



## **Annex I**

### **Tender Procedure No: EIOPA-OP-042-2018**

### **Broker Services for Advertising Related to Recruitment**

### **TENDER SPECIFICATIONS**

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## **I GENERAL INFORMATION**

### **I.1 General Information on EIOPA**

The European Insurance and Occupational Pensions Authority (EIOPA) was established by Regulation (EU) No 1094/2010 of 24 November 2010 of the European Parliament and the Council of 24 November 2010 establishing a European Supervisory Authority (European Insurance and Occupational Pensions Authority), amending Decision No 716/2009/EC and repealing Commission Decision 2009/79/EC.

EIOPA started to be operational on 1 January 2011 with its seat in Frankfurt am Main, Germany. As of March 2019, EIOPA has a total of approximately 150 staff.

EIOPA's main goals are:

- Better protecting consumers and rebuilding trust in the financial system;
- Ensuring a high, effective and consistent level of regulation and supervision taking account of the varying interests of all Member States and the different nature of financial institutions;
- Greater harmonisation and coherent application of rules for financial institutions and markets across the European Union;
- Strengthening oversight of cross-border groups;
- Promoting coordinated European Union supervisory responses.

Further information about EIOPA can be found on the Authority's website: <https://eiopa.europa.eu/>.

### **I.2 Procurement Procedures**

EIOPA is in constant need of goods and services. Tendering is the structured way to consult the market for the purchase of these goods and services.

The purpose of competitive tendering for awarding contracts is two-fold:

- To ensure the transparency of operations;
- To obtain the desired quality of services and supplies at the best possible price.

The present procurement procedure is governed by the EIOPA Financial Regulation (EIOPA/13/474)<sup>1</sup> which refers to the following legal provisions:

Regulation (EU, Euratom) 2018/1046 on the financial rules applicable to the general budget of the Union, repealing Regulation (EU, Euratom) No 966/2012 (the Regulation No. 2018/1046).

This procurement procedure is an interinstitutional procedure and any reference in this document to EIOPA includes also other EU Bodies unless explicitly mentioned.

EIOPA is leading the procurement. The resulting contract will be also for the benefit of ACER (Agency for the Cooperation of Energy Regulators, Ljubljana, Slovenia), BEREC (Board of European Regulators for Electronic Communication, Riga, Estonia), EDA (European Defence Agency, Brussels, Belgium), EIGE (European Institute for Gender Equality, Vilnius, Lithuania), EMA (European Medicines Agency, The Netherlands) EMSA (European Maritime Safety Agency, Lisbon, Portugal) ESMA (European Security and Markets Authority, Paris, France), Fusion for Energy (Barcelona, Spain) and SRB (Single Resolution Board, Brussels, Belgium).

EIOPA, as lead contracting authority, publishes the call for tenders, evaluates the tenders and signs and manages the resulting framework contracts (including any amendments thereto) on behalf of all the participating EU institutions.

Each of the EU bodies to which the respective framework contract applies will avail itself of the contract autonomously by concluding specific contracts with the contractor.

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<sup>1</sup> [https://eiopa.europa.eu/Publications/Call%20for%20tenders/EIOPA\\_Financial\\_Regulation\\_2014-final\\_signed.pdf](https://eiopa.europa.eu/Publications/Call%20for%20tenders/EIOPA_Financial_Regulation_2014-final_signed.pdf).

### **I.3 Access to the Market and Eligibility**

Participation in procurement procedures is open on equal terms to all natural and legal persons falling within the scope of the Treaties. This includes all legal entities registered in the EU and all natural persons having their domicile in the EU. Participation is also open to all natural and legal persons registered or having their domicile in a non-EU country which has an agreement with the European Union in the field of public procurement on the conditions laid down in that agreement. The rules of access to the market do not apply to subcontractors.

The procurement procedures of EIOPA are not however open to tenderers from countries which have ratified the Multilateral Agreement on Government Procurement ("GPA").

