



## **CALL FOR TENDERS**

No SRSS/2018/01/FWC/002

# **TENDER SPECIFICATIONS**

## **Open procedure**

**Multiple Service Framework Contract with reopening of competition**

***‘Provision of Consultancy Services for the Development and Implementation of Structural Reforms in EU Member States’***

## Table of Contents

1	Objective and context .....	4
1.1	Definitions .....	4
1.2	Context of the services.....	4
1.3	General Objective.....	5
1.4	Overview of the type of technical support to be provided.....	5
1.5	Scope of the services: policy areas to be covered by the Framework Contract.....	6
1.6	Types of services .....	7
1.6.1	Policy and strategy development.....	7
1.6.2	Assessment of service provision and/or reorganization proposals .....	8
1.6.3	Consultancy assistance for reform implementation .....	8
1.7	Additional elements: Language of delivery, geographical coverage .....	9
1.7.1	Languages of delivery .....	9
1.7.2	Geographical coverage.....	9
1.8	Governance of the contract .....	10
2	Information on tendering.....	11
2.1	Nature of the contract.....	11
2.2	Volume of the contract .....	11
2.3	Participation .....	12
2.4	Contractual conditions .....	12
2.5	Compliance with applicable law.....	12
2.6	Joint tenders.....	12
2.7	Subcontracting .....	13
3	Structure and content of the tender .....	14
3.1	Overview.....	14
3.2	Identification of the tenderer .....	14
3.3	Non-Exclusion.....	15
3.3.1	Verification of non-exclusion .....	15
3.4	Selection criteria.....	16
3.4.1	Declaration and evidence.....	16
3.4.2	Legal and regulatory capacity .....	17

3.4.3	Economic and financial capacity criteria.....	18
3.4.4	Technical and professional capacity criteria and evidence.....	18
3.5	Technical offer.....	21
3.5.1	Generic proposal .....	22
3.5.2	Description of hypothetical case studies for assessment and awarding of the Framework Contract .....	23
3.6	Financial offer.....	25
4	Evaluation and Award for the Framework Contract .....	26
4.1	Overview.....	26
4.2	Technical Award Criteria .....	26
4.3	Price.....	28
4.3.1	Composite daily rate .....	28
4.3.2	Price of the tender for the case studies .....	28
4.4	Ranking of tenders .....	28
4.5	Award .....	29
4.5.1	General remarks.....	29
4.6	Overview of the selection and award criteria .....	31
5	Procedure for a specific contract .....	32
5.1	Implementation of Framework Contract with reopening of competition.....	32
5.2	Management of Specific Contracts by the SRSS .....	33
5.3	Reporting.....	33
5.4	Award criteria for a specific contract.....	33
5.5	Ranking of tenders .....	34

# 1 Objective and context

## 1.1 Definitions

Throughout the tender specifications, the following terms are used:

- "Beneficiary Member State" refers to the European Union (EU) Member State that the Contracting Authority will provide the results of a specific contract to. In the present case, the Beneficiary Member State is a third party to the contract and may be, for example, a Ministry or an Agency of an EU Member State to whom the SRSS is providing technical support with a view to the design and implementation of institutional, administrative and growth-sustaining structural reforms.
- "Commission" refers to the European Commission.
- "Contracting Authority" refers to the European Commission. For this call for tenders, the European Commission is represented by the Structural Reform Support Service (SRSS).
- "Contractor" refers to the successful tenderer with whom the Framework Contract is signed, and to whom a specific contract may be awarded and signed for the delivery of specific services to the benefit of a Beneficiary Member State.
- "Institutions, bodies and agencies" refer to all the European Union institutions, bodies and agencies governed by public law.
- "The Programme" refers to the Structural Reform Support Programme<sup>1</sup>.
- "Sectoral Categories": refers to the five groups of policy areas described in section 1.5.
- "Successful tenderer(s)" refers to the tenderer(s) selected for the award of the Framework Contract following the tendering procedure described in the present document.
- "Tenderers" refer to the economic operators who submit a tender to this public procurement procedure.

## 1.2 Context of the services

A sound regulatory and institutional environment is essential for improving competitiveness, encouraging investment, fostering employment creation, raising living standards and producing sustainable growth across EU Member States.

Against this background, the Union has identified the implementation of structural reforms as a policy priority to set recovery on a sustainable path, unlock growth potential, raise living standards and support the process of convergence in the EU. To help EU Member States

---

<sup>1</sup> Regulation (EU) 2017/825 of the European Parliament and of the Council of 17 May 2017 on the establishment of the Structural Reform Support Programme for the period 2017 to 2020 and amending Regulations (EU) No 1303/2013 and (EU) 1305/2013 (OJ L 129, 19.5.2017, p. 1), as amended by Regulation (EU) 2018/1671 of the European Parliament and of the Council of 23 October 2018 amending Regulation (EU) 2017/825 to increase the financial envelope of the Structural Reform Support Programme and adapt its general objective (OJ L 284, 12.11.2018, p. 3)

effectively design and implement such reforms, the Commission established the Structural Reform Support Service (SRSS) in July 2015. The SRSS provides and coordinates - on request- specialised technical support to EU Member States.

In addition, on 17 May 2017, the Regulation establishing the Structural Reform Support Programme (The Programme) was adopted. The Programme allows for the provision of tailored assistance to EU Member States, upon their request, to support them in the design and implementation of institutional, administrative and growth-sustaining structural reforms and, in this context, also helps them make efficient and effective use of relevant Union funds.

For the implementation of the Programme and the wider SRSS work, the SRSS concluded in October 2017 a multiple framework contract with reopening of competition for the support to structural reforms in EU Member States. Due to the higher than expected demand from EU Member States for technical support and the increase in the budget of the Programme, the SRSS is launching this call for tenders with a view to concluding a Framework Contract with reopening of competition. This Framework Contract will assist the Commission in supporting the EU Member States with the implementation of institutional, administrative and growth-sustaining structural reforms.

### **1.3 General Objective**

The general objective of the Framework Contract is the provision of services to the Commission and, in particular, the SRSS to support the design and implementation of institutional, administrative and growth-sustaining structural reforms in EU Member States under the policy areas defined in section 1.5.

### **1.4 Overview of the type of technical support to be provided**

In the framework of institutional, administrative and structural reforms in EU Member States, national authorities can be assisted by technical support from the Commission, *via* the SRSS. Technical support projects can take various forms. For example:

- In many instances, the Commission and the contractor will assist with the diagnostics for making reform recommendations to improve the delivery of a public policy and define a reform strategy and an action plan;
- In other cases, starting with a diagnostic and using the objectives of a reform, the Commission and the contractor will identify methods and solutions in order to meet the targets and secure, as far as possible, the desired impact of a reform while it is being implemented;
- Change management projects are also key enablers that can be used by the Beneficiary Member State to gain buy-in from stakeholders and to successfully lead reforms.

