



EUROPEAN COMMISSION

DIRECTORATE-GENERAL FOR ENERGY
Directorate C
Unit C1 Renewables and CCS policy

CALL FOR TENDERS

N° ENER C1 2019-412

Study on

**"Assessment of potential of new feedstocks for the
production of advanced biofuels"**

TENDER SPECIFICATIONS

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1. INFORMATION ON TENDERING

1.1. Participation

Participation in this procurement procedure is open on equal terms to all natural and legal persons coming within the scope of the Treaties, as well as to international organisations. It is also open to all natural and legal persons established in a third country, which has a special agreement with the Union in the field of public procurement on the conditions laid down in that agreement. Where the multilateral 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.²

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/EU³.

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 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.

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

² For open procedures.

³ 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).

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

1.5. Subcontracting

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

Tenderers are required to identify subcontractors whose share of the contract is above 20 % and those 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.

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 maximum contract price is EUR 400.000. Tenders with prices higher than the maximum will be considered unacceptable.

The price for the tender must be quoted in euro. Tenderers from countries outside the euro zone have to quote their prices in euro. The price quoted may not be revised in line with exchange rate movements. It is for the tenderer to bear the risks or the benefits deriving from any variation.

Prices must be quoted free of all duties, taxes and other charges, including VAT, as the European Union is exempt from such charges under Articles 3 and 4 of the Protocol on the privileges and immunities of the European Union. The amount of VAT may be shown separately.

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

1.7. Identification of the tenderer

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

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

All tenderers (including all members of the group in case of joint tender) must provide a signed Legal Entity Form with its supporting evidence. The form is available on:

http://ec.europa.eu/budget/contracts_grants/info_contracts/legal_entities/legal_entities_en.cfm

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

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

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.

2. TECHNICAL SPECIFICATIONS

2.1. Introduction and objectives of the tender

2.1.1. General background

Transport consumes a third of EU's total energy demand and it is almost entirely dependent on oil. While the transition to low-emission alternative energy in transport has already begun, spurred by the current Renewable Energy Directive, the sector is significantly lagging behind the other sectors.

Advanced biofuels as well as other renewable fuels can contribute to a reduction in carbon emissions of the Union transport sector in a cost-effective manner, and improving inter alia energy diversification in the transport sector while promoting innovation, growth and jobs in the Union economy and reducing reliance on energy imports.

The revised Renewable Energy Directive (EU) 2018/2001 sets for 2030 next to a binding 32 % renewables target, a separate sectorial target of 14 % renewables in the transport sector including a minimum share of 3.5% of advanced biofuels.

Advanced biofuels are defined based on the lists of feedstocks included in Annex IX Part A of the Directive. The Commission is empowered to adopt delegated acts to amend the list of feedstocks in parts A and B of Annex IX in order to add feedstocks, but not to remove them.

Feedstocks that can only be processed with advanced technologies shall be added to Annex IX part A while feedstocks that can be processed into biofuels with mature technologies shall be added to Annex IX Part B.

Each delegated act amending the list of feedstocks in parts A and B shall be based on an analysis of the potential of the raw material as a feedstock for the production of biofuels taking into account:

- (a) the principles of the circular economy and of the waste hierarchy established in Directive 2008/98/EC;
- (b) the Union sustainability criteria laid down in Article 29(2) to (7);
- (c) the need to avoid significant distortive effects on markets for (by-)products, wastes or residues;
- (d) the potential for delivering substantial greenhouse gas emissions savings compared to fossil fuels based on a life-cycle assessment of emissions;
- (e) the need to avoid negative impacts on the environment and biodiversity;
- (f) the need to avoid creating an additional demand for land.

The Commission is required to regularly evaluate the list of feedstocks in parts A and B of Annex IX in order to add feedstocks, in line with the principles set out in this paragraph.

By 31 December 2025, the Commission will be required to assess whether the obligation on fuel suppliers set out in the recast of the Renewable Energy Directive effectively stimulates innovation in advanced biofuels and ensures greenhouse gas savings in the transport sector.

