



EUROPEAN COMMISSION

Directorate-General for Communications Networks, Content and Technology

Digital Single Market

Digital Economy and Skills

CALL FOR TENDERS

SMART 2019/0020

STUDY ON Broadband Coverage in Europe, 2019-2021

TENDER SPECIFICATIONS

Open Procedure

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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 tenderers from the United Kingdom:

Please be aware that after the UK's withdrawal from the EU, the rules of access to EU procurement procedures of economic operators established in third countries will apply to 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.

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

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).

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 (see Annex 5).

1.5. Subcontracting

Subcontracting is a situation where a contract is to be established between the Commission and a service provider and where this service provider, in order to carry out the contract, enters into legal commitments with other legal entities for performing part of the tasks foreseen in the contract.

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 whose share of the contract is above 10 % of the price of the tender or whose capacity is necessary to fulfil the selection criteria.

During contract performance, the change of any subcontractor identified in the tender or additional subcontracting will be subject to prior written approval of the Contracting Authority (please refer to Article II.10 of the model service contract).

1.6. Structure and content of the tender

The tenders must be presented as follows:

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

Part B: Non-exclusion (see Section 4.1)

Part C: Selection (see Section 4.2)

Part D: Technical offer

The technical offer must cover all aspects and tasks required in the technical specifications and provide all the information needed to apply the award criteria. Offers deviating from the requirements or not covering all requirements may be rejected on the basis of non-compliance with the tender specifications and will not be evaluated.

Part E: Financial offer

The price must fulfil the following requirements:

A **total** fixed price expressed **in Euro** must be included in the tender. 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.

The price quoted must be firm and not subject to revision. It cannot exceed the maximum price indicated in Section II.1.5 of the contract notice. **No contract offer above this amount will be considered.**

The European Commission, pursuant to the provisions of Articles 3 and 4 of the Protocol on the Privileges and Immunities of the European Union, is exempt from all duties, taxes and dues, including value added tax (VAT).

Such charges may not therefore be included in the calculation of the price quoted.

VAT exemption is granted to the Commission by the governments of the Member States, either through refunds upon presentation of documentary evidence or by direct exemption.

For those countries where national legislation provides an exemption by means of reimbursement, **the amount of VAT is to be shown separately**. In case of doubt about the applicable VAT system, it is the tenderer's responsibility to contact his or her national authorities to clarify the way in which the European Commission is exempt from VAT.

The quoted price must be a fixed amount which includes all charges (including travel and subsistence). Travel and subsistence expenses are not refundable separately.

The price must fall within the scope of these tender specifications and be broken down into unit prices and quantities for each of the following categories:

(a) Professional fees. The daily rates and total number of person-day for each member of staff working on the contract must be specified.

(b) Travel and subsistence expenses (including costs of attendance of future contractor's representative(s) at meetings and/or workshops with the Commission (as foreseen in Section 2.4.3)

c) Other costs

No specific offer presentation other than the indications provided above is required.

1.7. Identification of the tenderer

The tender must include a **cover letter** (Annex 2) signed by an authorised representative presenting the name of the tenderer (including all entities in case of joint tender) and identified subcontractors if applicable, and the name of the single contact point (leader) in relation to this procedure.

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

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 and must be included in the administrative identification form.

In the course of the procedure tenderers may be requested to register and provide a Participant Identification Code (PIC, 9-digit number), serving as the unique identifier of their organisation in the Participant Register. Tenderer(s) will receive instructions on how to create a PIC in due time.

Upon communication of the tenderer's PIC, the EU Validation Services (Research Executive Agency Validation Services) will contact the tenderer (via the messaging system embedded in the Participant Register) and request the latter to provide the supporting documents necessary to prove the legal existence and status of the organisation. All necessary details and instructions will be provided via this separate notification.

2. TECHNICAL SPECIFICATIONS

2.1. Context

The European Commission has identified the completion of the Digital Single Market (DSM)³ as one of its 10 political priorities. The Digital Single Market strategy was adopted on 6 May 2015 and includes 16 initiatives. In this context, in September 2016, the European Commission presented a connectivity package, which included a set of new connectivity targets for a competitive Digital Single Market by 2025 (Gigabit Society targets⁴).

Regarding broadband, the Commission collects indicators on the coverage (availability) of the most important broadband technologies, the take-up of broadband, the competition in broadband markets, service quality as well as wholesale and retail prices. Developments in mobile broadband markets are also tracked by indicators on the coverage of HSPA and LTE networks and the take-up of mobile broadband on different devices.

The Commission has been monitoring broadband network deployments since 2008. The latest report on broadband coverage was published in June 2018⁵. The Commission publishes and analyses the data on broadband coverage in the framework of the Digital Economy and Society Index (DESI)⁶ and in its Digital Scoreboard⁷.

2.2. Objectives, tasks, methodology and minimum requirements

The main objective of the study is to monitor the progress in the deployment of broadband networks, i.e. to measure primarily the household coverage of different fixed and wireless

³ <https://ec.europa.eu/digital-single-market/en/policies/shaping-digital-single-market>

⁴ <https://ec.europa.eu/digital-single-market/news-redirect/34110>

⁵ <https://ec.europa.eu/digital-single-market/en/news/study-broadband-coverage-europe-2017>

⁶ <https://ec.europa.eu/digital-single-market/en/desi>

⁷ <https://ec.europa.eu/digital-single-market/en/digital-scoreboard>

broadband technologies with a special focus on Next Generation Access technologies and very high capacity broadband. The data to be collected should be as of the middle of the year (2019 in the first year).