Such projects can focus on different stages of the reform process:

- Policy design;
- Strategy development, in particular, for policy implementation;

- Organization, governance and management;
- Optimisation of processes and structures;
- Establishment of human resources plans for the mobility and redeployment of personnel;
- Change management including communication to stakeholders; and
- Training and building the capacity of local teams (from the Beneficiary Member State).

Technical support projects are always context-specific. Each project will, therefore, depend on the environment, needs, scale, scope, complexity, timing and on the local resources available for the project. The Commission places a strong emphasis on capacity building for its Beneficiary Member States. Contractors will be expected to do likewise.

Given the nature of the technical support, the needs of the Commission and the Beneficiary Member States can be met through the delivery of all or part of the types of services described in section 1.6.

### ***1.5 Scope of the services: policy areas to be covered by the Framework Contract***

The types of services provided under this Framework Contract may cover support for reform in any policy area related to cohesion, competitiveness, productivity, innovation, smart, sustainable and inclusive growth, jobs and investment, as presented in the Programme<sup>2</sup>.

In particular, for the present Framework Contract, the policy areas listed in the Programme are grouped in five sectoral categories and 37 policy areas in the following manner:

1. **Governance and Public Administration:** (1) state governance and better policy making, (2) human resources management, (3) efficiency of the State organization and service delivery, (4) public procurement, transparency, anti-corruption and anti-money laundering activities, (5) judicial systems, (6) e-Government, (7) migration and border policy;
2. **Revenue Administration and Public Financial Management:** (8) revenue collection, (9) budget preparation, (10) spending reviews, (11) fiscal strategy and tax policy, (12) supreme audit institutions / fiscal council;
3. **Growth and Business Environment:** (13) investment licensing, (14) competition policy, (15) trade issues, (16) digital society, (17) land registry, (18) energy union, (19) better regulation, (20) SOE management, Sectoral expertise (21) transport, (22) environment, (23) water, (24) agriculture;
4. **Labour Market, Education, Health and Social Services:** (25) labour market and social cohesion policies; (26) long-term care policies; (27) welfare system; (28) pension system; (29) healthcare system; (30) education; vocational education and training; research; and

---

<sup>2</sup> See Article 5(2) of Regulation (EU) 2017/825 of the European Parliament and of the Council of 17 May 2017 on the establishment of the Structural Reform Support Programme.

5. **Financial Sector & Access to Finance:** (31) access to finance, (32) capital markets union, (33) bank supervision & resolution, (34) non-performing loans, (35) insolvency, (36) insurance and pensions, (37) competition issues.

## **1.6 Types of services**

The Framework Contract is comprised of three types of services. These types of services are described in detail below.

The same tenderer must be able to cover all three services. Bidding for only part of the services comprised will lead to the rejection of the tender. The contractor may be requested to provide them together or separately. The contractor must be ready to provide these services in any policy area described in section 1.5. Examples of projects are provided in Annex 1.

### **1.6.1 Policy and strategy development**

The contractor may assist with the development and/or revision of strategies for the reform and improvement of public policies in accordance with EU legislation and/or international best practices.

Support is expected to include all or part of the services listed below:

- Analysis of the context and the current situation (including identification of bottlenecks, inefficiencies, imperfections, areas for improvement, malfunctions, assessment of costs, etc.);
- Identification of core issues and provision of suggestions for improvements (including processes, timings, priorities, financing, modelling, etc.);
- Identification of best practices and definition of policy options and recommendations;
- Definition of a strategy, which may include suggestions for improving the delivery of stated public policies by the Beneficiary Member State and/or defining a vision for the entity being assessed; and
- Advice on policy options and recommendations for the development of policy strategy, and action plans related to the implementation of changes.

Support may also include:

- Digitalisation of the above mentioned services;
- Legal support for the review and preparation of legal and regulatory proposals;
- Provision of interpretation for meetings in the language of the EU Member State where the project is carried out; and
- Translation of documents.

The provision of such services will require the active participation of the contractor in the management of the project and the production of documents and, where necessary, data collection and analysis on the basis of proven methodologies.

Foreseen deliverables may include, for instance, strategy(ies) and/or recommendations and/or report(s) and/or action plan(s), roadmap(s), presentation(s), manuals, workshops, training sessions, procedural and guidance documents.

### 1.6.2 Assessment of service provision and/or reorganization proposals

The contractor may assist in the assessment of service provision and/or provide reorganization proposals with the aim of improving the quality of the public policy being assessed.

Support is expected to include all or part of the services listed below:

- Identification of key service delivery issues and problems according to the following dimensions: quality, effectiveness, efficiency, accessibility, distributional fairness and relevance of services provided by specific public bodies. The analysis will be based on data collection and data analysis;
- Provision of conclusions, recommendations and reorganisation-for-improvement scenarios. A reorganisation proposal may also include recommendations regarding a human resources mobility plan and retraining of staff for the potential reallocation of resources;
- Recommendations related to business-process reengineering. In such cases, the contractor will be expected to lead an analysis of the efficiency and effectiveness of processes with recourse to data analysis, interviews and workshops;
- Recommendations for the redesign of Information and Communication Technology (ICT) systems; and
- Suggestions for the management of reform projects and guidelines for implementation.

Support may also include:

- Digitalisation of the above mentioned services
- Legal support for the review and preparation of legal and regulatory proposals;
- Provision of interpretation for meetings in the language of the EU Member State where the project is carried out; and
- Provision for translation of documents.

The provision of such services will require the active participation of the contractor in the management of the project and the production of documents and, where necessary, data collection and analysis on the basis of proven methodologies.

Foreseen deliverables may include, for instance: report(s), presentation(s), manuals, workshops, training sessions, procedural and guidance documents.

### 1.6.3 Consultancy assistance for reform implementation

The contractor may assist with the implementation of reform projects and/or institutional reorganisation.

Support is expected to include all or part of the services listed below:

- Support for organising the planning of the reform implementation project;



- Implementation of project management tools and detailed design of the reform project;
- Assistance for data collection and data analysis as a basis for recommendations regarding detailed design and project management;
- Assistance with the training of staff required for the project (limited to the teams responsible for implementation); and
- Assistance requiring the active support of the contractor in the production of documents and, when necessary, data collection and data analysis on the basis of proven methodology.

Support may also include:

- Digitalisation of the above mentioned services;
- Legal support for the review and preparation of legal and regulatory proposals;
- Provision of interpretation for meetings in the language of the EU Member State where the project is carried out; and
- Provision for translation of documents.

The provision of such services will require the active participation of the contractor in the management of the project and the production of documents and, where necessary, data collection and analysis on the basis of proven methodologies.

