evidence relating to the team delivering the service:

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

Criterion B1 - Project Manager: At least 5 years' experience in project management, including overseeing project delivery, quality control of delivered service, client orientation and conflict resolution experience in projects of an approximate similar size (at least € 300,000) and coverage (at least 3 countries covered), with experience in management of teams of at least 5 people.

Evidence B1: CV

Criterion B2 - Language: the team of experts should have proven experience of working in English. At least 1 member of the team should have at least a C1 level in the Common European Framework for Reference for Languages³ in English.

Evidence B2: A language certificate or past relevant experience.

Criterion B3: working on documents provided in different languages: the team should be able to work on the basis of information provided, potentially, in all EU official languages, either by means of expertise present within the team or by making recourse to appropriate translation services or methods.

Evidence B3: relevant language certificates of team members or presentation of an approach to make recourse to appropriate translation services or methods.

Criterion B4 - Experts in water and agriculture : Relevant higher education degree or equivalent professional experience and at least 5 years' professional experience in the fields of water management (in particular water pollution) and agriculture (in particular nutrient management).

Evidence B3: CV

In order to prove their capacity, the tenderer must submit with its tender the evidence listed above.

³ See http://www.coe.int/t/dg4/linguistic/Cadre1_en.asp

2.4. Compliance with the minimum requirements

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.

2.5. Award criteria

The contract will be awarded to 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.

A maximum of 60 points will be attributed to criterion 1, a maximum of 25 points will be attributed to criterion 2, and a maximum of 15 points will be attributed to criterion 3. In addition a minimum threshold will be set up under this system of points:

- Technical sufficiency levels: Selected companies will have to score a minimum of 30, 13 and 8 points under criteria 1, 2 and 3 respectively, with a minimum total of 65 points.

Assessment of the tenders will focus on the quality of the proposed services therefore tenderers should elaborate on all points addressed by these specifications in order to score as many points as possible. The mere repetition of mandatory requirements set out in these specifications, without going into details or without giving any added value, will only result in a very low score. In addition, if certain essential points of these specifications are not expressly covered by the tender, the Commission may decide to give a zero mark for the relevant qualitative award criteria.

1 Quality of the proposed methodology (60 points – minimum threshold 30 points)

The degree to which the methodology shows the capacity to analyse, review and evaluate documents and figures, in accordance with the needs of the contracting authority will be assessed under this criterion. Furthermore the tender must demonstrate the capacity to resolve the questions underlying in the tender in a realistic and well-structured way, as well as demonstrate that the methods proposed are suited to the needs set out by the Commission in the Technical Specifications (see part 3).

Sub-criterion 1.1 (20 points – minimum threshold 10 points) for Cluster 1

Sub-criterion 1.2 (20 points – minimum threshold 10 points) for Cluster 2

Sub-criterion 1.3 (20 points – minimum threshold 10 points) for Cluster 3

2 Organisation of the work and allocation of resources (25 points – minimum threshold 13 points)

This criterion will assess how the roles and responsibilities of the proposed team and of the 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 resources and the rationale behind the choice of this allocation. Details should be provided as part of the technical offer and not simply as part of the financial offer.

3 Quality control measures (15 points – minimum threshold 8 points)

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

2.5.1 Ranking and Award

Having examined the tenders from a technical point of view, the evaluation committee will proceed considering which is the economically most advantageous offer taking into account **only those tenders that have obtained at least 65 out of the 100 points that are available for the technical quality of the bid**. The evaluation committee will then proceed with the financial comparison of the tenders retained for further consideration according to the ranking procedure below.

The bid offering the best value for money will be chosen, provided that the minimum number of points cited above is achieved. The ranking of the tenders will be calculated as follows:

- All bids that do not reach the stated technical sufficiency levels for each individual award criteria will not be considered for contract award.
- All bids that have passed the individual levels and score 65 or higher are deemed to be technically sufficient. Then the price is divided by the total number of points awarded to obtain the price-quality ratio. The award of the contract will be made in accordance with the lowest ratio.

The Commission reserves the right not to select any tender if the amounts tendered exceed the budget envisaged for this project.

2.6.Financial offer

The maximum budget allocated to this contract is fixed at € 350.000 (*three hundred and fifty thousand euros*) excluding VAT (including fees, travel and all other costs. **Travel and subsistence expenses should be part of the lump sum and will not be refunded separately**). Any offers received that do not respect this maximum budget will be automatically excluded from the evaluation procedure. For guidance purposes see Annex 3.

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 assume 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.