2.1.2. Reference documents

- Directive (EU) 2018/2001 of the European Parliament and the Council of 11 December 2018 on the promotion of the use of energy from renewable sources

2.1.3. General and specific objectives

The study should fulfil the following objectives:

- Identify raw materials that could potentially be added to Annex IX of the recast of the Renewable Energy Directive
- Assist the Commission in the evaluation of the list of feedstocks in parts A and B of Annex IX by conducting detailed assessments of each raw material that could be added
- Identify risks for fraud and develop fraud mitigation methodologies

2.2. Description of tasks

Task 1: Literature review and stakeholder consultation interaction and communication

The contractor will identify potential raw materials that could be added to Annex IX. For this purpose, the contractor is required to take into account relevant literature, relevant national legislation implementing the Renewable Energy Directive and reach out to stakeholders.

Based on this first assessment, the contractor will compile a first list of feedstocks that could potentially be added to Annex IX.

- Raw materials that are not covered by the definition of biomass set out in the recast of the Renewable Energy Directive should be excluded from the list.
- Further, raw materials that are covered by the definition of food and feed crops set out in the recast of the Renewable Energy Directive should be excluded from the list.

Stakeholders shall be consulted both in a view to identify potential additional raw materials and to raise potential concerns. For this purpose, the contractor will reach out to stakeholders in a written consultation and will organise a half-day stakeholder event in the premises of the Commission in Brussels to discuss the preliminary findings. The list of invitees and the date of the meeting will be agreed with the Commission. The contractor will draft the minutes of the meeting and bear all cost related to the organisation of the event. The Commission will make the meeting room available free of charge.

The contractor will summarise the results of the assessment including the list of potential additional raw materials and the stakeholder views in a report.

Task 2: Detailed assessment of each feedstock

Based on the results of the assessment done under Task 1, the contractor will conduct detailed assessments of different types of raw material as a feedstock for the production of biofuels. The final list of additional raw materials to be subject to a detailed assessment will be decided by the Commission and could include additional raw materials.

These assessments need to explore and provide answers to the following questions:

- Does the raw material fall under the definition of biomass set out in the recast of the Renewable Energy Directive? Raw materials that are not biomass can be excluded from the further analysis.
- Does the raw material fall under the definition of food and feed crops set out in the recast of the Renewable Energy Directive? Food and feed crops can be excluded from the further analysis.
- Would the use of the raw material as a feedstock for the production of a biofuel be in line principles of the circular economy and the waste hierarchy established in Directive 2008/98/EC?
- Are there general indications that biofuels produced from the raw material in question are not able to meet the sustainability criteria, incl. greenhouse gas emission savings criteria, as set out in the recast of the Renewable Energy Directive or that the use of the raw materials would cause other negative impacts on the environment and biodiversity?
- Would there be a significant risk of distortive effects on markets for (by-) products, wastes or residues that could not be addressed by the Member States in the design of

the support schemes? This assessment should include an in-depth analysis of the raw material markets, including trends in demand and supply of the raw material alternative, the dependency of existing industry on the raw material, the tradability of the raw material and the potential for a sustainable mobilisation of additional amounts of raw material in the EU or abroad.

- Is there a risk that the use of the raw material as a feedstock for the production of biofuels creates a significant additional demand for land?
- Which process technologies are likely to be used to transform the raw material into biofuels or gaseous biomass fuels? Can these technologies be considered as advanced technologies or mature technologies?
- What is the medium (2030) and long term (2050) potential of the raw material as a biofuel feedstock?

The contractor will assess additional raw materials throughout the duration of the contract and/or answer to additional ad hoc questions if required by the Commission. Upon request of the Commission the contractor will present the results of the study in up to two expert meetings in Brussels.

Task 3: Assessment fraud risks and development of fraud mitigation approaches.