Foreseen deliverables may include, for instance, report(s), monitoring tools, training(s), legal texts, manuals, workshops, training sessions, procedural and guidance documents.

## ***1.7 Additional elements: Language of delivery, geographical coverage***

### **1.7.1 Languages of delivery**

Deliverables will be produced in English and, if so requested, in the language of the Beneficiary Member State.

The main language for the provision of the services will be English. Tenderers must be in capacity to cover every official language of the European Union, either through their staff or by recourse to translation and/or interpretation services.

### **1.7.2 Geographical coverage**

Specific contracts within the scope of the Framework Contract may cover any of the EU Member States and may cover more than one EU Member States simultaneously.

## ***1.8 Governance of the contract***

The Commission will ensure the management and implementation of the Framework Contract. To this end, through the course of its implementation, the Commission may organise, when necessary, meetings with the contractors or communicate with them through written means.



## **2 Information on tendering**

### **2.1 *Nature of the contract***

#### **Multiple framework contract with reopening of competition**

This contract is based on the system of **multiple framework contractors in competition**. One Framework Contract will be concluded with each contractor, up to a maximum of seven contractors. It will set out the contractual terms (legal, financial, technical, administrative, etc.) that apply during their period of validity and govern commercial relations between the Commission and the contractors; in particular the maximum unit daily rates for staff will be set.

The draft Framework Contract applicable is provided in Annex 9. Tenderers must declare in the Cover Letter for tenderers (see Annex 10) their acceptance of it and must take it into account in drawing up their tender.

The attention of the tenderer is drawn to the fact that the Framework Contract does not constitute placement of an order (i.e. specific contract) but is merely designed to set the legal, financial, technical and administrative terms governing relations between the contracting parties during the contract term.

Signature of the Framework Contract does not commit the Commission to placing orders and does not give the contractors any exclusive rights to the services covered by the Framework Contracts. In any case, the Commission reserves the right, at any time during the Framework Contract, to cease acquiring services without the contractors thereby having the right to any compensation.

### **2.2 *Volume of the contract***

The Framework Contract shall have an initial duration of 24 months. The Framework Contract is renewed automatically once for 24 months, unless one of the parties gives a formal notification to the contrary at least three months before the end of the ongoing duration. Renewal does not change or postpone any existing obligations.

The maximum ceiling of the Framework Contract is equal to the initial estimation in euros as published in the contract notice. The maximum ceiling for the entire envisaged duration of 48 months (see Article I.3 of the draft Framework Contract in Annex 9) is EUR 100 000 000 (one hundred million), covering all purchases under this Framework Contract.

In accordance with Annex I, Chapter 1, Section 2, 11.1 (e) of Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, the Contracting Authority may use the negotiated procedure without prior publication of a contract notice with the contractors to increase the maximum ceiling of the Framework Contract. The Contracting Authority may trigger the subsequent use of this procedure in case the use of the Framework Contract is faster than foreseen. The new services will cover similar services as in the Framework Contract accounting for not more than 50% of the initial contract amount. The conditions under which

the new services will be awarded will be those in the framework contracts and their annexes that will be in force at the time of launch of the negotiated procedure.

### **2.3 Participation**

Participation in this procurement procedure is open on equal terms to all natural and legal persons established in one of the EU Member States, 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, under the conditions laid down in that agreement. Where the plurilateral Agreement on Government Procurement<sup>3</sup> concluded within the World Trade Organisation applies, participation in this procedure is also open to all natural and legal persons established in the countries that have ratified this Agreement, under the conditions laid down in the agreement.

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

### **2.4 Contractual conditions**

The tenderer should bear in mind the provisions of the draft Framework Contract and Specific Contract (see Annex 9), which specifies the rights and obligations of the contractor, particularly those on payments, performance of the contract, confidentiality, and checks and audits.

### **2.5 Compliance with applicable law**

The tender must comply with applicable environmental, social and labour law obligations established by Union law, national legislation, collective agreements or the international environmental, social and labour conventions listed in Annex X to Directive 2014/24/EU<sup>4</sup>.

### **2.6 Joint tenders**

A joint tender is a situation where a tender is submitted by a group of economic operators (natural or legal persons). In this case, each participating economic operator shall accept and comply with the terms and conditions set out in the tender specifications and in the contract. Joint tenders may include subcontractors in addition to the members of the group.

---

<sup>3</sup> See [http://www.wto.org/english/tratop\\_e/gproc\\_e/gp\\_gpa\\_e.htm](http://www.wto.org/english/tratop_e/gproc_e/gp_gpa_e.htm)

<sup>4</sup> Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC (OJ L 94, 28.3.2014, p. 65).

In the case of a 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.

The leader shall be authorised to submit the tender on behalf of the group and act on behalf of its members in connection with the tender. This authorisation will cover administrative and financial aspects as well as the operational management of the contract.

The Commission will not request consortia to have a given legal form in order to be allowed to submit a tender, but reserves the right to require a grouping to adopt a given legal form after the contract award if this change is strictly necessary for the proper performance of the contract (in line with Annex 1, chapter 1, section 2, 18.9 of Regulation 2018/1046).

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, who is authorised by the other members via powers of attorney (see Annex 7).

## **2.7 Subcontracting**

Subcontracting is defined as the situation where a contract has been or is to be established between the Contracting Authority and a contractor and where the contractor, in order to carry out that contract, enters into legal commitments with a subcontractor to perform part of the contract.

Subcontracting is permitted but the contractor will retain full liability towards the Contracting Authority for performance of the contract as a whole. The Contracting Authority has no direct legal commitment with the subcontractor(s).

Tenderers are required to identify in their tender any subcontractor(s) that they intend to use in the implementation of the Framework Contract, by indicating in their tender the official name, address and contact details of such subcontractors. The tender must list any policy areas (as per Section 1.5) that the tenderer intends to subcontract on a regular basis.

In addition, tenderers are required to identify subcontractor(s) whose capacity is necessary to fulfil the selection criteria. Full details of such subcontractors must be provided (See Tender Submission Form in Annex 3).

Further to Article II.10 of the Framework Contract's General conditions, additional or replacement subcontractors can be accepted during the lifetime of the Framework Contract, subject to the Contracting Authority's prior written authorisation. This authorisation will be deemed to be given for the entire duration of the Framework Contract for a given subcontractor if a specific tender, which serves as the basis for the award of a specific contract, identifies the new subcontractor. The specific tender must indicate the official name, address and contact details of such subcontractors.