3. TECHNICAL SPECIFICATIONS

3.1 General background

Nutrients are essential to life and their use in agriculture is indispensable to allow feeding a growing world population. However, excessive emissions in agriculture lead to important threats to the environment and human health. Water pollution with nutrients (nitrogen and phosphorus) from agriculture remains a major pressure in Europe as it is at the source of health, economic and environmental problems.

The objectives of the Nitrates Directive⁴, established in 1991, are to reduce water pollution caused or induced by nitrates from agricultural sources and to prevent further such pollution.

The directive forms an integral part of the Water Framework Directive and plays a key role with respect to sustainable farming. It also forms part of the EU legislation to be respected pursuant to the Statutory Management Requirements under cross compliance. Indeed all direct aid is paid to farmers subject to the condition that they keep to strict standards relating to the environment, food safety, plant and animal health and animal welfare, and generally keep their land in good productive condition. The Directive also plays a key role in agri-environmental payments under rural development schemes, as measures adopted under the Nitrates Directive are considered as the baseline for such payments.

Implementation of the Directive requires a number of steps to be fulfilled by MS including monitoring of waters (with regard to nitrate concentration and trophic status), identification of polluted waters or waters at risk for pollution, designation of nitrate vulnerable zones (NVZ) (areas that drain into identified waters) and the establishment of action programme(s) (a set of measures to reduce and prevent further water pollution in vulnerable zones, to be implemented on an obligatory basis by farmers located within NVZ). In addition Member states are required to establish codes of good agricultural practices to be applied on a voluntary basis outside vulnerable zones.

The way the Directive is implemented depends on regional, environmental and agricultural characteristics. This results in action programmes and criteria for designation of vulnerable zones that vary substantially throughout the EU. In addition, some member states made use of the possibility allowed by the Directive to apply for a derogation on the application limit of livestock manure (170 kg N/ha/year).

In 2013, the Commission launched a Consultative Communication on the Sustainable Use of Phosphorus⁵. The contributions were analysed and summarized into a Staff Working Document⁶.

⁴ Council Directive 91/676/EEC of 12 December 1991 concerning the protection of waters against pollution caused by nitrates from agricultural sources, OJ L 375, 31.12.1991, p.1.

⁵ COM(2013)517

3.2 General and specific objectives

The objective of this service contract is to support DG Environment on technical, scientific and socio-economic aspects of nutrients use and management in the agricultural sector and assist the Commission in its obligation to enforce the Nitrates Directive. In particular, the service contract will address the specific needs linked to:

- The provision of scientific, socio-economic and technical advice on an ad hoc basis on issues linked directly or indirectly to the Nitrates Directive,
- The production of reports concerning scientific, technical and socio-economic issues related to nutrients use and management including the Nitrates Directive implementation,
- The analysis and commenting of reports submitted to the Commission within the context of a derogation granted in accordance with annex III 2.(b) of the Nitrates Directive,

The service contract will be concluded with one contractor who should be able to carry out all tasks related to the different clusters, which are described in detail under point 3.3 of these terms of reference.

3.3 Content / Description of the tasks

Cluster 1 - The provision of scientific, socio-economic and technical advice on ad hoc basis on issues linked directly or indirectly to the Nitrates Directive.

This cluster entails providing support in the assessment of background material, evidence and information supplied by the Member States in the context of the enforcement obligations of the Commission.

This material includes information, among others, on climate, growing seasons, closed periods, storage capacity needs and volume production figures from different animal categories, nitrogen excretion figures from different animal categories, crops needs and the methodology used for calculating the fertilization. It may also include specific characteristics such as topography, hydrology, soil types, land use, etc.

This cluster also covers support for the analysis of technical documents linked to the follow up of derogation requests which may include information on growing seasons, climate, crop types and crop rotations with high nitrogen uptake, soils with high denitrification capacity, manure processing, etc.

The issues to be analysed refer to the measures of action programmes and codes of good agricultural practices, as referred to in annex II and III of the Directive, including the socioeconomic and local agronomic and environmental impacts, as well as technical aspects

⁶ SWD(2014)263

related to ground and surface water monitoring on nitrates, the assessment of trophic status of waters and designation of nitrate vulnerable zones.

As in many cases implementation of the Nitrates Directive is part of an integrated approach linking relevant policies in the field of environmental protection in relation to agricultural activities, the work may include topics related to other relevant EU legislation such as, among others, the Water Framework Directive (WFD)⁷, the Groundwater Directive⁸, the Urban Waste Water Directive⁹, the NEC Directive¹⁰ and the IPPC Directive¹¹.

Tasks under this cluster will focus on specific items related to the topics as described in the above paragraph.