Specific objectives (as detailed in Sections 2.2.1-2.2.5):

- Conduct survey of operators and National Regulatory Authorities,
- Review alternative sources (such as operator website, consultant report) to complete information on coverage,
- Collect country level and regional data,
- Collect data for different technologies,
- Estimate coverage for different technology combinations,
- Estimate coverage for different speed categories,
- Write up report to present results for the EU and by country,
- Prepare database with statistical data to be published along with the report.

2.2.1. Geographical scope

The study should present data at country level for the EU Member States, Norway and Iceland. Upon request from the European Commission, the scope of countries may be extended by maximum 3. Rural and national coverage should be reported for each technology at country level.⁸

2.2.2. Technologies

The study should present data for each of the below categories at country level for total area as well as for rural areas:

- DSL (excluding VDSL)
- Cable modem
- FTTP (Fibre to the Premises)
- VDSL
- Cable modem DOCSIS 3.0/3.1
- LTE
- 5G
- WiMAX
- Satellite
- Overall broadband coverage (including all technologies except for satellite) taking into account the overlaps of different technologies.
- Overall fixed broadband coverage (including DSL, VDSL, FTTP, Cable modem, Cable modem DOCSIS 3.0/3.1 and WiMax) taking into account the overlaps of different technologies.

⁸ Rural areas should be defined based on [SMART 2013/0054](#), see Chapter 3.2. of the final report and the data tables for household data.²

- Overall NGA coverage (including VDSL, FTTP and cable modem DOCSIS 3.0/3.1) taking into account the overlaps of different technologies
- Overall coverage of FTTP and Cable Docsis 3.0/3.1.

In addition, tenderers should propose two additional metrics to measure the deployment of 5G. These metrics should go beyond the traditional approach of household coverage. The metrics to be collected will be agreed upon at the Inception meeting once 5G services will be commercially available.

The above list of categories (including the additional metrics on mobile broadband) is subject to revision annually, and shall be adjusted if the Commission requests so. However, the number of metrics shall not increase.

2.2.3. Speed breakdown

In addition to the technologies, the contractor should estimate the coverage for the following speed categories:

- At least 2 Mbps download
- At least 30 Mbps download
- At least 100 Mbps download
- At least 1 Gbps download

The above list of speed categories is subject to revision annually, and shall be adjusted if the Commission requests so. However, the number of metrics shall not increase.

2.2.4. Methodology

The data collection shall be based on a survey of internet service providers and National Regulatory Authorities (NRAs). The survey may be extended to other relevant organisations such as ministries, industry and consumer associations etc. The survey shall collect statistical data on the coverage of different technologies at regional level. In addition to the survey, a secondary research shall also be undertaken to find all possible alternative evidences supporting the measurements and to draft country profiles. The secondary research may include looking at operator websites and consultant and government reports on broadband.

The study shall be developed following a clear methodology covering all aspects of the study. Tenderers are free to propose the specific methodology, taking into account the context, the objectives of the study and the following specific points:

- The methodology shall be developed in a way that it enables the efficient collection of statistical data,
- The methodology shall include provisions for:
 - checking the data for consistency and accuracy,
 - calculating the overall broadband and NGA coverage, and
 - estimating the coverage for speed categories.

2.2.5. Tasks

The study will cover 3 annual data collections and reporting. Tasks are described below for one data collection and reporting:

- Task 1 – Development of the precise methodology.
- Task 2 – Development of the survey questionnaire.
- Task 3 – Survey of telecom National Regulatory Authorities and operators.
- Task 4 – Analysis of results and data validation.
- Task 5 – Preparation of the final dataset in a spreadsheet format presenting all the indicators described in Sections 2.2.2 and 2.2.3 for all the countries specified in Section 2.2.1. Data shall be provided at national and regional (NUTS3) level. The final dataset shall also present the results of the last 5 data collections with restatements of historical data for the national figures, when restatements were possible to be made.
- Task 6 – Preparation of the annual study report.

2.3. Duration

Duration of the tasks must not exceed the period indicated in Article I.3.3 of the model service contract in line with Section II.2.7 of the contract notice.

2.4. Timetable, Deliverables and Meetings

2.4.1. Timetable:

The contract will cover 3 annual data collections and the related analysis and reporting.

Title	Type	Due month (at the latest)	Linked to payment
Inception meeting	Meeting	1	N
Inception Report	Report	1	N
Final Dataset – Year 1	Report	4	N
Study Report – Year 1	Report	8	Y
Interim meeting 1	Meeting	13	N
Interim Report 1	Report	13	N
Final Dataset – Year 2	Report	16	N
Study Report – Year 2	Report	20	Y
Interim meeting 2	Meeting	25	N
Interim Report 2	Report	25	N
Final dataset – Year 3	Report	28	N
Final meeting	Meeting	32	N
Final Study Report – Year 3	Report	32	Y

2.4.2. The deliverables listed below must be provided by the contractor:

Inception Report, specifying the methodology, resources and objectives provided in the tender in accordance with the indications provided by the Commission during the inception meeting (see Section 2.4.3. below). A draft of the report shall be made available to the Commission's services for information 5 working days before the inception meeting. The report should be finalised after the meeting taking into account all observations and comments

raised at the meeting. The finalised Inception Report shall be made available to the Commission's services within 2 weeks after the inception meeting.