### **3 Structure and content of the tender**

#### **3.1 Overview**

The tenders must be presented as follows (a model Tender Submission Form is provided in Annex 3):

Part A: Identification of the tenderer (see section 3.2)

Part B: Non-exclusion (see section 3.3.1)

Part C: Selection (see section 3.4)

Part D: Technical offer (see section 3.5)

Part E: Financial offer (see section 3.6)

#### **3.2 Identification of the tenderer**

The tenderer must include a duly signed cover letter of submission of tender (see Annex 10) signed by an authorised representative, presenting the name of the tenderer (including all entities in case of joint tender) and subcontractors whose capacity is necessary to fulfil the selection criteria, if applicable, and the name of the single contact point (leader in case of joint tender) in relation to this procedure. The tenderer must indicate in which country the tenderer is established and include supporting evidence for its establishment (as considered acceptable under the law of that country).

In case of a joint tender, the cover letter must be signed by the leader authorised by the other members with powers of attorney (free format). The signed powers of attorney must be included in the tender as well. Subcontractors whose capacity is necessary to fulfil the selection criteria that are identified in the tender must provide a letter of intent (see Annex 8) signed by an authorised representative stating their willingness to provide the services presented in the tender and in line with the tender specifications.

All tenderers (including all members of the group in case of joint tender) and the identified subcontractors whose capacity is necessary to fulfil the selection criteria 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.cf m](http://ec.europa.eu/budget/contracts_grants/info_contracts/legal_entities/legal_entities_en.cf m)

At any time during the procedure and/or the implementation of the Framework Contract, the Commission may request any subcontractor to provide a signed Legal Entity Form with its supporting evidence.

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. The form is available on: [http://ec.europa.eu/budget/contracts\\_grants/info\\_contracts/index\\_en.cfm](http://ec.europa.eu/budget/contracts_grants/info_contracts/index_en.cfm)

No Financial Identification Form is needed for subcontractors.

The tenderer (and each member of the group in case of a joint tender) must declare whether it is a Small or Medium Size Enterprise in accordance with [Commission Recommendation 2003/361/EC](#). This information should be indicated in the Tender Submission Form (see Annex 3, section 1.1 "tenderer's identification"). This information is used for statistical purposes only.

### **3.3 Non-Exclusion**

#### **3.3.1 Verification of non-exclusion**

All tenderers must provide a declaration on honour (see Annex 4, Section I to VI inclusive), signed and dated by an authorised representative, confirming if they are in any of the situations of exclusion listed in the declaration on honour.

In case of a joint tender, each member of the group must provide a declaration on honour signed and dated by an authorised representative (see Annex 4, Section I to VI inclusive).

In case of subcontracting, all subcontractors whose capacity is necessary to fulfil the selection criteria must provide a declaration on honour signed by an authorised representative (see Annex 4, Section I to VI inclusive).

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

The tenderers must provide the documents mentioned as supporting evidence in the declaration on honour within 15 calendar days from the time limit for the receipt of tenders. This requirement applies to each member of the group in case of a joint tender and to all 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 this has already been submitted for another EU procurement procedure and provided that the documents were issued not more than one year before the date of their request by the Contracting Authority and are still valid on 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 a 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. The reference to such a specific document and the details of the national database should be clearly mentioned in the tender.

### **3.4 *Selection criteria***

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

The tenderer may rely on the capacities of other entities, regardless of the legal nature of the links which it has with them. It must in each case prove to the Contracting Authority that it will have at its disposal the resources necessary for performance of the contract over the entire duration of the contract, for example by producing an undertaking on the part of those entities to place those resources at its disposal.

If a third party provides the whole or a large part of the financial capacity, the contracting authority may demand that that entity signs the contract, or may demand that the entity commits itself to execute the contract jointly and severally with the contractor by providing a letter of intent to that effect.

If this third party is to sign the contract, the contracting authority will need to receive before the signature of the contract the evidence that the third party has access to the market (see section 2.3) and is not in exclusion situation (see section 3.3 and Annex 4).

#### **3.4.1 Declaration and evidence**

The tenderer (sole tenderer or leader in case of joint tender) must provide the declaration on honour (see Annex 4) stating that the tenderer, including all members of the group in case of joint tender and including subcontractors, if applicable, fulfils the selection criteria, or not, for which a consolidated assessment will be carried out.

The Contracting Authority will evaluate selection criteria on the basis of the declarations on honour and any evidence that is requested by the Contracting Authority.

All tenderers are required to provide the evidence mentioned in sections 3.3 and 3.4 and Annex 4 within 15 calendar days from the time limit for the receipt of tenders. This requirement



applies to each member of the group in case of a joint tender and to subcontractors whose capacity is necessary to fulfil the selection criteria.

Nevertheless, the contracting authority reserves the right to require further evidence of the legal, regulatory, financial, economic, technical and professional capacity of the tenderers at any time during the procurement procedure and contract performance. In such a case, the tenderer must provide the requested evidence without delay. The Contracting Authority may reject the tender if the requested evidence is not provided in due time.

A tenderer (or a member of the group in case of joint tender, or any identified subcontractors) is not required to submit the documentary evidence if this has already been submitted for another procurement procedure and provided that the documents were issued not more than one year before the date of their request by the Contracting Authority and are still valid on 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 his/her situation.

A tenderer (or a member of the group in case of a 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. The reference to such a document and the details of the national database should be clearly mentioned in the tender.

#### 3.4.2 Legal and regulatory capacity

Tenderers must prove that they are allowed to pursue the professional activity necessary to carry out the work under this call for tenders. The tenderer (including each member of the group in case of a joint tender and, if applicable, subcontractors whose capacity is necessary to fulfil the selection criteria) must include the following information in the 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.

#### 3.4.3 Economic and financial capacity criteria

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

- **Criterion F1:** Yearly turnover in the last two financial years above EUR 15 million. This criterion applies to the tenderer as a whole, e.g. the combined capacity of all members of a group in case of a joint tender.

**Evidence F1:**

Copy of the profit and loss accounts for the last 2 years for which accounts have been closed from each legal entity needed to fulfil the selection criteria;

Failing that, appropriate statements from banks;

If, for any valid reason, the economic operator is unable to provide the references requested by the Contracting Authority, it may prove its economic and financial capacity by any other document which the Contracting Authority considers appropriate. In any case, the Contracting Authority must be notified of the valid reason and its justification. The Contracting Authority reserves the right to request any other document enabling it to verify the tenderer's economic and financial capacity.

### 3.4.4 Technical and professional capacity criteria and evidence

Any tenderer with a professional conflicting interest that may affect the performance of the contract may be rejected on the basis of not fulfilling selection criteria for professional capacity.

#### 3.4.4.1 A - Criteria relating to the experience of tenderers

Tenderers (in case of a joint tender, the combined capacity of all members of the group) must comply with the criteria listed below.

The project references indicated below consist of a list of relevant services provided in the past three years<sup>5</sup> and must include the total value of the project, the duration and clients (public or private), accompanied by statements of successful completion issued by the clients or alternative supporting documents (see Annex 4). If these services were partially performed by subcontractors, tenderers should indicate the subcontractor(s) and the nature and percentage of the tasks that were subcontracted.