Because this enforcement work is carried out on an ad hoc basis, the contractor would be requested to assist on different types of assessment on an ad hoc basis as well, depending on actual needs in relation to specific files. The contractor must be able to respond in a flexible manner often with very short deadlines; 7 to 14 days.

Expected output

A maximum of 10 assessment papers (related to different MS) per year will need to be produced of approximately 5 to 10 pages each.

Workload

The estimated annual workload for this cluster amounts to approximately 30 person-days.

This estimate is purely indicative.

Tender

The tender should describe the methodology for carrying out these types of analysis.

The offer should particularly pay attention to the ability to provide the output within a relatively short time (work flow/mobilisation of experts/quick information gathering, etc.)

Particular attention should be given on how and through which networks information on local characteristics across the EU will be gathered.

Cluster 2 - The production of reports concerning the scientific, technical and socio economic issues related to nutrients use and management and to the Nitrates Directive.

This cluster refers to the elaboration of in depth comprehensive reports addressing specific topics mainly related to the designation of nitrate vulnerable zones (NVZ), the assessment of

⁷ Directive 2000/60/EC

⁸ Directive 2006/118/EC; OJ L372 of 27.12.2006

⁹ Directive 91/271/EEC; OJ L 135 of 30.05.1991, as amended by Directive 98/15/EC; OJ L 67 of 07.03.1998

¹⁰ Directive (EU) 2016/2284 ; OJ L 344 of 17.12.2016, p. 1–31

¹¹ Directive 2008/1/EC (codified version); OJ L 24 of 29.1.2008

Nitrates action programmes in Member States and more broadly, topics linked to sustainable nutrients use and management. It may also include updating earlier Commission reports on related topics.

Reports under this cluster require an in depth analysis of local agricultural practices, local environmental characteristics, relevant legislation, water monitoring methodologies, control programmes, farmer extension programmes, etc. It also requires production of maps (land use, water quality, NVZ designation, etc.) to visualize different relevant aspects that allow better interpretation of the outcomes of these reports.

Maps should be provided according to the format and standards used by the Commission services. The standards for geographic projection must be Inspire¹² compliant. The description of the technical specification of map production will be provided to the successful tenderer after signature of the contract. The GIS software used by the Commission and the European Environmental Agency (EEA) is ArcGIS and examples of maps can be viewed on the Agency website¹³.

Cluster 2.1. Reports related to the evolution of water quality and NVZ designation

Ad hoc reports and assessment may be requested in relation to, inter alia, aspects such as the evolution of water quality, water monitoring, NVZ designation, enforcement measures (controls, etc.). This may include the elaboration of ad hoc maps on related topics. The requirements of each report will be specified on an ad hoc basis.

Each report shall describe in detail the information gathered on water quality, agricultural characteristics, the methodology used for the assessment, and its results, as well as a detailed motivation of the outcome. If the combination of water quality data and other factors concerning land use and hydromorphology indicate that additional measures, including additional areas requiring designation, are needed, these should be clearly described, and when appropriate adequate maps should be provided.

Cluster 2.2. Assessments of action programmes (AP)

Assessments should consider all the relevant elements of Annex II and III of the Directive and analyse whether or not the measures established in the relevant national/regional legislation can guarantee full compliance with Annex II and III of the Directive and the achievement of the water quality goals of the Directive.

For each of the topics described below, the assessment should take into account the outcomes of the Commission study on recommendations for the establishment of Action Plans¹⁴ and the latest available scientific findings.

¹² Directive 2007/2/EC of the European Parliament and of the Council of 14 March 2007 establishing an Infrastructure for Spatial Information in the European Community (INSPIRE)

¹³ www.eea.europa.eu

¹⁴ <http://ec.europa.eu/environment/water/water-nitrates/studies.html>

- ***Annex III 1.1 and Annex II.A.1 of the Nitrates Directive - periods when the land application of certain types of fertilizer is prohibited***

The assessment should include a description of the provisions in the action programme(s) prescribing the closed period, an indication of the closed period for each fertilizer type, eventually differentiated according to crop rotation and soil type, and a detailed analysis on whether this is considered appropriate or if it requires extension or should be different. The assessment should take into account the local environmental characteristics (e.g. climate and growing season).

- ***Annex III 1.2 and Annex II.A.5 of the Nitrates Directive - minimum required storage capacity***

The assessment should include a description of the provisions in the action programme(s) prescribing the minimum required storage capacity and construction requirements and an analysis on whether this is considered appropriate or if it requires extension or should be different, taking into account, among others, established closed periods. This assessment requires in depth analysis of the different stable and animal breeding systems in the member state concerned as well as analysis of the provided information on the volumes of slurry and or farm yard manure produced.