Interim Report 1 and 2, specifying the updated methodology for the second (Interim report 1) and the third (Interim report 2) data collections and reporting, prepared with the indications provided by the Commission during the interim meetings (Interim meeting 1 and Interim meeting 2, see Section 2.4.3. below). A draft of the report shall be made available to the Commission's services for information 5 working days before the inception meeting. The report should be finalised after the meeting taking into account all observations and comments raised at the meeting. The finalised Interim Reports shall be made available to the Commission's services within 2 weeks after the interim meetings.

Study Report - Year 1 and Year 2 which will cover (1) a summary of the methodology, (2) a European analysis of broadband coverage based on the survey data of the given year and (3) country profiles analysing country level and regional data. The study report shall be made available to the Commission's services within 8 months for the first data collection and 20 months for the second data collection after signature of the contract by the last contracting party. The reports should be finalised based on the comments from the Commission.

Final Study Report – Year 3 shall be made available to the Commission's services within 30 months after signature. This report has the same content as Study report - Year 1 and Year 2, presenting the data collected in the third data collection. A draft of the final report shall be made available to the Commission's services for information 5 working days before the final meeting. The report should be finalised after the meeting taking into account all observations and comments raised at the meeting. The finalised Final study Report shall be made available within 2 weeks after the final meeting.

The Final Datasets (Final Dataset – Year 1, Year 2 and Year 3), as described under Task 5, should be provided as structured data in a machine readable format (e.g. in the form of a spreadsheet and/or an RDF file) for Commission internal usage and for publishing on the Open Data Portal, in compliance with Commission Decision (2011/833/EU). If third parties' rights do not allow their publication as open data, the tenderers should describe in the offer the subpart that will be provided to the Commission free of rights for publication and the part that will remain for internal use. The derived indicators shall be made available to the Commission's services within 4 (Year 1), 16 (Year 2) and 28 (Year 3) months after signature of the contract by the last contracting party.

2.4.3. Meetings

A schedule of meetings will be agreed with the contractor for this assignment. Such meetings will be attended by representatives of the European Commission, the project manager leader and other members of the contractor's team, as required. The meetings will be chaired by a Commission representative and will take place in Brussels.

The aim of the meetings will be to guide the work of the contractor. In particular, they will allow setting-up the initial orientations, review progress in critical milestones and review the deliverables of the assignment.

Within three days following each meeting, the contractor will circulate minutes of the meeting to all participants, together with copies of presentations made during the meeting or other

related documents. The minutes shall be concise and concentrate on major decisions and shall list the open action points for the next reporting period.

Inception meeting

An inception meeting will be organised by the Commission's services at the Commission's premises in Brussels within 1 month after signature of the contract by the last contracting party. The contractor will have to finalise the Inception Report on the basis of the outcome of the inception meeting.

Interim meeting 1

An interim meeting during which the contractor will present the updated methodology for the second data collection will be held within 13 months after signature of the contract by the last contracting party. It will be organised by the Commission's services at the Commission's premises in Brussels. The contractor will have to finalise the Interim Study Report on the basis of the outcome of the interim meeting.

Interim meeting 2

An interim meeting during which the contractor will present the updated methodology for the third data collection will be held within 25 months after signature of the contract by the last contracting party. It will be organised by the Commission's services at the Commission's premises in Brussels. The contractor will have to finalise the Interim Study Report on the basis of the outcome of the interim meeting.

Final meeting

A final meeting during which the contractor will present the final findings and proposed conclusions of the third data collection will be held within 30 months after signature of the contract by the last contracting party. It will be organised by the Commission's services at the Commission's premises in Brussels. The contractor will have to finalise the Final Study Report on the basis of the outcome of the final meeting.

Monthly conference calls

In addition to the meetings to be organised in Brussels, a monthly conference call on the state of progress of the study will take place between representatives from the contractor and the Commission.

2.5. Terms of approval of reports and deliverables

2.5.1. Study report(s)

After reception of each report and dataset included in Section 2.4.2. above, except for the reports linked to payments, the Commission will have 14 calendar days in which:

- to approve it,
- to reject it and request a new report.

If the Commission does not react within this period, the report shall be deemed to be approved.

Where the Commission requests a new report because the one previously submitted has been rejected, this must be submitted within 14 calendar days. The new report shall likewise be subject to the above provisions.

For the terms of approval of the reports linked to payments, please refer to Article I.5 of the contract.

2.6. Layout/content of the workplan

Offers should include a detailed work plan. The work plan should specify the management structure as well as the responsibility of each member of the team, including the main contractor and/or sub-contractors. It should also include the name of the organisation or the person in charge of the different countries where data have to be gathered.

The work plan should include a list of tasks to be performed, with clear and realistic phases and milestones. Resources should be clearly associated to each task, i.e. for example the estimate number of man days and travels required for each task or phase.

2.7. Intellectual Property rights

The intellectual property rights related to the services/studies are foreseen in Clauses I.10 and II.13 of the service contract.

Parts of results pre-existing the contract:

If the results are not fully created for the purpose of the contract this should be clearly pointed out in the tender. Information should be provided about the scope of pre-existing materials, their source and when and how the rights to these materials have been or will be acquired.