- **Criterion A1:** Professional experience in similar services: the tenderer must prove experience in the field of support to reform in at least one of the policy areas per sectoral category as defined in section 1.5.

**Evidence A1:** the tenderer must provide references for at least one project (finalized in the last three years with a minimum total value for each project of EUR 100 000) in each sectoral category defined in section 1.5.

---

<sup>5</sup> The three years are to be counted taken as a reference the date of publication of this call for tenders.

- **Criterion A2:** Professional experience in different EU Member States: the tenderer must prove experience in providing services mentioned under section 1.6 in at least six different EU Member States in the past three years.  
**Evidence A2:** The tenderer must provide references for projects implemented in at least six different EU Member States of the European Union and finalised in the past three years. If relevant, the evidence submitted under Criterion A1 may be provided as evidence under criterion A2.
- **Criterion A3:** The tenderer must prove its capacity to work and produce deliverables in the EU official languages as they may be required to work with local authorities of specific EU Member States and produce deliverables in their language.  
**Evidence A3:** The tenderer must provide references for six projects delivered in the last three years showing language coverage in six different EU languages. For each project it must also provide a copy of one deliverable of at least 10 pages (report, study, presentation, etc.) that has been published or delivered to a client in the last three years. If relevant, the evidence submitted under Criterion A1 and/ or A2 may be provided as evidence under criterion A3.
- **Criterion A4:** The tenderer must demonstrate capacity to provide (i) legal support and (ii) digitalisation of services.  
**Evidence A4:** The tenderer must provide references for at least one project implemented in the last 3 years with a minimum total value for the project of EUR 50 000 in (i) the area of legal support and (ii) in the area of digitalisation of services.

#### 3.4.4.2 B - Criteria relating to the team delivering the service

The team delivering the service should include the following profiles.

One person may not cover multiple profiles.

- **B1 - Project Manager:** A project manager must have at least five years of experience in project management, including overseeing project delivery, quality control of delivered services, beneficiary/client orientation and conflict resolution experience in projects of at least EUR 100 000 and covering at least two EU Member States (under one or more projects), with experience in management of a team of at least three people. A project manager must be fluent in English.  
  
**Evidence B1:** The tenderer must provide CVs for nine different project managers who can be allocated to specific contracts within this Framework Contract.
- **B2 – Senior expert in a policy area of the SRSS:** A senior expert must have (i) a level of education corresponding to a full university course lasting at least four years or more, attested by a diploma, followed by (ii) at least seven years of professional experience in one of the policy areas listed in section 1.5 under the sectoral

categories (1) Governance and Public Administration, (2) Revenue Administration and Public Financial Management, (3) Growth and Business Environment and (4) Labour Market, Education, Health and Social Services

OR

a (i) a level of education corresponding to a full university course lasting at least three years or more, attested by a diploma, followed by (ii) at least eight years of professional experience in one of the policy areas listed in section 1.5 under the sectoral categories (1) Governance and Public Administration, (2) Revenue Administration and Public Financial Management, (3) Growth and Business Environment and (4) Labour Market, Education, Health and Social Services.

A senior expert must be fluent in English.

**Evidence B2:** The tenderer must provide CVs for three different senior experts per policy area for at least 16 of the 30 policy areas listed in section 1.5 under the sectoral categories (1) Governance and Public Administration, (2) Revenue Administration and Public Financial Management, (3) Growth and Business Environment and (4) Labour Market, Education, Health and Social Services. One senior expert can cover a number of policy areas. The provided CVs of senior experts should cover at least two policy areas in each of the above sectoral categories listed in section 1.5.

- **B3 – Junior expert** in a policy area of the SRSS: A junior expert must have at least two years of professional experience in one of the policy areas listed in section 1.5 under the sectoral categories (1) Governance and Public Administration, (2) Revenue Administration and Public Financial Management, (3) Growth and Business Environment and (4) Labour Market, Education, Health and Social Services. A junior expert must be fluent in English.

**Evidence B3:** The tenderer must provide 40 CVs for different junior experts. One junior expert can cover a number of policy areas. The provided CVs of junior experts should cover at least two policy areas in each sectoral category listed in section 1.5.

- **B4 - Senior expert finance:** A senior expert in finance must have (i) a level of education corresponding to a full university course lasting at least four years or more, attested by a diploma, followed by (ii) at least seven years of professional experience in a given policy area as defined in section 1.5 under the sectoral category (5) Financial Sector & Access to Finance

OR

a (i) a level of education corresponding to a full university course lasting at least 3 years or more, attested by a diploma, followed by (ii) at least eight years of professional experience in a given policy area as defined in section 1.5 under the sectoral category (5) Financial Sector & Access to Finance.

A senior expert finance must be fluent in English.

**Evidence B4:** The tenderer must provide CVs for two different experts per policy area for at least three out of the seven policy areas listed in section 1.5 under the sectoral category (5) Financial Sector & Access to Finance. One senior expert finance can cover a number of policy areas.

- **B5 – Junior expert finance:** A junior expert finance must have a proven experience of at least 2 years in one of the policy areas listed in section 1.5 under the sectoral category (5) Financial Sector & Access to Finance.  
A junior expert finance must be fluent in English.

**Evidence B5:** The tenderer must provide 10 CVs for different junior experts finance. One junior expert finance can cover a number of policy areas.

Each CV should indicate the intended profile above to be fulfilled and include information on educational qualifications, expertise and experience, level of written and spoken language skills and any other relevant information that may be necessary to demonstrate each of those experts' compliance with the criteria above. Relevant evidence of the information contained in the CVs may be requested by the Contracting Authority.

### **3.5 Technical offer**

The technical offer must cover all aspects and services required in Section 1 of these Tender Specifications, including the generic part of the technical offer and case studies. It must provide all the information needed to apply the relevant award criteria.

Variants are not allowed.

Tenders deviating from the requirements or not covering all requirements shall be rejected.

The technical offer of the tenderer must not exceed in length:

- 10 pages for the generic part of the technical offer;
- 6 pages for each case study.

Contractors are invited to use:

- Font size 11 point, in the style of Times New Roman, Arial, or similar;
- Margins of at least 2.54cm (the standard default);
- A 1 line spacing.

### 3.5.1 Generic proposal

The generic proposal should describe the overall approach of the tenderer to technical support and present how the tenderer could bring added value to the design and implementation of reforms in EU Member States.

**Methodology** – The Tenderer should also develop its vision of the benefits and approach to deliver technical support for EU Member States to improve the quality of the public administration and restore economic growth. In particular, the generic proposal should present the views of the tenderer related to the sound management and implementation of reform projects in the public sector. The Tenderer should present its overall approach for the services that are listed in section 1.6. The tenderer should also explain how it would approach and organise projects in the various sectoral categories listed in section 1.5 listing key points of attention in the design and implementation of reform projects.