- ***Annex III.1.3 of the Nitrates Directive - limitation of land application of fertilizers***

The assessment should include a description of the provisions in the action programme(s) that aim at limiting land application of fertilizers and an analysis on whether or not this is considered appropriate in order to prevent water pollution risks. This topic requires in depth analysis of all technical aspects that relate to the parameters as indicated in the directive:

- Soil conditions, soil type and slope
- Climatic conditions, rainfall and irrigation
- Land use and agricultural practices, including crop rotation systems
- Foreseeable nitrogen requirements of the crops
- Nitrogen supply to the crops from the soil and from fertilisation corresponding to (i) the amount of nitrogen present in the soil (ii) nitrogen from net mineralization of the reserves of organic nitrogen in the soil, (iii) nitrogen from mineral and/or organic fertilisers, including livestock manure.

Assessments can relate to either analysing scientific documents underpinning the established maximum application standards or to the analysis of a methodology for the calculation of farm level application limits.

As measures in action programmes may not jeopardize objectives established under other EU laws, several member states have also established limits for phosphorus application to meet objectives under the Water Framework Directive¹⁶. As (organic) fertilisers contain both nitrogen and phosphorus, the assessment may include, in so far as relevant, analysis

of risks for phosphorus leaching or run off to waters and assessment of provisions related to limitation of phosphorus application from mineral and organic sources.

- ***Annex III.2 of the Nitrates Directive - limitation of 170 kg N per ha per year from livestock manure***

The assessment should include a reference to the article in the legislation implementing this standard and an analysis of the practical implementation of this article, in particular how the farmer should calculate land availability in function of this standard and the livestock manure used on his/her farm. In case reference figures (animal nitrogen excretion figures/figures that indicate nitrogen from stored manure) are available for farmers, it should be assessed if they reflect the real situation in that specific country (regional differences shall be also taken into account).

This assessment also includes an in depth analysis of local animal feeding regimes for the different livestock animal categories, particularly the aspects related to nutrient uptake and factors that influence nutrient content in excretion.

- ***Annex II.A.2 of the Nitrates Directive - application on slopes***

The assessment should include a description of the provisions established in the Action Programme(s) regarding fertilisation on slopes and assess whether or not they are sufficient to sufficiently prevent water pollution risks. Particular attention should be given to protective measures in function of slope gradient and proximity to water courses, such as terracing or incorporation techniques for fertilisation.

- ***Annex II.A.3 of the Nitrates Directive - application on water saturated, flooded, frozen or steeply frozen ground***

The assessment should include a description of the provisions established in the Action Programme(s) regarding fertilisation under these conditions, taking into account that provisions should refer to a total ban for N-fertilisation on soils under the mentioned conditions.

- ***Annex II.A.4 of the Nitrates Directive - application near water courses***

The assessment should include a description of the provisions in the action programme(s) on land application near water courses and assess whether or not they are sufficient to prevent water pollution. Provisions should include a fertilizers application ban within a certain distance from water courses (and other water bodies), which could be differentiated according to the fertilizer type, and preferably also the requirement for a vegetated buffer strip, as this could contribute to the prevention of losses through run off and subsurface displacement of nitrogen towards the river.

- ***Annex II.A.6 of the Nitrates Directive - procedures for land application***

The assessment should include a description of the provisions in the action programme(s) on rules for land application and assess whether or not they are sufficient to ensure uniform and efficient application of fertilisers in order to prevent losses.

- ***Annex II.B.1 of the Nitrates Directive - land use management***

The assessment should include a description of provisions in the action programme(s) that relate to land use management, including the use of crop rotation systems and the proportion of the land area devoted to permanent crops relative to annual tillage crops. It should assess to which extent they can contribute in preventing/reducing water pollution.

- ***Annex II.B.2 of the Nitrates Directive - maintenance of a winter crop/ catch crop***
The assessment should include a description of provisions in the action programme(s) that relate to the establishment of a winter crop. The assessment should particularly pay attention to the aspects that influence the overall nitrogen catching capability of the crop, such as timing of seeding, eventual extra allowed fertilisation for rotations including a catch crop and type of (catch) crops in the rotation.
- ***Annex II.B.3 of the Nitrates Directive - the establishment of fertiliser plans on a farm-by farm basis and the keeping of records on fertilizer use***
The aspects related to possible provisions in the action programme(s) on fertiliser plans and record keeping should be considered in conjunction with the provisions related to annex III.1.3 on limitation of land application.
- ***Annex II.B.4 of the Nitrates Directive - prevention of water pollution in irrigation systems***
The assessment should include a description of provision in the action programme(s) that relate to irrigation systems. The assessment should pay particular attention to the different irrigation systems and the calculation methodology for required water and added nutrients in relation to the risks for leaching and run off towards waters.