3. DATA FORMATS, REPORT FORMAT, CONTENT, STRUCTURE AND GRAPHIC REQUIREMENTS OF THE DELIVERABLES

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

3.1. Data formats

The raw datasets should comply with the following provisions:

- The data delivered should **include the appropriate metadata** (e.g. description of the dataset, definition of the indicators, label and sources for the variables, notes) to facilitate reuse and publication

- The data delivered could be linked to data resources external to the scope of the study, preferably data and semantic resources from the Commission's own data portal or from the upcoming pan-European portal.
- In case of statistical data that could be used to derive/compute indicator (e.g. for benchmarking national policies), the contractor should **use templates** provided by (or agreed with) Commission services, like those available on <http://ec.europa.eu/digital-agenda/en/download-data>, on the DataCube vocabulary.

3.2. Report format

All deliverables must be written in English.

All reports should be consistent in style (headings, margins, citations, bibliography, etc) and contain a short executive summary. The contractor is required to properly apply quotation techniques and particular care will be taken to verify improper re-use of existing material.

All reports will be submitted in electronic format (.doc, .xls, .ppt or equivalents in open formats) and in a .pdf format suitable for publication by the Commission's services on Commission websites. Exchange of advance copies as well as other non-formal communications shall take place via electronic mail.

The Commission services will decide the possible dissemination of the findings and conclusions and any other information produced under this assignment.

3.3. Content

3.3.1. Study reports (Study Report - Year 1, Study report - Year 2 and Final Study Report)

The study reports must include:

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

"By the European Commission, Directorate-General of Communications Networks, Content & Technology.

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

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In view of its publication, the reports by the contractors must be of high editorial quality. In cases where the contractor does not manage to produce a final report of high editorial quality within the timeframe defined by the contract, the contracting authority can decide to have the final report professionally edited at the expense of the contractor (e.g. deduction of these costs from the final payment).

The Study reports shall be provided in a .pdf format suitable for publication by the Commission's services on Commission websites. In addition, the executive summary shall be provided in a .pdf format suitable for publication by the Commission's services on Commission websites.

3.3.2. Publishable executive summary

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

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

"By the European Commission, Directorate-General of Communications Networks, Content & Technology.

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

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3.3.3. Requirements for publication on Internet

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

For full details on the Commission policy on accessibility for information providers, see: http://ec.europa.eu/ipg/standards/accessibility/index_en.htm

For the publishable versions of the study, abstract and executive summary, the contractor must respect the W3C guidelines for accessible pdf documents as provided at: <http://www.w3.org/WAI/>.

3.4. Structure

The **Study reports** shall include the following sections:

1. Executive summary
2. Methodological section (in the form of an annex or as a separate methodological report)
3. European analysis
4. Country profiles
5. Annexes

3.5. Graphic requirements

The contractor must deliver the study and all publishable deliverables in full compliance with the corporate visual identity of the European Commission, by applying the graphic rules set out in the European Commission's Visual Identity Manual, including its logo. The graphic rules, the Manual and further information are available at:

http://ec.europa.eu/dgs/communication/services/visual_identity/index_en.htm

A simple Word template will be provided to the contractor after contract signature. The contractor must fill in the cover page in accordance with the instructions provided in the template. The use of templates for studies is exclusive to European Commission's contractors. No template will be provided to tenderers while preparing their tenders.

4. EVALUATION AND AWARD

The evaluation is based solely on the information provided in the submitted tender. It involves the following:

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

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

The tenders will be assessed in the order indicated above. Only tenders meeting the requirements of one step will pass on to the next step.

4.1. Verification of non-exclusion

All tenderers must provide a declaration on honour (see Annex 4), 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, all subcontractors whose share of the contract is above 10% or 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 the supporting documents listed in the declaration of honour.

The obligation to submit supporting evidence does not apply to international organisations.

The successful tenderer must provide the documents mentioned as supporting evidence in the declaration on honour before signature of the contract and within a deadline given by the contracting authority. This requirement applies to each member of the group in case of joint tender⁹.

The obligation to submit supporting evidence does not apply to international organisations.

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

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

4.2. Selection criteria

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

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

The tender must include the proportion of the contract that the tenderer intends to subcontract.

⁹ In case of doubt, the documentary evidence may be requested to all subcontractors whose share of the contract is above 10 % of the price of the tender or whose capacity is necessary to fulfil the selection criteria.

4.2.1. Declaration and evidence

The tenderer(s) (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 4), signed and dated by an authorised representative, stating that they fulfil the selection criteria applicable to them individually. For the criteria applicable to the tenderer as a whole the tenderer (sole tenderer or leader in case of joint tender) must provide the declaration on honour stating that the tenderer, including all members of the group in case of joint tender and including subcontractors if applicable, fulfils the selection criteria for which a consolidated assessment will be carried out.

This declaration is part of the declaration used for exclusion criteria (see Section 4.1) so only one declaration covering both aspects should be provided by each concerned entity.

The Contracting Authority will evaluate selection criteria on the basis of the declarations on honour. Nevertheless, it reserves the right to require evidence of the legal and regulatory, financial and economic and technical and professional capacity of the tenderers at any time during the procurement procedure and contract performance. In such 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.

After contract award, the successful tenderer will be required to provide the evidence mentioned below 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.