Consumption of biofuels, bioliquids and biomass fuels produced from feedstock listed in Annex IX will often benefit from public support which could incentivise economic operators to make false claims about the origin of the feedstock or to intentionally modify feedstock to become eligible for such public support.

The contractor is requested to analyse each feedstock included in Annex IX or fulfilling the criteria be added to Annex IX with regard to the following questions:

- Is it possible to intentionally produce the feedstock from a raw material not included in Annex IX (and not fulfilling the criteria to be added to Annex IX)?
- Is there or could be there an incentive to make such false claims?
- Which are the feedstock that are associated with high risk of fraud?
- What are the most suitable measures to mitigate the risk of fraud including definitions and product standards?

The contractor is requested develop based on best practises applied by certification scheme and Member States and own research detailed product definitions, criteria or standards allowing to determine the true origin of feedstocks and to decide whether it is covered by Annex IX. Upon request of the Commission the contractor will present the results of the study in up to two expert meetings in Brussels.

2.3. Reports and documents to produce – timetable to observe

2.3.1. Intermediate outputs and deliverables

The first interim report showing progress of the work shall be submitted to the Commission at the latest 6 months after the entry into force of the contract. The report will summarise the results of the assessment including the list of potential additional feedstocks/raw materials and the stakeholder views as laid down in Task 1 of this contract.

The approval of the interim report is linked to a meeting with Commission services. The exact date will be agreed upon with the Contractor.

The Contractor will deliver a detailed assessment report for each raw material under Task 2 of this contract. The work on Task 2 will start after the work on Task 1 has been finalised. The draft assessment reports shall be submitted to the Commission at the latest 14 month after the date on which the contract enters into force.

The Contractor will deliver a detailed assessment report for Task 3 of this contract covering all feedstocks included in Annex IX and all potential additions identified under task 2. The draft reports shall be submitted to the Commission at the latest 14 month after the date on which the contract enters into force. The detailed assessment reports submitted under Task 2 and Task 3 together form the second interim report.

2.3.2. Final output and deliverables

The contractor will submit the final report to the Commission at the latest 17 months after the entry into force of the contract. This would include the necessary documentation for the achievement of all the deliverables. The detailed assessment reports elaborated under Task 2 will be included in an annex.

The duration of the tasks shall not exceed 20 months. This period is calculated in calendar days.

Execution of the tasks begins after the date on which the Contract enters into force.

In principle, the deadlines set out below cannot be extended. The Contractor is deemed solely responsible for delays occasioned by subcontractors or other third parties (except for rare cases of force majeure). Adequate resources and appropriate organisation of the work including management of potential delays should be put in place in order to observe the timetable below.

A kick-off meeting will take place in Brussels, at the latest 15 days following the entry into force of the contract, in order to settle all the details of the work to be undertaken.

3. CONTENT, STRUCTURE AND GRAPHIC REQUIREMENTS OF THE DELIVERABLES

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

3.1. Content

3.1.1. Final study report

The final study report 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:

“The information and views set out in this [report/study/article/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.”

3.1.2. 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:

“The information and views set out in this [report/study/article/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.”

3.1.3. 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/>.

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

4.1. Verification of non-exclusion

All tenderers must provide a declaration on honour (see Annex 2), 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, identified subcontractors must provide a declaration on honour signed by an authorised representative.

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 tender, and to identified subcontractors.

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 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.

4.2.1. Declaration and evidence

The tenderers (and each member of the group in case of joint tender) and subcontractors whose capacity is necessary to fulfil the selection criteria must provide the declaration on honour (see Annex 2), signed and dated by an authorised representative, stating that they fulfil the selection criteria applicable to them. In case of joint tender or subcontracting, the criteria applicable to the tenderer as a whole will be verified by combining the various declarations for a consolidated assessment.

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

For the selection criteria, the Contracting Authority will evaluate:

- Economical and financial capacity criteria on the basis of the evidence uploaded in the "Participant Register of the Participant Portal"
- Technical and professional capacity criteria on the basis of the evidence to be submitted with the tenders.