Assessments should analyse in a generic way the socio-economic effects of the implementation of a new or amended action programme on farm level. The possible extra costs for implementing measures (investments, human labour, etc.) and the possible opportunities for farmers to apply for public funding (investment support) must be carefully considered. The assessments require a good knowledge of local farming practices, including land management practices, type of machinery and manure storage facilities available to farmers.

The assessment of the Action Programme(s) should result in:

- a report describing in detail the information gathered, the methodology used for the assessment and its results, for each measure referred to above and a detailed motivation of the conclusions.
- a form (conforming to an excel or access template supplied by the Commission) where the information shall be organized in an easily accessible and interactive way. This form shall include all relevant parts of the legislation of the Member State referring to the required aspects of Annex II and III of the Directive.

If appropriate, the assessment should also include proposals for the establishment of new measures or new elements related to a particular measure (e.g. new nitrogen excretion figures). Any proposal shall be duly justified from the technical point of view.

Cluster 2.4. Sustainable nutrients use and management

Ad hoc reports and assessments may be requested in relation to, inter alia, aspects such as:

- the impacts of nutrients pollution on health and on the ecosystem services,
- integrated nutrient management at farm level,
- the evaluation of areas with high agricultural pressures (hot spots) in Member States
- the linkages between sustainable nutrients use and management,

- Member States' action programmes and the EU legislation.

Information

The information provided by DG ENV for the reports include relevant legal texts, descriptive action programmes, the results of monitoring results, methodologies for and outcome of designation of nitrate vulnerable zones and possible earlier reports in case of updates and the reports submitted by Member States under article 10 of the Nitrates Directive. The contractor will need to base the work on own experience or network contacts for any additional information that is required for carrying out the work in a particular Member State. Such information includes knowledge of different farming systems and practices, common crop rotations, environmental conditions such as local climatic characteristics and soil types and knowledge on adequate water monitoring, its links with other EU water monitoring networks and interpretation of water quality data.

Expected output:

A maximum of 30 in depth reports will need to be delivered for the whole duration of the contract with a maximum of 10 reports a year. Each report will consist of approximately 30 to 50 pages (excluding maps/annexes) to be delivered within a period of 3 months after receipt of the request.

Workload:

The estimated annual workload for this cluster can amount to a maximum of 100 person-days a year. This estimate is purely indicative.

Tender:

The tender should describe the methodology for carrying out these types of reports. The methodology should describe in detail which information should be gathered in order to assess the measures established in the action programme, how the necessary information for the assessment will be gathered and the methodology for assessing the gathered data.

Particular attention should be given on how and through which networks information on local characteristics across the EU will be gathered.

Cluster 3: Assessment of reports submitted to the Commission within the context of a derogation granted in accordance with annex III 2(b) of the Directive

The Nitrates Directive allows Member States to request a derogation for the maximum application of livestock manure which is fixed in the Directive at 170 kg N/ha/year. The derogated amounts must be fixed as to not prejudice the achievement of the water quality objectives specified in the directive and must be justified on the basis of objective criteria such as long growing seasons, crops with high nitrogen uptake, high net precipitation in the vulnerable zone or soils with exceptionally high denitrification capacity.

In October 2018, the following derogations are in place:

1. Denmark: Decision 2017/847, expiring on 31.12.2018¹⁵;
2. Belgium (Flanders): Decision 2015/1499, expiring on 31.12.2018¹⁶;
3. United Kingdom (Northern Ireland): Decision 2015/346, expiring 31.12.2018¹⁷;
4. Italy (Piedmont and Lombardy): Decision 2016/1040, expiring 31.12.2019¹⁸;
5. The Netherlands: Decision 2018/820, expiring 31.12.2019¹⁹;
6. Ireland: Decision 2018/209, expiring on 31.12.2022²⁰.

Each of the above mentioned decisions include annual reporting obligations to the Commission. Reports include maps with the percentage of derogated farms, percentage of livestock, agricultural land use and practices; the results of water monitoring, including information on water quality trends and the impact of derogation on water quality; evaluation of soil characteristics on derogated parcels; evaluation of the implementation of the derogation conditions and the results of controls and inspections; information on manure flows, including treatment and processing, etc. The exact content of the reports are detailed in the derogation decisions.

The Contractor will need to assess these reports. This assessment includes verification of whether or not all aspects to be reported as established in the derogation decision are included in the report and analyse whether or not the derogation has an impact on water quality. This analysis should be based on the reported data on water quality from the specific monitoring programmes established to follow up the effects of the derogation and other relevant data such as the amount of derogation farms, local land use and practices, the crop rotations involved and possible other information reported.