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

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

4.2.2. Legal and regulatory capacity

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

Criterion L1	Capacity to pursue the professional activity necessary to carry out the work subject to this call for tenders
Evidence L1 (to be provided on request):	Declaration or certificate of inclusion in a trade or professional register, or a sworn declaration or certificate, membership of a specific organisation, express authorisation, or entry in the value added tax (hereinafter 'VAT') register. ¹⁰

4.2.3. Economic and financial capacity criteria

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

Criterion F1	Annual turnover of the last two financial years, for which the accounts have been closed, above EUR 100 000; this criterion applies to the tenderer as a whole, i.e. the combined capacity of all members of a group, in case of a joint tender.
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¹⁰ For private entities:

- a proof of registration, as prescribed in their country of establishment, on one of the professional or trade registers or any other official document showing the registration number;
- if the above documents do not show the VAT number, a copy of the VAT registration document, where applicable

For individuals:

- a legible copy of his or her identity card or passport;
- where applicable, a proof of registration, as prescribed in the individual's country of establishment, on one of the professional or trade registers or any other official document showing the registration number;
- if the above documents do not show the VAT number, a copy of the VAT registration document, where applicable.

For public entities:

- a copy of the resolution decree, law, or decision establishing the entity in question or failing that, any other official document attesting to the establishment of the entity;
- if the public entity has completed a VAT registration number in the legal entity form, an **official document showing the VAT number**.

Evidence F1 (to be provided on request):	<ul style="list-style-type: none"> - 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;
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If, for some exceptional reason which the Contracting Authority considers justified, a tenderer is unable to provide one or other of the above documents, it may prove its economic and financial capacity by any other document which the Contracting Authority considers appropriate. In any case, the Contracting Authority must at least be notified of the exceptional reason and its justification. The Commission reserves the right to request any other document enabling it to verify the tenderer's economic and financial capacity.

4.2.4. Technical and professional capacity criteria and evidence

With respect to the criteria listed in Sub-sections A and B below (e.g. relevant expertise of the tenderer and other applicants, management capability), in case of participation of group members, e.g. local affiliates of international companies, documentary evidence of the entire group (e.g. list of contracts, etc.) will only be taken into account if a specific written endorsement of the participation by the local affiliate and/or mother company is provided.

With respect to the criterion relating to the team members, any team member who is not directly employed by the legal entity (or one of the entities in case of a joint tender) submitting the tender is considered as a subcontractor. In such case either his employer, even if this is a local branch of the same global company, should be declared as a subcontractor or he is to be considered to participate as independent expert. In both cases the forms requested in Annex 1) need to be provided.

A. Criteria relating to tenderers

Tenderers (in case of a joint tender the combined capacity of all members of the group and identified subcontractors) must comply with the criteria listed below. The evidence must be provided only on request.

The project references indicated below consist in a list of relevant services provided in the past three years, with the sums, dates and clients, public or private, accompanied by statements issued by the clients.

Criterion A1:	The tenderer must prove experience in the field of broadband market analysis as well as in data collection, data visualisation and drafting reports.
Evidence A1 (to be provided on request)	The tenderer must provide references for 3 contracts or relevant services with sums, dates and recipients, public or private, performed in the past three years with a minimum value for each contract of EUR 50 000.

Criterion A2	The tenderer must prove capacity to work and draft reports in English.
Evidence A2 (to be provided on request)	The tenderer must provide references for 3 contracts or relevant services delivered in the last three years showing the necessary language coverage.

provided on request)	
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Criterion A3	The tenderer must prove its capacity to work in 10 EU countries.
Evidence A3 (to be provided on request)	The tenderer must provide references for two projects delivered in the last three years. The combination of projects must cover the required geographical scope.

B. Criteria relating to the team delivering the service:

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

Evidence will consist in CVs of the team responsible to deliver the service. Each CV should indicate the intended function in the delivery of the service.

The Europass curriculum vitae template (available at <https://europass.cedefop.europa.eu/editors/en/cv/compose>) shall be filled in by each person involved in the execution of the tasks foreseen in the tender. Please make sure the precise contractual link with the tenderer is clearly indicated.

Criterion B1	Project Manager: At least 3 years experience in project management, including overseeing project delivery, quality control of delivered service, client orientation and conflict resolution experience in project of a similar size (at least € 50 000) and coverage (at least 10 countries covered), with experience in management of team of at least 2 people
Evidence B1 (to be provided with the offer)	Concise but informative curricula vitae, with the educational and professional qualifications.

Criterion B2	At least 2 members of the team should have at least C1 level in the Common European Framework for Reference for Languages ¹¹ in English
Evidence B2 (to be provided with the offer)	CV, a language certificate or past relevant experience.
Criterion B3	<u>2 expert in broadband market analysis and data collection:</u> At least 5 years of professional experience and at least 2 years' professional experience in the field.
Evidence B3 (to be provided with the offer)	Concise but informative curricula vitae, with the educational and professional qualifications.

¹¹ See http://www.coe.int/t/dg4/linguistic/Cadre1_en.asp

provided with the offer)	professional qualifications.
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Continuity of the service: the tenderers shall confirm the continuity of the team possessing the profile and qualifications mentioned above for the whole duration of the execution of the tasks. They shall inform the contracting authority without delay of any modification occurring in the team delivering the service.

4.3. Award criteria

The contract will be awarded based on the most economically advantageous tender, according to the 'best price-quality ratio' award method. The quality of the tender will be evaluated based on the following criteria. The maximum total quality score is 100 points.