**Organisation of work and resources** - The generic proposal should notably address elements related to project management, team structure, project supervision, communication with the Commission and the Beneficiary Member State(s), and other generic elements potentially applicable to all projects. Tenderers should present potential team structure(s) based on the profiles as defined in section 3.4.4.2. In addition, the generic proposal must include:

- The procedures proposed to ensure active involvement of the Commission and of the Beneficiary Member State in each specific contract.
- The key aspects of technical support missions regarding the methodology and resources that the Tenderer would use. Relevant explanations should be provided.
- **An** explanation of how it plans on covering every official language of the European Union, either through own resources or by recourse to subcontracting.
- An explanation of how it is planning to cover services related to legal support and digitalisation of services, either through its staff or by recourse to subcontracting.

The generic proposal must in particular define the procedures to ensure the successful implementation of the Framework Contract and the specific contracts in line with the Governance structure laid down in section 1.8 and 5.2. In the case of a joint tender, the generic proposal must also define the structure set up for coordinating the work between the different members of the group of economic operators. This should include the working criteria for the distribution of assignments between the members of the joint tender and the composition of ad hoc teams.

**Quality Control** - The tenderer must also specify how it intends to control and ensure high quality and effective monitoring of the services provided to the Commission. This must include the procedures that the tenderer intends to use for quality control, continuation of the services, assurance of the Contracting Authority's satisfaction and complaint management.

### 3.5.2 Description of hypothetical case studies for assessment and awarding of the Framework Contract

The tenderer should provide technical offers for case studies<sup>6</sup>. For each case study, the tenderer is expected to provide a technical offer that describes the methodology, the organization of the work (notably team composition, allocation of tasks, roles and responsibilities of the team members) and the quality control measures (if specific measures are required for the project identified in the case studies) that it intends to put in place for delivering technical support.

The tenderer will provide technical offers for the case studies below. Each technical offer for case study will be assessed individually for the same amount of points (maximum 100 points each) and will contribute to the final score of the tender.

The tenderer will work under the assumptions, only for these hypothetical case studies, that the maximum unit daily rates are applied (i.e. no discounts are allowed for the hypothetical case studies), that ***travel/subsistence costs (i.e. daily allowances) or other cost are not needed*** and that the working language for the case studies is English so that no translation or interpretation is required.

- **Case study 1: Support to the improvement of the supervision of reforms in Croatia.**  
The Croatian Government has requested support to improve the management of reform projects and assist with the implementation of the reform agenda for the country. The office of the Prime Minister requested support of the SRSS to help with the design and implementation of monitoring structures. The monitoring structures should help improve the identification and the implementation of reforms so that hurdles and delays can be rapidly identified and addressed. The contractor will in particular provide: (i) an analysis of the current system of monitoring, (ii) proposals for the design of the monitoring structures and processes; (iii) development of monitoring tools; (iv) coaching of the teams responsible for implementation during the first year. The estimated duration of the project is 18 months for a maximum value of EUR 400 000.
- **Case study 2: Support for the establishment of a model collection centre in Greece.**  
The government has requested support to enhance its tax debt collection policy. Assistance will take the form of assessing the current functioning of the revenue administration and the relevant legal framework. The contractor will be asked to a) produce recommendations on the design of new structures and IT systems for managing collection; b) advise on proposed changes to the existing legislation; c) guide the establishment of a pilot centre at regional level; d) set a roll-out plan for the deployment of the pilot office to the rest of the collection offices; e) develop monitoring indicators; and f) develop a positive awareness strategy within the tax

---

<sup>6</sup> The case studies are hypothetical and for illustrative purposes only. They are not real technical support requests and are not to be understood as recommendations for reforms.

administration and the targeted taxpayers. The estimated duration of the project is 12 months for a maximum value of EUR 400 000.

- **Case study 3: Support to improve the business and investment climate in the manufacturing sector in Romania.** The Government has requested support to develop the business and investment climate in the manufacturing sector for domestic, EU and third country businesses established or potentially interested to be established in Romania. The contractor will be asked to carry out an analysis of the existing situation in the sector and assess the current business and investment conditions. For example, the fragmented and multiple licensing system is a major impediment to doing business and investing in the manufacturing sector in Romania. Amongst other factors influencing the business and investment conditions, the contractor must take into consideration the following: licensing and inspections processes and important legislation affecting businesses in the sector such as planning, building, environmental and labour laws. Furthermore, the contractor should assess the costs of land, capital and labour such as building permits and property prices, energy costs, and the availability and cost of human capital that could be employed in the manufacturing sector. The analysis of the current situation should also assess the readiness of the Romania manufacturing industry to deal with the challenges and opportunities such as digitalisation and Industry 4.0. The contractor should propose recommendations and a concrete Action Plan, including the costing of Actions, that the Romanian government would implement with the manufacturing sector in order to move to a more efficient, effective, transparent and business friendly framework. In carrying out the above, the contractor should engage with the main stakeholders in the manufacturing sector. The estimated duration of the project is 12 months for a maximum value of EUR 750 000.
- **Case study 4: Systemic approach to tackle anti-microbial resistance in Latvia.** The government requests support on the design and implementation of a national plan to fight anti-microbial resistance (AMR). The support shall include the mapping of existing activities and players in the country, which have an impact on the spreading of AMR, both in the human health sector and in the animal health/breeding/food production. The support should also include the review of good practice cases of proper AMR management in at least six European countries and three non-European countries, which experimented the most successful approaches. On the basis of these previous activities, the contractor will be requested to develop recommendations for putting in place more effective systems for analysis and reporting of antibiotic use, healthcare related infections, and other AMR surveillance data, including alert systems to highlight potentially harmful situations. Finally, the contractor will also present practical actions to reduce the spread of AMR and its related risks and develop a national road map for the development and implementation of the national AMR plan. The estimated duration of the project is 2 years for a maximum value of EUR 450 000.



- **Case study 5: Support for the implementation of the upcoming Insolvency Directive in Spain.** In preparation of the entry into force of the Directive on preventive restructuring frameworks, second chance and measures to increase the efficiency of restructuring, insolvency and discharge procedures, the Ministry of Justice requests support to identify the necessary changes to the national insolvency framework. A comprehensive analysis of the existing framework needs to be undertaken. The contractor will undertake, at least, the following actions: (i) introduce an early warning tool based on the European best practises and (ii) update the data collection mechanisms to ensure the compliance with the monitoring requirements set forth in the Directive. The estimated duration of the project is 12 months for a maximum value of EUR 350 000.