#### **For British tenderers:**

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

### **I.4 Penalties**

Without prejudice to the application of liquidated damages laid down in the contract, tenderers and contractors who have been guilty of making false declarations concerning situations referred to in point III.3 or have been found to have seriously failed to meet their contractual obligations in an earlier procurement or grant procedure shall be subject to the administrative and financial penalties set out in Article 138 of Regulation No 2018/1046.

### **I.5 Joint Tenders / Consortia**

Groups or consortia of two or more economic operators can submit an offer (joint tender). A joint tender will be treated no differently from any other type of tender, being assessed on its own merits in relation to the criteria contained in the present Tender Specifications. Joint tenders may include subcontractors in addition to the joint tenderers.

A joint tender is a situation where a tender is submitted by a group of economic operators (natural or legal persons).

Any change in the composition of the group/consortium during the procurement procedure may lead to rejection of the corresponding tender. Any change in the composition of the group/consortium after the signature of the contract may lead to the termination of the contract.

The group/consortium shall nominate one legal entity ("the leader") who will have full authority to bind the group and each of its members, and will be responsible for the administrative management of the contract (invoicing, receiving payments, etc.) on behalf of all other entities.

Nevertheless, all members of the consortium, group or association of companies are jointly and severally liable for performance of the contract. No special legal form is required but, in the event that a group of contractors submits an acceptable tender, it shall be necessary to provide an undertaking that each company shall be jointly and severally responsible for the due performance of the contract.

Statements saying, for instance, that:

- "...one of the partners of the joint tender shall be responsible for part of the contract and another one for the rest...", or
- "...more than one contract shall be signed if the joint tender is successful...",

are thus incompatible with the principle of joint and several liability.

EIOPA shall disregard any such statement contained in a joint tender, and further reserves the right to reject such tenders without further evaluation on the grounds that they do not comply with the tender specifications.

**Important:** For groups/consortia the exclusion criteria (see point III.3 below) will be applied for each member individually. The selection criteria (see point III.4 below) will apply to the group/consortia as a whole.

## **I.6 Sub-contracting**

Sub-contracting is allowed, provided that the subcontractor(s) and his/their scope of work is clearly indicated in the tender. Nevertheless, the responsibility for the full execution of the contract rests with the contractor, as EIOPA has no direct legal commitment with the subcontractor(s).

Accordingly:

- EIOPA shall treat all contractual matters (e.g. payment) exclusively with the main contractor, whether or not the tasks are performed by a subcontractor;
- Under no circumstances can the main contractor avoid liability towards EIOPA on the grounds that the subcontractor is at fault.

If subcontracting is envisaged in the tender it shall include a complete documentation that:

- defines clearly the roles, activities and responsibilities of subcontractor(s);
- specifies the volume/proportion of the tender being subcontracted for each subcontractor; and
- contains a letter of intent signed by each subcontractor stating its intention to collaborate in case the contract is awarded (see the Annex I.H Declaration of Intend for Subcontractors).

**Important:** All subcontractors must meet the exclusion criteria set out in point III.3 and must therefore also provide the relevant documentation as explained in point III.3

Any change in subcontracting during the procurement procedure may lead to the rejection of the tender. Any change in subcontracting after the signature of the contract without prior approval from EIOPA lead to the termination of the contract.

## **I.7 Cost of Preparing Tenders**

The invitation to participate in a tender procedure does not constitute any commitment on behalf of EIOPA to award the contract to a company. EIOPA shall not reimburse any costs incurred by tenderers in preparing and submitting tenders.

## **I.8 Misrepresentation and Corruptive Practices**

The contract shall not be awarded to tenderers who, during the procurement procedure:

- are subject to a conflict of interest;
- are guilty of misrepresentation in supplying the information required by EIOPA as a condition of participation in the contract award procedure or fail to supply this information;
- attempt to obtain confidential information, enter into unlawful agreements with competitors or influence the evaluation committee or EIOPA during the process of examining, clarifying, evaluating and comparing tenders.