1. Understanding of broadband markets (maximum score: 15 points)

Short description of latest trends in broadband markets in the EU.

2. Quality of the proposed methodology and tools for performing the tasks (maximum score: 70 points)

Under this criterion, the quality and appropriateness of the methodology and tools as described in the tender and the specific methodology envisaged for each task will be assessed. The quality and appropriateness will be assessed against the completeness, clarity and relevance of the proposed approach as regards the tasks set out in the technical specifications.

Sub-criterion 2.1: Development of the survey questionnaire.

Sub-criterion 2.2: Methodology to collect data through the survey and other sources

Sub-criterion 2.3: Methodology to check and validate data for consistency and accuracy.

Sub-criterion 2.4: Methodology to analyse data

Sub-criterion 2.5: Proposed presentation of the findings including the country profiles, comparisons and the final data sets for publication.

(All the sub-criteria above are of equal relative importance)

3. Organisation of the work and resources (maximum score: 15 points)

This criterion will assess how the roles and responsibilities of the proposed team and of the different economic operators (in case of joint tenders, including subcontractors if applicable) are distributed for each task. It also assesses the global allocation of time and resources to the project and to each task or deliverable, and whether this allocation is adequate for the work. The tender should provide details on the allocation of time and human resources and the rationale behind the choice of this allocation. Details should be provided as part of the technical offer. It is not a budget requested as part of the financial offer.

Sub-criterion 3.1: Feasibility to meet the objectives specified in the tender specifications outlined by a work plan or timetable and overall allocation of time and resources.

Sub-criterion 3.2: Adequacy of the quality control system applied to the service foreseen in the tender specifications (the quality of all information supplied to the contracting authority, the deliverables, the language quality check, and continuity of the service in case of absence of a member of the team).

(All the sub-criteria above are of equal relative importance)

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

4.4. Ranking of tenders

The contract will be awarded to the most economically advantageous tender, i.e. the tender offering the best price-quality ratio determined in accordance with the formula below. A weight of 60/40 is given to quality and price.

score for tender X	=	<table><tr><td>cheapest price</td></tr><tr><td>price of tender X</td></tr></table>	cheapest price	price of tender X	*	40 %	+	<table><tr><td>total quality score (out of 100) for all award criteria of tender X</td></tr></table>	total quality score (out of 100) for all award criteria of tender X	*	60 %
cheapest price											
price of tender X											
total quality score (out of 100) for all award criteria of tender X											

The tender ranked first after applying the formula will be awarded the contract.

5 Payment and standard contract

Payments under the contract shall be made in accordance with Articles I.5 and II.21 of the model contract attached, provided that the contractor has fulfilled all his contractual obligations.

6 Additional provisions

Changes to tenders will be accepted only if they are received on or before the final date set for the receipt of tenders.

No information of any kind will be given on the state of progress with regard to the evaluation of tenders.

7 Liquidated damages

Please refer to Article II.15 of the model contract

8 No obligation to award the contract

Initiation of a tendering procedure imposes no obligation on the Commission to award the contract. Should the invitation to tender cover several items or lots, the Commission reserves the right to award a contract for only some of them. The Commission shall not be liable for any compensation with respect to tenderers whose tenders have not been accepted. Nor shall it be so liable if it decides not to award the contract.

9 Results

The results of the service must be forwarded to the European Commission in Brussels. The copyright will belong to the Commission; the Commission will in particular have the right to publish the results, including the structured final data.

If the result is not to be fully created for the purpose of the contract it is to be clearly pointed out in the tender. There should be information provided about the scope of pre-existing materials, their source and when and how right to have them have been acquired.

The provisions on the use of the results and ownership of the results can be found in the Model Service Contract (Article I.10 Exploitation of the results of the contract and Article II.13 Intellectual Property Rights).

10 Annexes

The following documents are annexed to these tender specifications and form integral part of them:

Annex 1: Identification of the tenderer- list and forms required including checklist

Annex 2: Cover letter

Annex 3: Administrative identification form

Annex 4: Declaration on honour on exclusion criteria and selection criteria

Annex 5: Power of attorney

Annex 6A: Letter of intent for subcontractors

Annex 6B: Letter of intent for external experts

ANNEX 1: IDENTIFICATION OF THE TENDERER AND CHECKLIST

A service provider may consider submitting a tender as a single entity or decide to collaborate with other service providers to present an offer: either by submitting a joint tender or through subcontracting. Tenders may also combine both approaches. Whichever type of offer is chosen, the tender must stipulate the legal status and role of each legal entity in the tender proposed. The following options described the different ways to submit a tender and are further explained in this annex.

Option 1: Submission by one tenderer: Private / Public entity / Individual: ‘sole tender’ in the e-Submission application.

Option 2: Submission by partners: ‘joint tender’ in the e-Submission application. In case of a group (joint tender) one member of the group must be designated as leader (‘joint tender leader’ in the e-Submission application).

Option 3: Submission by one tenderer with subcontractors: ‘sole tender; involving subcontracting’ in the e-Submission application..

Option 4: Submission by partners (one must be designated as lead partner/contractor) with subcontractors: ‘joint tender; involving subcontracting’ in the e-Submission application.