Expected output:

A maximum of 6 derogation reports annually will need to be assessed for which a summary paper of maximum 10 pages will need to be drafted. The summary paper contains a summary overview of reported data and conclusions on water quality in relation to derogation practices and needs to be delivered within a period of 2 weeks after receipt of the request.

Workload:

The estimated annual workload will amount to approximately 20 person days. This estimate is purely indicative.

¹⁵ OJ L 125/35, 18.5.2017

¹⁶ OJ L 234/10, 8.9.2015

¹⁷ OJ L 60/42, 4.3.2015

¹⁸ OJ L 169/6, 28.6.2016

¹⁹ OJ L 137/27, 4.6.2018

²⁰ OJ L 39/5, 13.2.2018

Tender:

The tender should include the methodology for analysing the derogation reports and drafting the summary paper. Particular attention should be given to the description of the methodology for analysing the impact of the derogation on water quality.

3.4 Deliverables

The deliverables are described in detail under point 3.3 of these terms of reference.

The summary table below indicates the maximum required deliverables per cluster (D), the required time schedule (TS) for delivery and estimated required person days (PD).

	CLUSTER 1		CLUSTER 2		CLUSTER 3	
	DT/TS	PD	D/TS	PD	D/TS	PD
YEAR 1	10 assessment papers on ad hoc basis	30	Maximum 10 reports (30-50 pages) to be delivered 3 months after receiving the respective requests. A total of 10 studies in 3 years.	Max. 100	6 assessment papers to be delivered 2 weeks after the respective requests	20
YEAR 2	10 assessment papers on ad hoc basis to be delivered within 7 to 14 days after the request	30	Maximum 10 reports (30-50 pages) to be delivered 3 months after receiving the respective requests. A total of 10 studies in 3 years. Draft updated study on Recommendations for the establishment of Action Plans	Max. 100	6 assessment papers to be delivered 2 weeks after the respective requests	20
YEAR 3	10 assessment papers on ad hoc basis to be delivered within 7 to 14 days after the	30	Maximum 10 reports (30-50 pages) to be delivered 3 months after receiving the respective requests. A total	Max. 100	6 assessment papers to be delivered 2 weeks after the respective requests	20

	request		of 10 studies in 3 years. Final updated study on Recommendations for establishment of Action Plans.			
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For each year of the contract, the contractor shall provide a summary report providing an overview of all the tasks and reports delivered under the contract for that year. The final report shall integrate the 3 yearly reports and be accompanied by a copy of all the deliverables under the contract on a digital carrier.

The report for the first year of the contract needs to be provided at the latest 13 months after signature of the contract. The report for the second year of the contract needs to be provided at the latest 25 months after signature of the contract. The report for the last year of the contract and the final report need to be provided at the latest 36 months after signature of the contract.

The individual deliverables for each cluster as well as these summary reports and final report need to be approved by the Commission before the interim and final payments under this contract can be paid.

The contractor may be requested to participate in a maximum of 2 progress meetings with the Contracting Authority every year. Additional meetings can be organised if needed. The meetings will take place in the Commission premises or, when possible, through phone calls and video conferences.

3.5. Duration of the tasks

The tasks should be completed within 36 months of the signature of the contract and each of them within the time limits indicated in the table at point 3.4 - deliverables. The execution of the tasks may not start before the contract has been signed.

3.6 Intellectual property rights

Provisions on intellectual property rights are specified in the contract clauses I.8. and II.10.

3.7 Place of performance

The place of performance of the tasks shall be the contractor's premises or any other place indicated in the tender, with the exception of the Commission's premises.

ANNEX 1 - ADMINISTRATIVE INFORMATION FORM

(To be signed by the tenderer only or the lead tenderer in the case of joint bids)

Organisation or individual:

NAME:

ADDRESS:

Address where contract should be sent to (if different from above):

.....

PERSON AUTHORISED TO SIGN CONTRACT:

Name and position:

PERSON FOR ROUTINE CONTACT:

Name and position:

ADDRESS:

Telephone and E-mail:

Signature of Tenderer

ANNEX 2 – QUESTIONNAIRE FOR JOINT BIDS AND SUBCONTRACTING

(To be completed and signed by the lead tenderer)

Joint bid (refer to paragraph 1.4)

1. Does your bid involve more than one tenderer? Yes ☐ No ☐

Questions 2 - 4 shall be answered only if you have answered yes to question 1.