All the above-mentioned circumstances shall lead to the rejection of this tender and may result in administrative penalties.

## **I.9 Additional Information**

In the general implementation of its activities and for the processing of tendering procedures in particular, EIOPA observes the following legal acts:

- Regulation (EU) No 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC;

- Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents.

## **II SPECIFIC INFORMATION**

### **II.1 Scope and Contractual Information**

#### **II.1.1 Subject of the Contract**

The subject of this contract is provision of services as described in the Terms of Reference (Annex I.A to these Tender Specifications).

#### **II.1.2 Type of Contract**

EIOPA may conclude a framework service contract (FWC) with the selected tenderer on the basis of the draft contract (Annex II of the procurement documents). The provisions of the draft FWC can be subject to minor modifications for special conditions only.

Signature of the FWC imposes no obligation on the contracting authority to purchase and does not constitute orders per se. Actual orders will be placed after the FWC is signed and in force through Specific Contracts based on the draft enclosed in the FWC.

#### **II.1.3 Lots**

This tender is not divided into lots.

#### **II.1.4 Volume**

The required services are estimated to have a value of 1,061,000.00 (one million sixtyone thousand) EUR covering a period of four years.

Please note that the total value of the contract will ultimately depend on the orders, which each Contracting Authority will place through Specific Contracts. Contracting Authorities cannot commit themselves to order a precise volume of services. Any information on volume is therefore purely indicative.

EIOPA may exercise the option to increase the estimated contract amount at a later stage via negotiated procedure in accordance with point 11.1(e) Annex 1 to Regulation No 2018/1046.

The extent of possible new services can be estimated at a maximum increase of 50% of the contract value that will be published in the contract award notice of the present procurement procedure. The new services will be awarded through a negotiated procedure with the successful tenderer, launched at the latest during the three years following signature of the framework contract of the current procedure. Such a negotiated procedure shall only be launched in cases of consumption that would exceed for the maximum foreseen contract duration the initial contract value, due to unforeseen needs.

#### **II.1.5 Duration**

The FWC shall be concluded for the initial period of 12 (twelve) months, with renewals up to 3 (three) times, each time for the period of 12 (twelve) months, up to the total maximum of 48 (fortyeight) months.

The FWC shall be renewed automatically up to three times under the same conditions, unless written notification to the contrary is sent by one of the contracting parties and received by the other three months before expiry of the period of execution then in effect. Renewal does not imply any modification or deferment of existing obligations.

#### **II.1.6 Contract Terms**

**Important:** Tenderers should refer to the provisions of the FWC which are not included in the Tender Specifications and which specify the rights and obligations of the

contractor, particularly those on payments, performance of the contract, intellectual property, confidentiality, data protection, and checks and audits.

#### **II.1.7 Variant Solutions**

No variant solutions are allowed. EIOPA will disregard any statement to this effect contained in an offer, and reserves the right to reject such offers without further evaluation on the grounds that they do not comply with the Tender Specifications.

#### **II.2 Site Visit**

No site visit is planned.

#### **II.3 Compliance with Social, Environmental and Labour Law**

The contractor must comply with the applicable environmental, social and labour law obligations established by Union law, national legislation, collective agreements or the applicable international social and environmental conventions listed in Annex X to Art. 18 of 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.

To that regard, tenderers must declare their conformity with the above mentioned legislation. Failing to do that, tenderers may not be awarded the contract and will be excluded from further consideration.

The template of the Declaration on Honour on Compliance with Environmental, Social and Labour Law Obligations is available in Annex I.D.

#### **II.4 Form and Content of the Tender**

##### **II.4.1 Form of the Tender:**

The tender shall be clear and concise, with continuous page numbering, and assembled so as to constitute a coherent whole.