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

The following documents shall be submitted with the tender in eSubmission:

Checklist of documents to be submitted

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The purpose of the table below is to facilitate the preparation of the tender by providing an overview of the documents that must be included (marked by ■) depending on the role of each economic operator in the tender (be it lead partner, partner in joint offer, single tenderer or subcontractor/external expert). The evidence for selection may be required at any stage of the present procurement procedure (marked by ●). Some of the documents are only relevant in cases of joint offers or when subcontractors are involved. Additional documents might be necessary depending on the specific characteristics of each tender.

Description	Lead partner in a joint offer	All the other partners in a joint offer	Single tenderer (with or without subcontractors)	Subcontractor	Subcontractor – External expert
<i>Administrative section of the tender (parts A, B and C)</i>					
Annex 2: Cover letter for the tender	■		■		
Annex 3: Administrative identification form	■	■	■		
Annex 4: Declaration on honour with respect to the exclusion criteria and selection criteria	■	■	■	■ ¹²	
Annex 5: Power of attorney		■			
Annex 6 a: Letter of intent from each subcontractor				■	
Annex 6 b: Letter of intent from each external expert					■
Legible photocopy of the notice of appointment of the persons authorised to represent the tenderer	■	■	■		
Declaration or certificate of enrolment in one of the professional or trade registers in the country of establishment	●	●	●		
Evidence of financial and economic capacity	●	●	●	●	
Evidence of Technical and Professional capacity	●	●	●	●	●
<i>Technical Section of the tender (part D)</i>	■		■		
<i>Financial Section of the tender (part E)</i>	■		■		
<i>Tender Report (generated by eSubmission)</i>	■		■		

¹² Only identified subcontractors whose share of the contract is above 10 % of the price of the tender or whose capacity is necessary to fulfil the selection criteria.

ANNEX 2: COVER LETTER FOR THE TENDER

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Please select the appropriate option

OPTION 1

Single legal person or private/ public entity

- ☐ **The offer is submitted by a one tenderer.**
-

OPTION 2

Joint offers

- ☐ **The offer is submitted by partners.**
- **Company acting as lead partner for the group of tenderers:**
.....
 - **Other partners taking part in the joint tender:**
.....
.....
-

OPTION 3

Joint offers

- ☐ **The offer is submitted by one tenderer with subcontractors.**
- **Company acting as tenderer:**
.....
 - **Subcontractors:**
.....
.....

OPTION 4

Joint offers

☐ The offer is submitted by partners **with subcontractors**.

- **Company acting as lead partner for the group of tenderers:**

.....

- Other partners **taking part in the joint tender:**

.....

.....

- Subcontractors:

.....

.....

ANNEX 3: ADMINISTRATIVE IDENTIFICATION FORM

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<u>TENDERER'S ID</u>	
Name	
Legal form	
Date of registration	
Country of registration	
Registration number	
VAT number	
Address of registered office	
Contact address (if different)	
URL	
	<input type="checkbox"/> The tenderer is Small or Medium Size Enterprise in accordance with Commission Recommendation 2003/361/EC
Bank account (lead partner only) Name of bank: Full address of branch: Exact denomination of account holder: IBAN code:	
<u>AUTHORISED REPRESENTATIVE(S)</u> ¹³	
<u>CONTACT PERSON</u>	
Name	
Forename	
Position	
Telephone	
Fax	
Email	
<u>DECLARATION BY THE AUTHORISED REPRESENTATIVE(S):</u>	
I, the undersigned, certify that the information given in this tender is correct and that the tender is valid.	

Place and date:

Name (in capital letters) and signature:

¹³ Please include the names of the legal representative(s) whose contract signature is required in accordance with the statutes of the organisation and the notice of appointment to be provided.

**ANNEX 4: DECLARATION ON HONOUR ON
EXCLUSION CRITERIA AND SELECTION CRITERIA**

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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’)

The person is not required to submit the declaration on exclusion criteria if the same declaration has already been submitted for the purposes of another award procedure of the same contracting authority¹⁴, provided the situation has not changed, and that the time that has elapsed since the issuing date of the declaration does not exceed one year.

In this case, the signatory declares that the person has already provided the same declaration on exclusion criteria for a previous procedure and confirms that there has been no change in its situation:

Date of the declaration	Full reference to previous procedure

I – Situation of exclusion concerning the person

(1) 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 EU or national laws or regulations;	<input type="checkbox"/>	<input type="checkbox"/>
b) it has been established by a final judgement or a final administrative decision	<input type="checkbox"/>	<input type="checkbox"/>

¹⁴ The same institution or agency.