2. Please fill in the name of the company having power of attorney for the group of tenderers and acting as a co-ordinator:

3. Please fill in the names of the other companies taking part in the joint offer:

4. If a consortium or similar entity exists, please fill in the name and the legal status of the entity:

Subcontracting (refer to paragraph 1.5)

5. Does your bid involve subcontracting? Yes ☐ No ☐

If the answer is yes, please complete question 6, and the next page per sub-contractor.

6.

List of sub-contractors:

Percentage of subcontracting:

.....

.....

.....

.....

Reasons, roles, activities and responsibilities of sub-contractors.

Please complete this page for each sub-contractor (one page per sub-contractor):

Name of the sub-contractor:

.....

Official legal form:

.....

Country of registration:

.....

Statutory registration number:

.....

(Internet address, if applicable):

.....

Official address in full:

.....

.....

Contact person:

.....

Telephone number:

.....

Reasons for subcontracting:

.....

Role, activities and responsibilities of the sub-contractor:

.....

The volume or the proportion of the sub-contracting:

.....

Do you intend to rely on capacities from the sub-contractor in order to fulfil the selection criteria? If yes, specify which selection criterion - financial and economic capacity or technical and professional capacity - and be aware that the tenderer must provide the documents which make it possible to assess the selection criteria.

.....

Tenderer:

Date:

Signature:

ANNEX 3 – FINANCIAL OFFER TEMPLATE

(To be completed and signed by the tenderer only or the lead tenderer in the case of joint bids)

(for guidance purposes only)

Price and Estimated budget breakdown

Calculation of the costs (incl. travel, overheads, consumables and any other related costs)

Type of service provider	Position within the project team	Number of working days	Allocation of tasks	Proportion of the contract in %	Costs in €
Lead contractor					

	<i>Sub-total</i>	.....		.....	.....
Sub-contractor 1					

	<i>Sub-total</i>	.....		.....	.....
Sub-contractor 2					

	<i>Sub-total</i>	.....		.....	.....
Sub-contractor 3					

	<i>Sub-total</i>	.....		.....	.....
Travel/other costs ¹ (if applicable)					
	Total	.....		.....	.....

Signature of Tenderer

.....

Date

.....

¹ Will be reimbursed on a lump-sum basis.

ANNEX 4 - LEGAL ENTITY AND FINANCIAL IDENTIFICATION FORMS

These forms can be downloaded from

http://ec.europa.eu/budget/contracts_grants/info_contracts/legal_entities/legal_entities_en.cfm
m (Legal entity form)

(To be signed by the tenderer and all members of the group in the case of joint tender (not necessary for subcontractors))

http://ec.europa.eu/budget/contracts_grants/info_contracts/financial_id/financial_id_en.cfm
(financial identification form)

(One form per offer to be signed by the tenderer or lead tender in the case the of joint tender)

ANNEX 5 - DECLARATION ON HONOUR ON EXCLUSION CRITERIA AND SELECTION CRITERIA

(To be completed by the tenderer, all members of a joint tender and any subcontractor whose capacity is necessary to fulfil the selection criteria)

Comments [*in grey italics in square brackets*] are to be deleted and/or replaced by appropriate data.

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

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

I – SITUATION OF EXCLUSION CONCERNING THE PERSON

➤ declares that the above-mentioned person is in one of the following situations:	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 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	<input type="checkbox"/>	<input type="checkbox"/>

irregularity, the applicant is subject to: 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; 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; iii.decisions of the ECB, the EIB, the European Investment Fund or international organisations; 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 v.decisions of exclusion by an authorising officer of an EU institution, of a European office or of an EU agency or body.		
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II – SITUATIONS OF EXCLUSION CONCERNING NATURAL PERSONS WITH POWER OF REPRESENTATION, DECISION-MAKING OR CONTROL OVER THE LEGAL PERSON

Not applicable to natural persons, Member States and local authorities

➤ declares that 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 company directors, members of management or supervisory bodies, and cases where one natural person holds a majority of shares) is in one of the following situations:	YES	NO	N/A
Situation (c) above (grave professional misconduct)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Situation (d) above (fraud, corruption or other criminal offence)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Situation (e) above (significant deficiencies in performance of a contract)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Situation (f) above (irregularity)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

III – SITUATIONS OF EXCLUSION CONCERNING NATURAL OR LEGAL PERSONS ASSUMING UNLIMITED LIABILITY FOR THE DEBTS OF THE LEGAL PERSON

➤ declares that 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:	YES	NO	N/A
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"/>
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IV – GROUNDS FOR REJECTION FROM THIS PROCEDURE

➤ declares that the above-mentioned person:	YES	NO
h) has distorted competition by being previously involved in the preparation of procurement documents for this procurement procedure.	<input type="checkbox"/>	<input type="checkbox"/>

V – REMEDIAL MEASURES

If the person declares one of the situations of exclusion listed above, it must indicate measures it has taken to remedy the exclusion situation, thus demonstrating its reliability. This 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 illustrates the remedial measures taken must be provided in annex to this declaration. This does not apply for situations referred in point (d) of this declaration.