### **3.6 Financial offer**

The tenderer's attention is drawn to the following points:

- The prices for the tender must be quoted in euro. Tenderers from countries outside the euro area must quote their prices in euro. Prices quoted may not be revised in line with exchange rate movements. It is for the tenderer to bear the risks or the benefits deriving from any variation in the exchange rate.
- Prices must be quoted free of all duties, taxes and other charges, including VAT, as the European Union is exempt from such charges under Articles 3 and 4 of the Protocol on the privileges and immunities of the European Union. The amount of VAT may be shown separately.
- The Table of Maximum Unit Daily Rates, to be submitted according to the form attached in Annex 5 (**General** Financial Offer), will constitute the future contractual basis for the maximum pricing for the specific contracts.
- Price revision is not applicable to this Framework Contract (see Annex 9 Article I.5.2)
- For the purpose of the financial and technical offers, a working day shall be considered 8 hours of services in a 24 hour period.
- Tenderers must provide the unit daily rates for each profile (as indicated in section 3.4.4.2). These rates must be the maximum rates and must include all related costs (project management, quality control, training of the contractor's staff, support resources, management of the firm, secretariat, social security, salaries, etc.) in performance of the services.
- Financial offers for each case study are to be filled in Annex 5 (Financial Offer for the Case Study).
- Travel, accommodation and daily subsistence allowance expenses of the specific contracts should not be included under the unit daily rates quoted in Annex 5. If deemed necessary for the implementation of the specific contract(s), such costs must be quoted separately in the specific financial offer(s) under reopening of competition.

## 4 Evaluation and Award for the Framework Contract

### 4.1 Overview

The evaluation by the Contracting Authority of the tenders is based solely on the information provided in the submitted tender. It involves the following:

1. Verification of non-exclusion of tenderers on the basis of the exclusion criteria;
2. Selection of tenderers on the basis of the selection criteria;
3. Evaluation of tenders on the basis of the award criteria.

The Contracting Authority may reject abnormally low tenders.

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

**The contract will be awarded on the basis of the most economically-advantageous tender, according to the 'best price-quality ratio' award method.** The relative weights given to price and quality in the price-quality ratio are respectively 40% and 60%.

60% will be attributed on the basis of the technical quality of the tender and 40% of the score will be attributed on the basis of the price of the tender and

The technical quality of the tender (60%) will be based on:

- The generic proposal made by the tenderer will form **30%** of the technical quality score;
- The proposal of the tenderer for case studies will form **70%** of the technical quality score.

The price of the tender (40%) will be based on:

- The composite daily rate will form **70%** of the price;
- The prices quoted for the case studies will form **30%** of the price.

See also section 4.3 for details on the calculation.

### 4.2 Technical Award Criteria

**The quality of the tender, including the generic proposal and each case study, will be evaluated according to the criteria below.**

**The maximum total quality score is 100 points for the generic proposal and also 100 points for each case study. The score will be composed of the following elements:**

- **Quality of the proposed methodology (60 points)**  
This criterion will assess the approach proposed by the tenderer to provide assistance that is targeted to the context and issues related to each specific project. This criterion will assess the quality of the methodology set out in the tender and its relevance to the

tender specifications. In particular, it will assess how the methodology enables the production of quality deliverables and ensures the sustainability of the reforms being implemented in the Member States. It will also assess the manner in which all aspects of the work will be carried out and how the tenderer's methodology addresses the scope and the challenges of the technical support to be provided.

- **Organisation of the work and resources (30 points)**

- This criterion will assess how the roles and responsibilities of the proposed team profiles and of the different economic operators (in case of joint tenders, including subcontractors, if applicable) are distributed for each service. It also assesses the global allocation of time and resources to the project and to each service or deliverable, and whether this allocation is relevant for the services to be provided. The details on the allocation of time and human resources and the rationale behind the choice of this allocation will be also assessed under this criterion.

- **Quality control measures and indicators (10 points)**

This criterion will assess the quality control system and the indicators applied to the services foreseen in these tender specifications concerning the quality of the deliverables, the language quality check, the provision for continuity of the service in case of absence of one or more members of the team and the relevance of the projects to the needs of the Beneficiary Member State. The quality system and relevant indicators, detailed in the tender and being specific to the services indicated in this document, will be assessed under this criterion.

**The generic proposal and each technical offer for case study must separately reach a minimum quality threshold of 50% for each criterion.**

**The generic proposal and each technical offer for case study must separately reach a minimum of 60% for the total of the three criteria.**

**Tenders that do not reach the minimum quality levels will be rejected and will not be ranked.**

### **4.3 Price**

For the purpose of evaluation and comparison of the financial offers, the Contracting Authority will use a “composite daily rate” and the Prices of the tender for the case studies as defined below.

#### **4.3.1 Composite daily rate**

The rates in the financial offer of tenderers will be used to calculate the composite daily rate established below:

*Composite daily rate*

$$\begin{aligned}
 &= 0.2 \times \text{unit daily rate for project manager (B1)} + 0.25 \\
 &\times \text{unit daily rate for the senior expert (B2)} + 0.35 \\
 &\times \text{unit daily rate for the junior expert (B3)} + 0.1 \\
 &\times \text{unit daily rate for the senior expert finance (B4)} + 0.1 \\
 &\times \text{unit daily rate for the junior expert finance (B5)}
 \end{aligned}$$

as offered by the contractor in its financial offer.

***Tenderers should consider the profiles for the various levels of expertise as defined in section 3.3.4.2.***

This composite daily rate will only be calculated for those tenders, which pass the minimum quality thresholds.

#### 4.3.2 Price of the tender for the case studies

The total price of each case study will be compared to the cheapest price of the relevant case study among all tenders who meet the quality thresholds.

The price of each case study will be used to establish the ranking of the tenders as specified in section 4.4.

#### **4.4 Ranking of tenders**

Tenders will be ranked based on their score that results from the technical award criteria and price as per the formula below:

Score of the tender

$$\begin{aligned}
 &= 0.6 \\
 &\times \left( 0.3 \times \text{score of the generic proposal} + 0.7 \times \sum_{\text{case study 1}}^{\text{case study 5}} \left( \frac{\text{score of the case study}}{5} \right) \right) \\
 &+ 0.4 \times 100 \\
 &\times \left( 0.7 \times \frac{\text{cheapest composite daily rate among all the tenders to be ranked}}{\text{composite daily rate of the tenderer}} + 0.3 \times \frac{1}{5} \right. \\
 &\times \left. \sum_{\text{case study 1}}^{\text{Case study 5}} \frac{\text{cheapest price of the case study among all the tenders to be ranked}}{\text{price of the case study of the tender}} \right)
 \end{aligned}$$

Where

‘Quality score of the generic proposal’ is the quality score, out of 100, for the generic proposal (section 4.2).

'Quality score of the case study' is the quality score, out of 100, for each case study (section 4.2).

The results of the ranking formula will be rounded to two digits after the decimal, using standard rounding.