that the person is in breach of its obligations relating to the payment of taxes or social security contributions in accordance with the applicable law;		
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 or an agreement;	<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 3 of Directive (EU) 2017/1371 and 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 4(2) of Directive (EU) 2017/1371 and Article 3 of the Convention on the fight against corruption involving officials of the European Communities or officials of Member States of the European Union, drawn up by the Council Act of 26 May 1997, and conduct referred to in Article 2(1) of Council Framework Decision 2003/568/JHA, as well as corruption as defined in the applicable law;	<input type="checkbox"/>	<input type="checkbox"/>
(iii) conduct related to a criminal organisation, as referred to in Article 2 of Council Framework Decision 2008/841/JHA;	<input type="checkbox"/>	<input type="checkbox"/>
(iv) money laundering or terrorist financing, within the meaning of Article 1(3), (4) and (5) of Directive (EU) 2015/849 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 offences concerning trafficking in human beings as referred to in Article 2 of Directive 2011/36/EU of the European Parliament and of the Council;	<input type="checkbox"/>	<input type="checkbox"/>
e) it has shown significant deficiencies in complying with the main obligations in the performance of a contract or an agreement 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 a contracting authority, 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) it has been established by a final judgment or final administrative decision that the person has created an entity under a different jurisdiction with the intent to circumvent fiscal, social or any other legal obligations of mandatory application in the jurisdiction of its registered office, central administration or principal place of business.	<input type="checkbox"/>	<input type="checkbox"/>
h) (<i>only for legal persons</i>) it has been established by a final judgment or final administrative decision that the person has been created with the intent provided for in point (g).	<input type="checkbox"/>	<input type="checkbox"/>
i) for the situations referred to in points (c) to (h) above the person is subject to: i.facts established in the context of audits or investigations carried out by the European Public Prosecutor's Office after its establishment, the Court of Auditors, the European Anti-Fraud Office or the internal auditor, 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. facts referred to in decisions of entities or persons being entrusted with EU budget implementation tasks; iv.information transmitted by Member States implementing Union funds; v.decisions of the Commission relating to the infringement of Union competition law or of a national competent authority relating to the infringement of Union or national competition law; or vi.decisions of exclusion by an authorising officer of an EU institution, of a European office or of an EU agency or body.	<input type="checkbox"/>	<input type="checkbox"/>

II – Situations of exclusion concerning natural or legal persons with power of representation, decision-making or control over the legal person and beneficial owners

Not applicable to natural persons, Member States and local authorities

(2) declares that a natural or legal 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 e.g. company directors, members of management or supervisory bodies, and cases where one natural or legal person holds a majority of shares), or a beneficial owner of the person (as referred to in point 6 of Article 3 of Directive (EU) No 2015/849) 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"/>
Situation (g) above (creation of an entity with the intent to circumvent legal obligations)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Situation (h) above (person created with the intent to circumvent legal obligations)	<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

(3) 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"/>

IV – Grounds for rejection from this procedure

(4) declares that the above-mentioned person:	YES	NO
Was previously involved in the preparation of the procurement documents used in this award procedure, where this entailed a breach of the principle of equality of treatment including distortion of competition that cannot be remedied otherwise.	<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 or of any taxes or social security contributions. 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 natural or legal persons that are members of the administrative, management or supervisory body or that have powers of representation, decision or control, including legal and natural persons within the ownership and control structure and beneficial owners.

It must also provide the following evidence concerning the person itself and the natural or legal persons on whose capacity the person intends to rely, or a subcontractor and concerning the natural or legal persons which assume unlimited liability for the debts of the person:

For situations described in (a), (c), (d), (f), (g) and (h), 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 (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 award procedure of the same contracting authority¹⁵. 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

(1) 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 4.2.2 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 4.2.3 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 4.2.4 of the tender specifications.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(2) 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"/>

VIII – 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 of the same contracting authority¹⁶. 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.

¹⁵ The same institution or agency.

¹⁶ The same institution or agency.

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 5: POWER OF ATTORNEY¹⁷

MANDATING ONE OF THE PARTNERS IN A JOINT TENDER AS LEAD PARTNER AND LEAD CONTRACTOR

SMART 2019/0020 - Study on “Broadband Coverage in Europe, 2019-2021”

The undersigned:

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

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

HEREBY AGREES TO THE FOLLOWING:

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

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

Place and date:

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

¹⁷ To be filled in and signed by each of the partners in a joint tender, except the lead partner;

ANNEX 6A: LETTER OF INTENT FOR SUB-CONTRACTORS

SMART 2019/0020 - Study on “Broadband Coverage in Europe, 2019-2021”

The undersigned:

Name of the company/organisation:

Address:

Declares hereby that, in case the contract is awarded to [name of the tenderer], the company/organisation that he/she represents, intends to collaborate in the execution of the tasks subject to this call for tender, in accordance with the tender specifications and the tender to which the present form is annexed, and is available to carry out its part of the tasks during the period foreseen for the execution of the contract. In addition, the undersigned declares not to be in one of the situations of exclusion referred to in Article 136 of the Financial Regulation¹⁸.

Declares hereby taking note of Article II.10 regarding subcontracting and Articles II.8, II.13 and II.24 of the general conditions of the contract.

Place and date:

Name (in capital letters) and signature:

¹⁸ Available at <http://data.europa.eu/eli/reg/2018/1046/oj>

ANNEX 6B: LETTER OF INTENT FOR EXTERNAL EXPERTS

SMART 2019/0020 - Study on “Broadband Coverage in Europe, 2019-2021”

The undersigned:

Address:

Declares hereby that, in case the contract is awarded to [name of the tenderer], he/she intends to collaborate in an individual capacity as **an external expert** in the execution of the tasks subject to this call for tender, in accordance with the tender specifications and the tender to which the present form is annexed, and is available to carry out its part of the tasks during the period foreseen for the execution of the contract. In addition, the undersigned declares not to be in one of the situations of exclusion referred to in Article 136 of the Financial Regulation¹⁹.

Declares hereby taking note of Article II.10 regarding subcontracting and Articles II.8, II.13 and II.24 of the general conditions of the contract.

Place and date:

Name (in capital letters) and signature:

¹⁹ Available at <http://data.europa.eu/eli/reg/2018/1046/oj>