The tender shall include all the information and documents required by EIOPA for the appraisal of tenders on the basis of the exclusion, selection and award criteria, and in accordance with these specifications, in the absence of which EIOPA may decide to exclude the tender from the awarding procedure for the contract.

Tenderers should note that currently EIOPA is unable to accept electronic signatures and will not accept photocopies of signed declarations.

##### **II.4.2 Documents to be included in the offer**

The offer shall include the following documents:

###### **II.4.2.1 Technical Offer**

Tenderers shall provide their Technical Offer by using the template in the procurement documents (Annex I.E: Technical Offer).

The Technical Offer shall be in accordance with the requirements specified in the Terms of Reference (Annex I.A), it shall be written clearly and provide all the required information (including information necessary for application of the award criteria specified in point III.6 below).

All your requirements and/or conditions that are not regulated in our procurement documents should be provided in your offer. Any other information of interest might be included here as well.

The Declaration on Honour on Compliance with Environmental, Social and Labour Law obligations (Annex I.D) should also be included as part of the Technical Offer.

Offers deviating from the requirements or not covering all requirements of the Terms of Reference may be excluded on the basis of non-conformity with the Tender Specifications and will not be evaluated.

**Important:** The technical offer must not include any prices or references to any documents featuring prices.

#### **II.4.2.2 Financial Offer**

The tenderers shall provide their Financial Offer by using the template in the tender dossier (Annex I.F: Financial Offer). All the quoted prices to be paid by EIOPA must be **all inclusive (including costs for administration and shipment)**. All the prices must be quoted in Euro (EUR).

Prices shall be fixed and not subject to revision during the first year of duration of the FWC. They may be adjusted only under the conditions set out in the FWC (Annex II of the procurement documents).

Tenderers will be deemed to have satisfied themselves, before submitting their tender as to its correctness and completeness, to have taken account of all that is required for the full and proper performance of the contract and to have included all costs in their rates and prices.

In preparing the Financial Offer, the tenderer should take into account that EIOPA is, as a rule, exempt from all taxes and duties, and in certain circumstances is entitled to the refund for indirect tax incurred such as value added tax (VAT), pursuant to the Protocol on the Privileges and Immunities of the European Union annexed to the Treaty on the Functioning of the European Union.

The Contractor shall take the necessary steps in order to obtain, from the competent national authorities, exemption from VAT in respect of the services to be provided under the contract concluded with EIOPA. EIOPA may assist the Contractor by issuing a "VAT and Excise Duty Exemption Certificate" used for this purpose by the European Community.

**If the tenderer is subject to VAT and is required to pay that tax, the offer should clearly show the rate of VAT and the price excluding VAT, as indicated on the compulsory reply form. Nevertheless, the VAT amount shall not be taken into consideration in the financial evaluation.**

#### **II.4.2.3 Supporting Documentation**

The supporting documentation is an important part of the offer and shall be complete to guarantee that the technical offer shall be evaluated. The supporting documentation shall contain the following elements:

1. Tender Submission Form – duly filled and signed by the authorised representative of the tenderer (Annex I.B).
2. Tenderer's Declaration on Honour on Exclusion Criteria and Selection Criteria (Annex I.C).
3. Proof of right to participate: tenderers must indicate the country in which they have their registered office or are established, providing the necessary supporting documents in accordance with their national law.
4. Statement of authorised signatory: a statement containing the name and position of the Tenderer's authorised representative/signatory and official documentary evidence proving the representative's legal authority to validly sign on behalf of the organisation (Annex I.G).
5. Declaration of Intent for Subcontractors (if relevant, Annex I.H).