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 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.

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 selection criteria.

- **Criterion F1:** Annual turnover of the last two financial years equal or above EUR 400,000; this criterion applies to the leader in case of a joint tender.

Evidence F1: a statement on the annual turnover for the last two years for which accounts have been closed from each concerned legal entity;

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

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 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 renewable energy and biofuels.

Evidence A1: the tenderer must provide references for at least 3 projects delivered in all these fields cumulatively in the last three years with a minimum value for each project of € 100,000.

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

Evidence A2: the tenderer must provide references for at least 3 projects delivered in the last three years showing the necessary language coverage.

- **Criterion A3:** The tenderer must prove capacity to draft reports in English.

Evidence A3: the tenderer must provide one document of at least 10 pages (report, study, etc.) in this language that it has drafted and published or delivered to a client in the last two years. The verification will be carried out on 5 pages of the document.

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.

B1 - Project Manager: At least 10 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 € 300,000 and coverage (at least 3 countries covered), with experience in management of team of at least 3 people.

Evidence: CV

B2 - Language quality check: at least 3 members of the team should have at least C1 level in the Common European Framework for Reference for Languages⁴ in English.

Evidence: a language certificate or past relevant experience.

B3 - Expert in field of biofuels and advanced biofuels: At least 3 years of professional experience. Relevant higher education degree or equivalent professional experience and at least 5 years' professional experience in the field.

Evidence: CV

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.

- **Quality of the proposed methodology** (60 points - – minimum score 60%)
 - Sub-criterion 1.1 Quality of the overall proposed methodology (40 points – minimum score 60%):
 - Sub-criterion 1.2 Approach for stakeholder involvement and consultation (20 points – minimum score 60%)

This criterion will assess how the tenderer plans to address the specifications and services requested by the Commission and whether the proposed methodology is sound and reliable in terms of delivering the expected results as described under the *Objectives* (Section 2.1 and in particular 2.1.3 above), *Tasks* (Section 2.2. above), and *Reports and Deliverables* (Section 2.3 above).

⁴ See http://www.coe.int/t/dg4/linguistic/Cadre1_en.asp

- **Organisation of the work and resources** (30 points – minimum score 60%)

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.

- **Quality control measures** (10 points – minimum score 60%)

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

Tenders must score minimum 60% for each criterion and sub-criterion, and minimum 70 % 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 70/30 is given to quality and price.

Score for tender X	=	cheapest price	*	100	*	30 %	+	total quality score (out of 100) for all award criteria of tender X	*	70 %
		price of tender X								

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

5. LEGAL VALIDATION AND FINANCIAL VIABILITY ASSESSMENT

In the course of the procedure, tenderers are requested to register in the European Commission's Participant Register. On registering, each organisation obtains a Participants Identification Code (PIC, 9-digit number),

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

For this purpose, the EU Validation Services may request the tenderer to submit the following documents:

i. For the purpose of the legal validation of the entities:

- Signed legal entity identification form:
Natural Person Form
Private Legal Entity Form
Public Legal Entity Form
- Official VAT document or — if the entity is not registered for VAT — the proof of VAT exemption, not older than 6 months.
- Signed Bank Account Form, and
- the following additional documents, where relevant:

Status	Documents to be submitted
Private body (including SME)	Registration extract (not older than 6 months).
Public body	Copy of the act, law, decree or decision that established the organisation as a public body (or, if this doesn't exist, any other official legal document that proves this).
Non-profit organisation	Copy of an official document attesting that the organisation has a legal or statutory obligation not to distribute profits to shareholders or individual members. The certificate of tax exemption may only constitute an indication of the non-profit status of the entity, which has to be assessed together with other elements.
Research organisation	Copy of an official document attesting that one of the main objectives of the entity is carrying out research or technological development.
Secondary or higher education establishment	Copy of an official document attesting that the organisation is recognised such as 'secondary or higher education establishment by the national education system and is entitled to deliver diplomas recognized by the State.
International organisation International organisation of European interest	Copy of the relevant international treaty creating the organisation under international public law.
Natural person	Copy (legible) of valid identity card or passport.