VI – EVIDENCE UPON REQUEST

Upon request and within the time limit set by the contracting authority the person must provide information on the persons that are members of the administrative, management or supervisory body. It must also provide the following evidence concerning the person itself and concerning 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.

The person is not required to submit the evidence if it has already been submitted for another procurement procedure. The documents must have been issued no more than one year before the date of their request by the contracting authority and must still be valid at that date.

The signatory declares that the person has already provided the documentary evidence for a previous procedure and confirms that there has been no change in its situation:

Document	Full reference to previous procedure
<i>Insert as many lines as necessary.</i>	

VII – SELECTION CRITERIA

➤ declares that the above-mentioned person complies with the selection criteria applicable to it individually as provided in the tender specifications:	YES	NO	N/A
(a) It has the legal and regulatory capacity to pursue the professional activity needed for performing the contract as required in section 2.3.2 of the tender specifications;	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(b) It fulfills the applicable economic and financial criteria indicated in section 2.3.3 of the tender specifications;	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(c) It fulfills the applicable technical and professional criteria indicated in section 2.3.4 of the tender specifications.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

➤ if the above-mentioned person is the sole tenderer or the leader in case of joint tender , declares that:	YES	NO	N/A
(d) the tenderer, including all members of the group in case of joint tender and including subcontractors if applicable, complies with all the selection criteria for which a consolidated assessment will be made as provided in the tender specifications.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

VII – EVIDENCE FOR SELECTION

The signatory declares that the above-mentioned person is 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.

The person is not required to submit the evidence if it has already been submitted for another procurement procedure. The documents must have been issued no more than one year before the date of their request by the contracting authority and must still be valid at that date.

The signatory declares that the person has already provided the documentary evidence for a previous procedure and confirms that there has been no change in its situation:

Document	Full reference to previous procedure
<i>Insert as many lines as necessary.</i>	

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.

Full name

Date

Signature

ANNEX 6

Travel and subsistence costs

(Only applicable if the organisation of workshops/conferences is specified in the tender specifications –
Not applicable to contractor's own staff)

Travel costs must be based on the following:

- **Train**: first-class rail travel for journeys less than 400 km (one way).
- **Flight**: economy class air travel for distances of more than 400 km. Business class is allowed for a flight of 4 hours or more without stopovers.
- **Private car**: the travel shall be reimbursed at the same rate as the first-class rail ticket, or by default at the rate of 0.22 € per km.

Different travel options will not be accepted and will entail the refusal of the offer. Amounts must be quoted in EURO. Prices must be fixed amounts and be calculated exclusive of all duties and taxes.

Maximum rates for accommodation and meals.

Destination	Hotel ceiling in euros	Daily allowance in euros
Belgium	148	102
Bulgaria	135	57
Czech Republic	124	70
Denmark	173	124
Germany	128	97
Estonia	105	80
Ireland	159	108
Greece	112	82
Spain	128	88
France	180	102
Croatia	110	75
Italy	148	98
Cyprus	140	88
Latvia	116	73
Lithuania	117	69
Luxembourg	148	98
Hungary	120	64
Malta	138	88
Netherlands	166	103
Austria	132	102
Poland	116	67
Portugal	101	83
Romania	136	62
Slovenia	117	84
Slovak Republic	100	74
Finland	142	113
Sweden	187	117
United Kingdom	209	125

Rates for hotel and subsistence for countries not included in the above table will be provided by the Commission services if necessary.

ANNEX 7 - ACKNOWLEDGEMENT OF RECEIPT



EUROPEAN COMMISSION
DIRECTORATES-GENERAL ENVIRONMENT
Directorate ENV. A – POLICY
A.5 - Finance

(Please fill in your address)

ACKNOWLEDGEMENT OF YOUR TENDER

Our reference: Open Procedure ENV.D.1 /2018/0035

Your reference:

We wish to confirm the receipt and opening of your offer¹. Your offer will now be evaluated by the Commission and its experts. You will be informed of the result in due course.

We thank you for your interest.

MarketsTeam
ENV.A5

¹ Your personal contact data has been recorded in a database used by the Markets Team of unit ENV.A5 for the administrative management of offers. The Commission is bound by Regulation 45/2001 on the protection of individuals with regard to the processing of personal data by the Union institutions and bodies. For more information, and to exercise your rights to access and eventually correct data concerning you, please don't hesitate to contact us.