At a later stage and prior to signature of the contract, the tenderer recommended for award will also be required to submit:

- the Legal Entity Form ([http://ec.europa.eu/budget/contracts\\_grants/info\\_contracts/legal\\_entities/legal\\_entities\\_en.cfm](http://ec.europa.eu/budget/contracts_grants/info_contracts/legal_entities/legal_entities_en.cfm)), and
- the Financial Identification Form ([http://ec.europa.eu/budget/contracts\\_grants/info\\_contracts/financial\\_id/financial\\_id\\_en.cfm](http://ec.europa.eu/budget/contracts_grants/info_contracts/financial_id/financial_id_en.cfm)).



### **III EVALUATION OF TENDERS**

Tenders are opened and evaluated by an Evaluation Committee, possessing the technical and administrative capacity necessary to give an informed opinion on the tenders.

#### **III.1 Tender Opening Session**

The Tender Opening Session will take place as specified in Art. 3.2 of Invitation to Tender.

A tender received after the deadline indicated in the procurement documents will be rejected.

#### **III.2 Tender Evaluation Session**

Tenders complying with the formal requirements checked during the Tender Opening Session shall be considered eligible and shall be evaluated in several stages:

- The Evaluation Committee verifies that each tenderer complies with the exclusion criteria mentioned in point III.3 below.

To this account, the Tenderer's Declaration on Honour on Exclusion Criteria and Selection Criteria (Annex I.C of these Tender Specifications) will be checked to ensure that it is duly completed and signed.

If the tenderer fails to comply with the provisions on exclusion criteria, the tenderer may not be awarded the contract and will be excluded on the grounds of non-compliance with the Tender Specifications.

- The capacity of each tenderer to perform the contract in view of the selection criteria described in point III.4 below will be verified.

If the tenderer fails to comply with the provisions on selection criteria, the tenderer may not be awarded the contract and will be excluded on the grounds of non-compliance with the Tender Specifications.

- The compliance of the tender with the minimum requirements specified in the Terms of Reference Annex I.A shall be evaluated.

If the tender fails to meet the minimum requirements, it may not be considered further.

- The contract will be awarded to the most economically advantageous tender as follows:
  - Each Evaluation Committee member evaluates the technical offer against the Terms of Reference(Annex I.A) and the technical criteria as per point III.6.1 below.
  - The Evaluation Committee proceeds with the financial evaluation of the tenders that reach the minimum technical score as per point III.6.2 below.
  - The most economically advantageous tender is determined as per point III.6.3 below.

The Evaluation Committee's deliberations are held in closed session and its decisions are collective. The members of the Evaluation Committee are bound to secrecy.

#### **III.3 Exclusion Criteria**

In line with Articles 137 and 141 of Regulation No 2018/1046, tenderers need to submit Declaration on Honour duly dated and signed mentioning that they are not in one of the situations laid down in Articles 137 and 141 of the Regulation No 2018/1046, which would disqualify him/her from contract awarding.

This Declaration on honour on Exclusion Criteria and Selection Criteria is available in Annex I.C to these Tender Specifications.

In case of joint tenders or subcontracting this declaration must be presented by each member of the group/consortium and by each subcontractor.

The exclusion criteria apply to each member of the group/consortium and to the tenderer as a whole (including all economic operators involved in the submission of the joint tender). The exclusion criteria apply also to all concerned subcontractors.

According to Article 137 of Regulation 2018/1046 and to point 18.1 of Annex 1 to Regulation 2018/1046, before signature of the contract, the successful tenderers will be invited to submit the evidence requested in the Declaration of Honour within a deadline fixed by the Contracting Authority.

If the successful tenderer(s) cannot submit the documents requested and cannot prove that he/they is(are) not in any situation of exclusion, his/their offer(s) will be rejected and the authorising officer reserves the right to sign the contract with another tenderer(s).

### **III.4 Selection Criteria**

Tenderers must have all the necessary knowledge and experience as well as technical and human resources to implement the contract and must possess adequate economic and financial capacity to perform the required services in order to be eligible for contract awarding.