Entities without legal personality	<p>-Copy of an official document attesting that the representatives of the entity have the capacity to undertake legal obligations on its behalf.</p> <p>- Copy of an official document attesting that the entity has the same operational and financial capacity as that of a legal entity :i.e. a document showing patrimony/asset/capital that is separated and different from those of the members/owners of the entity, and a copy of the rules providing that creditors can rely on this patrimony/asset/capital and — in case of liquidation/insolvency — are reimbursed before the patrimony/asset/capital is divided between the owners/members.</p>

ii. For the purpose of preparing the financial capacity assessment:

Status	Documents to be submitted
Legal entity	<p>1. Profit and loss account</p> <p>2. Balance sheet</p> <p>3. Explanatory notes and/or annexes that form part of the above financial statements (if available)</p> <p>4. External audit report¹², for the procurement domain – to be submitted on voluntary basis if the entity has already been audited for other purposes</p>
Natural Person	<p>1. Income tax declaration</p> <p>2. Certified declaration of current patrimony (may not be applicable to procurement), including:</p> <p>a. fixed patrimony (e.g. land, tenement, hereditament, medium/long-term time deposits (more than one year), stock options that cannot be exercised within one year)</p> <p>b. current patrimony (e.g. available cash, savings, short-term time deposits</p>

	<p>(maximum of one year), stock-options that can be exercised within one year)</p> <p>3. List of certified debts, which must contain all debts (with dates and figures), broken down in short-term debts (of maximum one year) and medium/long-term debts (of more than one year)(may not be applicable to procurement).</p>
Start-up companies without closed accounts	Business plan

6. ANNEXES

1. Tenderer 's Identification Form
2. Declaration of honour on exclusion criteria and selection criteria
3. Power of attorney (mandate in case of joint tender)
4. Standard Word template for studies
5. Draft Contract or purchase order

ANNEX 1

IDENTIFICATION OF THE TENDERER

(Each service provider, including any member of a consortium or grouping and subcontractor(s) whose share of the work is more than 20% of the contract must complete and sign this identification form)

Call for tenders ENER C1/2019-412

Identity	
Name of the tenderer	
Legal status of the tenderer	
Date of registration	
Country of registration	
Registration number	
VAT number	
Description of statutory social security cover (at the level of the Member State of origin) and non-statutory cover (supplementary professional indemnity insurance) ⁵	
Address	
Address of registered office of tenderer	
Where appropriate, administrative address of tenderer for the purposes of this invitation to tender	
Contact Person	
Surname: First name: Title (e.g. Dr, Mr, Ms) : Position (e.g. manager): Telephone number: Fax number:	

⁵ For natural persons.

E-mail address:	
Legal Representatives	
Names and function of legal representatives and of other representatives of the tenderer who are authorised to sign contracts with third parties	
Declaration by an authorised representative of the organisation⁶ I, the undersigned, certify that the information given in this tender is correct and that the tender is valid.	
Surname: First name:	Signature:

⁶ This person must be included in the list of legal representatives; otherwise the signature on the tender will be invalidated.

ANNEX 2

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

Declaration of honour on exclusion criteria and selection criteria

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:	Full official name: Official legal form: Statutory registration number: Full official address: VAT registration number:

➤ declares whether the above-mentioned person is in one of the following situations or not:		
SITUATION OF EXCLUSION CONCERNING THE PERSON	YES	NO
a) it is bankrupt, subject to insolvency or winding up procedures, its assets are being administered by a liquidator or by a court, it is in an arrangement with creditors, its business activities are suspended or it is in any analogous situation arising from a similar procedure provided for under national legislation or regulations;	<input type="checkbox"/>	<input type="checkbox"/>
b) it has been established by a final judgement or a final administrative decision that the person is in breach of its obligations relating to the payment of taxes or social security contributions in accordance with the law of the country in which it is established, with those of the country in which the contracting authority is located or those of the country of the performance of the contract;	<input type="checkbox"/>	<input type="checkbox"/>
c) it has been established by a final judgement or a final administrative decision that the person is guilty of grave professional misconduct by having violated applicable laws or regulations or ethical standards of the profession to which the person belongs, or by having engaged in any wrongful conduct which has an impact on its professional credibility where such conduct denotes wrongful intent or gross negligence, including, in particular, any of the following:		
(i) fraudulently or negligently misrepresenting information required for the verification of the absence of grounds for exclusion or the fulfilment of selection criteria or in the performance of a contract;	<input type="checkbox"/>	<input type="checkbox"/>
(ii) entering into agreement with other persons with the aim of distorting competition;	<input type="checkbox"/>	<input type="checkbox"/>
(iii) violating intellectual property rights;	<input type="checkbox"/>	<input type="checkbox"/>
(iv) attempting to influence the decision-making process of the contracting authority during the award procedure;	<input type="checkbox"/>	<input type="checkbox"/>

(v) attempting to obtain confidential information that may confer upon it undue advantages in the award procedure;	<input type="checkbox"/>	<input type="checkbox"/>
d) it has been established by a final judgement that the person is guilty of any of the following:		
(i) fraud, within the meaning of Article 1 of the Convention on the protection of the European Communities' financial interests, drawn up by the Council Act of 26 July 1995;	<input type="checkbox"/>	<input type="checkbox"/>
(ii) corruption, as defined in Article 3 of the Convention on the fight against corruption involving officials of the European Communities or officials of EU Member States, drawn up by the Council Act of 26 May 1997, and in Article 2(1) of Council Framework Decision 2003/568/JHA, as well as corruption as defined in the legal provisions of the country where the contracting authority is located, the country in which the person is established or the country of the performance of the contract;	<input type="checkbox"/>	<input type="checkbox"/>
(iii) participation in a criminal organisation, as defined in Article 2 of Council Framework Decision 2008/841/JHA;	<input type="checkbox"/>	<input type="checkbox"/>
iv) money laundering or terrorist financing, as defined in Article 1 of Directive 2005/60/EC of the European Parliament and of the Council;	<input type="checkbox"/>	<input type="checkbox"/>
(v) terrorist-related offences or offences linked to terrorist activities, as defined in Articles 1 and 3 of Council Framework Decision 2002/475/JHA, respectively, or inciting, aiding, abetting or attempting to commit such offences, as referred to in Article 4 of that Decision;	<input type="checkbox"/>	<input type="checkbox"/>
(vi) child labour or other forms of trafficking in human beings as defined in Article 2 of Directive 2011/36/EU of the European Parliament and of the Council;	<input type="checkbox"/>	<input type="checkbox"/>
e) the person has shown significant deficiencies in complying with the main obligations in the performance of a contract financed by the Union's budget, which has led to its early termination or to the application of liquidated damages or other contractual penalties, or which has been discovered following checks, audits or investigations by an Authorising Officer, OLAF or the Court of Auditors;	<input type="checkbox"/>	<input type="checkbox"/>
f) it has been established by a final judgment or final administrative decision that the person has committed an irregularity within the meaning of Article 1(2) of Council Regulation (EC, Euratom) No 2988/95;	<input type="checkbox"/>	<input type="checkbox"/>
g) for the situations of grave professional misconduct, fraud, corruption, other criminal offences, significant deficiencies in the performance of the contract or irregularity, the applicant is subject to: <ul style="list-style-type: none"> i. facts established in the context of audits or investigations carried out by the Court of Auditors, OLAF or internal audit, or any other check, audit or control performed under the responsibility of an authorising officer of an EU institution, of a European office or of an EU agency or body; ii. non-final administrative decisions which may include disciplinary measures taken by the competent supervisory body responsible for the verification of the application of standards of professional ethics; iii. decisions of the ECB, the EIB, the European Investment Fund or international organisations; iv. decisions of the Commission relating to the infringement of the Union's competition rules or of a national competent authority relating to the 	<input type="checkbox"/>	<input type="checkbox"/>

v. infringement of Union or national competition law; or decisions of exclusion by an authorising officer of an EU institution, of a European office or of an EU agency or body.		
--	--	--