## **4.5 Award**

In line with Annex I, point 1.4 of the Financial Regulation<sup>7</sup>, the Contracting Authority will award the Framework Contract to a maximum of seven tenderers whose tenders are ranked with the highest scores.

### **4.5.1 General remarks**

The attention of the tenderer is drawn to the fact that the Commission will be in a position to make a proper assessment of the tenders on the basis of the above qualitative criteria only if they contain full particulars relating to all aspects of these tender specifications.

As the tenders will also be evaluated on the basis of the quality of the services proposed, the tenderers should fully explore all the points included in this specification so as to obtain the best possible mark.

---

<sup>7</sup> Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012, OJ L 193

#### 4.6 Overview of the selection and award criteria

Exclusion criteria		Declaration and evidence	
Selection criteria		Declaration and evidence	
		Legal and Regulatory capacity	
		Economic and financial capacity	Criterion F1
		Technical and professional capacity	Criteria related to tenderers: A1, A2, A3 , A4
			Criteria related to the team: B1, B2, B3, B4, B5
Award criteria	Technical award criteria (weighting 0.6)	Generic proposal (30% of quality score)	Quality of proposed methodology – 60 points
			Organization of the work & resources – 30 points
			Quality control measures - 10 points
		Case studies 1 to 5 (70% of quality score)	Quality of proposed methodology – 60 points
			Organization of the work & resources – 30 points
			Quality control measures - 10 points
	Price (weighting 0.4)		Composite daily rate based on the maximum unit daily rate for each profile combined with the total prices of the case studies

## **5 Procedure for a specific contract**

### ***5.1 Implementation of Framework Contract with reopening of competition***

The Framework Contract is implemented as follows: the Contracting Authority reopens the competition by sending a request for services by email to all contractors.

The contractors send their specific tenders by email to the Contracting Authority within the time limit indicated in the request for services.

The contracting authority evaluates the specific tenders and selects the most economically advantageous one on the basis of the award criteria set out at section 5.4 below. When doing so, it takes into account any conflicting interests which may negatively affect the performance of the specific contract (see Annex 9 Article II.7). The contracting authority awards and sends the specific contract to the successful contractor for its signature.

The contractor must send back to the contracting authority the specific contract duly signed and dated in paper format and in two originals within 5 working days of receipt. Within this deadline, it will also provide the Contracting Authority with a scanned version of the signed and dated contract by email.

The Contracting Authority countersigns the specific contract and sends one original to the contractor.

In case of specific contracts where the Beneficiary Member State needs to share sensitive or confidential information with the contractor, the latter may be requested to sign a non-disclosure agreement.

The contractor may be requested to ensure the visibility of the Contracting Authority vis-à-vis the Beneficiary Member State when implementing the specific contract (see draft Framework Contract in Annex 9).

The Contracting Authority reserves the right to introduce electronic ordering for specific contracts and/or invoicing systems during the period of implementation of the Framework Contract.

## **5.2 Management of Specific Contracts by the SRSS**

The Commission, primarily through the SRSS, will be involved throughout the operational implementation of each specific contract signed under the Framework Contract. For each specific contract, a project manager will be nominated within the SRSS. The SRSS project manager will be the main contact point for the contractor for the operational implementation of the specific contract.

The SRSS will play an active role in the implementation of the specific contract following its signature. The SRSS project manager will have access to draft deliverables and will provide feedback thereon, as needed. SRSS staff will participate as needed in missions related to the project.

For a specific contract, a Steering Committee may be defined to ensure the supervision of the project. This will be defined on a case-by-case basis but is expected to involve the relevant SRSS project manager (or their representative) for the specific contract as well as representatives from the beneficiary Member State. The contractor's project manager will participate to the Steering Committee.

## **5.3 Reporting**

In addition to the deliverables required for each specific contract, the contractors may be requested to report / produce reports.

Unless otherwise specified in the specific contract, during each specific contract implementation and in accordance with the instructions laid down in it, the Contractor will provide a final report in English at the end of the Specific Contract.

The contractor may be asked to prepare one or several Interim reports in case of interim payments.

## **5.4 Award criteria for a specific contract**

**The specific contracts will be awarded on the basis of the most economically-advantageous tender, according to the 'best price-quality ratio' award method.**

**The quality of the tender will be evaluated according to the criteria below.**

**The maximum total quality score is 100 points.**

- **Quality of the proposed methodology (60 points)**  
This criterion will assess the approach proposed by the tenderer to provide assistance that is targeted to the context and issues related to the specific project. This criterion will assess the quality of the methodology set out in the tender and its relevance to the request for service. In particular, it will assess how the methodology enables the production of quality deliverables and ensures the sustainability of the reforms being implemented in the Member State(s). It will also assess the manner in which all aspects of the work will be carried out and how the tenderer's methodology addresses the scope and the challenges of the technical support to be provided.



- **Organisation of the work and resources (35 points)**

This criterion will assess how the roles and responsibilities of the proposed team and the different economic operators (in case of joint tenders, including sub-contractors, if applicable) are distributed for each service. It will also assess the global allocation of time and resources to the project and to each service or deliverable, and whether this allocation is adequate for the services to be provided. As part of the technical offer, the tender should provide details on the allocation of time and human resources and the rationale behind such choices.

- **Quality control measures (5 points)**

This criterion will assess the quality control system to be applied to the services foreseen in the tender specifications covering the quality of the deliverables, the language quality check, and continuity of the service in case of absence of one or more members of the team. The quality control system should be detailed in the tender and specific to the project at hand; a generic quality control system will result in a low score.

**Tenders must score a minimum of 50% for each criterion, and a minimum 60% in aggregate. Tenders that do not reach the minimum quality levels will be rejected and will not be ranked.**

As part of the financial offer submitted, the contractor will have the opportunity to include a lump sum covering all the costs for travel and daily subsistence allowance expenses.

As part of the financial offer submitted, the contractor will have the opportunity to include a lump sum covering legal services, interpretation and translation services.

### **5.5 Ranking of tenders**

The tender offering the best price-quality ratio will be determined in accordance with the formula below.

The relative weights given to price and quality in the price-quality ratio are 30-70:

Score of the tender

$$= 0.30 \times \left( 100 \times \frac{\text{cheapest price among all the tenders to be ranked}}{\text{price of the tender}} \right) + 0.70 \times (\text{overall quality score})$$

The results will be rounded to two digits after the decimal, using standard rounding.

List of Annexes to the Tender Specifications:

- Annex 1: Examples of projects
- Annex 2: Checklist of documents to be submitted
- Annex 3: Tender Submission Form
- Annex 4: Declaration on honour on exclusion and selection criteria
- Annex 5: Financial offer template
- Annex 6: Technical offer template
- Annex 7: Model Power of Attorney
- Annex 8: Letter of intent
- Annex 9: Draft framework contract
- Annex 10: Cover Letter for tenderers