As proof, Tenderers shall provide a Declaration on Honour (Annex 1.C), duly signed and dated by an authorised representative, as part of their tender response, stating that they have the legal and regulatory capacity, the economic and financial capacity and the technical and professional capacity to perform the contract as described below.

**At that stage only the Declaration on Honour must be provided.** However, the contracting authority may ask all or part of the supporting documentary evidence on the selection criteria at any time. The requested evidence has to be provided within the set deadline (usually 48 hours).

Tenders not covering all the requirements or not providing the requested evidence will be excluded on the basis of non-conformity with the tender specifications and may not be awarded the contract.

#### **III.4.1 Legal and Regulatory Capacity**

All Tenderers must have authorisation to perform the Contract under national law.

*Documentary Evidence to support the self-declaration upon request:*

- Authorisation to perform the contract under national law, as evidenced by inclusion in a relevant professional or trade register (except for international organisations), membership of a specific professional organisation, express authorisation or entry in the VAT register. Tenderers must indicate the state in which they have their registered office or are established.
- If the tenderer is not required or permitted to enrol in such a register for reasons of his/her statute or legal status, an explanation must be provided.

#### **III.4.2 Economic and Financial Capacity**

In order to prove their economic and financial capacity, tenderers (in case of a joint tender the combined capacity of all members of the group/consortium and identified subcontractors) must demonstrate sufficient economic and financial resources to be able to execute the framework contract and comply with the following criterion:

- The tenderer must demonstrate an average total turnover of at least 100,000 EUR per annum, in provision of advertising services, realised over a period of the past three years, or for the period the company has been trading (if less than three years).

*Documentary Evidence to support the self-declaration upon request:*

Balance sheets, or summaries thereof, and profit and loss accounts for the past three financial years for which accounts have been closed, where publication of balance sheets

is prescribed under company law in the country in which the economic operator is established;

Where the company has been trading for less than three years the following documents shall be provided:

- Balance sheets, or summaries and profit and loss accounts for the period for which the company has been trading,
- A statement of the company's cash flow forecast for the current year and a bank letter outlining the current cash and credit facility position.

If, for any valid reason, the tenderer is unable to provide the above documents, it may prove its economic and financial capacity by any other document which EIOPA considers appropriate. EIOPA must at least be notified of the reason and its justification. EIOPA reserves the right to request any other document enabling it to verify the economic operator's economic and financial capacity.

### **III.4.3 Technical and Professional Capacity**

Tenderers must demonstrate sufficient technical capacity to be able to execute the framework contract. For this purpose, the tenderers must comply with the following criteria:

- a) Tenderers must have the ability to provide advertisement services in the European Economic Area Market. They shall not be banned from access to a certain market or media.
- b) Tenderers must have performed during the last three financial years **covering the provision of advertising services on behalf of at least two customers with a total of at least 50 vacancies annually;**
- c) Tenderers must have one designated contact person with excellent verbal and written **English skills**. For non-English native speakers this should be demonstrated by an official certificate of English proving a C1 level OR at least 2 years of work in an English speaking environment;

*Documentary Evidence to support the self-declaration upon request:*

For requirement a): A statement confirming that the tenderer is not blacklisted by any media provider and so has access to all established media providers in the European Economic Area.

For requirement b): A statement confirming that the tenderer has provided advertisement services for at least 50 vacancies per year out of at least two contracts during the last three years with at least two companies.

For requirement c): A statement confirming that the contact person proposed for the assignment meets the minimum expertise requirements detailed above point c). The statement should be accompanied by a table to show the named individual team member(s) and how the team member(s) is/are meeting the minimum expertise requirements. These criteria should also be met in case of a replacement of the named person.

### **III.5 Compliance with the minimum requirements**

Before proceeding to the evaluation of the award criteria, the evaluation committee will assess the compliance of the tender with the minimum requirements contained in Terms of Reference Annex I.A which must be fully complied with.

Furthermore, a declaration on honour should be included in each tender attesting that tenders comply with the social, environmental and labour law obligations using Annex I.D.

Tenders deviating from the requirements defined in the tender specifications or not covering all requirements will be excluded on the basis of non-conformity with the tender specifications and will not be evaluated.

The checklist of minimum requirements contains the following questions:

Do you confirm that you have the ability to provide unhindered services to advertise vacancies and job openings in all the media in the European Economic Area Market?

Do you confirm that you have at least one designated contact person able to communicate in English on a C1 level?

Can you ensure that you can provide an offer for publication within two working days?

Do you confirm that changes to already published vacancies can be accommodated within 24 hours (i.e. deadline extension)?

All the above questions require an unconditional affirmative answer in order to be evaluated further. If no answer is given or if an affirmative answer is qualified in any way (e.g. a "yes, but..." answer), the offer will be rejected and not evaluated further.

Please note also that only an answer "Yes" without reflection in the technical offer will not be accepted. In such cases your offer will be rejected and not evaluated further.

### III.6 Award Criteria

The award criteria serve to identify the most economically advantageous tender. The quality of each tender will be evaluated in accordance with the award criteria and the associated weighting. No award criteria and sub-criteria other than those detailed below will be used to evaluate the offer.

The respective weighting between the different award criteria depends on the nature of the services required and is consequently closely related to the Terms of Reference (Annex I.A). The award criteria are thus quantified parameters that the tender should comply with.

#### III.6.1 Technical Evaluation

The Technical Offers (Annex I.E) will be evaluated as follows:

1. The technical score will be awarded on the basis of the following quality-related criteria and scoring system:

Criteria	Maximum points
Timing until vacancy is published in all media as well as response time regarding offer or changes.	40
User-friendliness of offer and completeness of reports and statistics	20
Negotiation capacity on price conditions with media providers	40
<b>Total maximum</b>	<b>100</b>

Points will be allocated according to the following system:

Points awarded <sup>2</sup>	Definition
0%	No evidence / total failure: The tender totally fails to address the criterion under examination, or cannot be assessed due to missing evidence.
20%	Very poor: The criterion under examination is addressed in an incomplete and unsatisfactory manner; serious concerns.

<sup>2</sup> 100% equals the maximum number of points achievable per each quality criterion

40%	Poor: The criterion under examination is partly addressed but with a few major gaps or issues.
60%	Fair: The criterion under examination is generally addressed with minor issues.
80%	Good: The criterion under examination is fully addressed.
100%	Excellent: The criterion under examination is fully addressed and the tender offers some added value.

Tenderer shall elaborate in the technical offer on all points addressed in the technical specifications, bearing also in mind the above indicated award criteria, in order to score as many points against the quality award criteria as possible. The mere repetition of minimum requirements set out in the Terms of Reference, without going into detail in the technical offer, will result in a very low score.

Tenders that do not reach a minimum total number of 60 points will be eliminated from further evaluation.

2. The technical score will be calculated as follows:

$$Q = \frac{Q_{\text{tender}}}{Q_{\text{max}}} \times 100$$

$Q_{\text{tender}}$  - Quality mark (total number of points) of the tender

$Q_{\text{max}}$  - Quality of the tender with the highest quality mark (total number of points)

### III.6.2 Financial Evaluation

The financial evaluation will be performed on the basis of the Financial Offer (Annex I.F of these Tender Specifications).

The financial mark will be calculated as follows:

$$F = \frac{S_{\text{min}}}{S_{\text{tender}}} \times 100$$

$S_{\text{min}}$  - Score of the tender with the lowest score offer

$S_{\text{tender}}$  - Score offer of the tender

The financial evaluation will be carried out taking into account the service fees offered according to three weighted thresholds annual consumptions volumes, as specified in the table below. The fees have to be expressed as a percentage and have to cover all costs related to the service (including any administrative or set-up lump sum costs). The percentages shall be expressed as a single value for both online and print media.

The score of the tender ( $S_{\text{tender}}$ ) will be calculated as follow:

Annual Volume	% fees <sup>3</sup>	Weight	Total Score
Up to 100,000		50	$S_1 = 50 * (a)$
Online/print media (a)		-	-
from 100,001 to 200,000		30	$S_2 = 30 * (b)$
Online/print media (b)		-	-
over 200,000		20	$S_3 = 20 * (c)$
Online/print media (c)		-	-
<b>Total scores</b> $S_{\text{tender}} = S_1 + S_2 + S_3$			

<sup>3</sup> According to the fees provided in the Financial Offer (Annex I.F).

### **III.6.3 Most economically advantageous tender**

The most economically advantageous tender will be determined according to the best price-quality ratio i.e. by taking into consideration technical quality and cost of each tender.

Technical quality (technical score) and price (financial score) will be given the same weighting: the quality ratio weighting will be 50 % and the price ratio weighting will be 50 %.

The award will be based on the following formula:

$$\text{Total score of a tender} = (Q \times 50 \%) + (F \times 50 \%)$$

Q= technical score of the tender

F = financial score of the tender

Tender with the highest total score will be awarded the contract.

### **III.7 Assessment of Joint Tenders and Tenders Involving Sub-contracting**

Joint tenders shall be assessed as follows:

- The exclusion criteria and the selection criteria for economic and financial capacity shall be assessed in relation to each company individually.<sup>4</sup>
- The selection criteria for technical and professional capacity shall be assessed in relation to the combined capacities of all members of the consortium, as a whole.
- The award criteria shall be assessed in relation to the tender, irrespective of whether it has been submitted by a single legal or natural person or by a tendering group.

Joint tenders in the stage following the award:

If the tenderer submits a joint tender but has not yet set up an entity with a legal form, and if s/he is awarded the contract, the contracting authority may require the tenderer to give a formal status to his/her collaboration before the contract is signed, if this change is necessary for the proper performance of the contract. This can take the form of an entity with, or without, legal personality, but offering sufficient protection for EIOPA's contractual interests (depending on the Member State concerned, this may be, for example, a consortium or a temporary association).

The contract shall be signed by all members of the group, or by one of the members who has been duly authorised by the other members of the group (a power of attorney or sufficient authorisation has to be provided and shall be attached to the contract as an annex), when the tenderers have not formed a legal entity.

Tenders involving subcontracting shall be assessed as follows:

- a) The exclusion criteria shall be assessed in relation to each company individually<sup>5</sup>.
- b) The selection criteria shall be assessed in relation to the combined capacities of the tenderer and the subcontractor as a whole, to the extent that the subcontractor puts his/her resources at the disposal of the tenderer for the performance of the contract.
- c) The awarding criteria shall be assessed in relation to the tender. Subcontracting as such cannot be an award criterion.

### **Annexes:**

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<sup>4</sup> For the criteria that are deemed to be achieved above a certain level, e.g. overall turnover or turnover with respect to this specific procurement, a consolidated assessment of all members of the consortium shall be made.

<sup>5</sup> For the criteria that are deemed to be achieved above a certain level, e.g. overall turnover or turnover with respect to this specific procurement, a consolidated assessment of candidate/tenderer plus subcontractor will be made, to the extent that the subcontractor puts his/her resources at the disposal of the candidate/tenderer for the performance of the contract.

- Annex I.A** - Terms of Reference
- Annex I.B** - Tender Submission Form
- Annex I.C** - Declaration on Honour on Exclusion Criteria and Selection Criteria
- Annex I.D** - Declaration on Honour on Compliance with Environmental, Social and Labour Law obligations
- Annex I.E** - Technical Offer Template
- Annex I.F** - Financial Offer Template
- Annex I.G** - Statement of Authorised Signatory
- Annex I.H** - Declaration of Intend for Subcontractors