[Only for legal persons other than Member States and local authorities, otherwise delete this table]

- declares whether a natural person who is a member of the administrative, management or supervisory body of the above-mentioned legal person, or who has powers of representation, decision or control with regard to the above-mentioned legal person (this covers the company directors, members of the management or supervisory bodies, and cases where one natural person holds a majority of shares) is in one of the following situations or not:

SITUATIONS OF EXCLUSION CONCERNING NATURAL PERSONS WITH POWER OF REPRESENTATION, DECISION-MAKING OR CONTROL OVER THE LEGAL PERSON	YES	NO
Situation (c) above (grave professional misconduct)	<input type="checkbox"/>	<input type="checkbox"/>
Situation (d) above (fraud, corruption or other criminal offence)	<input type="checkbox"/>	<input type="checkbox"/>
Situation (e) above (significant deficiencies in performance of a contract)	<input type="checkbox"/>	<input type="checkbox"/>
Situation (f) above (irregularity)	<input type="checkbox"/>	<input type="checkbox"/>

- declares whether 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 or not:

SITUATIONS OF EXCLUSION CONCERNING NATURAL OR LEGAL PERSONS ASSUMING UNLIMITED LIABILITY FOR THE DEBTS OF THE LEGAL PERSON	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"/>

- declares whether the above-mentioned person is in one of the following situations or not:

GROUND FOR REJECTION FROM THIS PROCEDURE	YES	NO
h) has not distorted competition by being previously involved in the preparation of procurement documents for this procurement procedure;	<input type="checkbox"/>	<input type="checkbox"/>
i) has provided accurate, sincere and complete information to the contracting authority within the context of this procurement procedure;	<input type="checkbox"/>	<input type="checkbox"/>
➤ acknowledges that 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.		

REMEDIAL MEASURES

If the person declares one of the situations of exclusion listed above, it should indicate the measures it has taken to remedy the exclusion situation, thus demonstrating its reliability. They may include e.g. technical, organisational and personnel measures to prevent further occurrence, compensation of damage or payment of fines. The relevant documentary evidence which appropriately illustrates the remedial measures taken should be provided in annex to this declaration. This does not apply for the situations referred in point (d) of this declaration.

EVIDENCE UPON REQUEST

Upon request and within the time limit set by the contracting authority the person shall provide information on the persons that are members of the administrative, management or supervisory body, as well as the following evidence concerning the person or the natural or legal persons which assume unlimited liability for the debt of the person:

For situations described in (a), (c), (d) or (f), production of a recent extract from the judicial record is required or, failing that, an equivalent document recently issued by a judicial or administrative authority in the country of establishment of the person showing that those requirements are satisfied.

For the situation described in point (a) or (b), production of recent certificates issued by the competent authorities of the State concerned are required. These documents must provide evidence covering all taxes and social security contributions for which the person is liable, including for example, VAT, income tax (natural persons only), company tax (legal persons only) and social security contributions. Where any document described above is not issued in the country concerned, it may be replaced by a sworn statement made before a judicial authority or notary or, failing that, a solemn statement made before an administrative authority or a qualified professional body in its country of establishment.

If the person already submitted such evidence for the purpose of another procedure, its issuing date does not exceed one year and it is still valid, the person shall declare on its honour that the documentary evidence has already been provided and confirm that no changes have occurred in its situation.

➤ declares whether the above-mentioned person complies with the selection criteria as provided in the tender specifications:		
SELECTION CRITERIA	YES	NO
(a) It has the legal and regulatory capacity to pursue the professional activity needed for performing the contract as required in section <i>[insert]</i> of the tender specifications;	<input type="checkbox"/>	<input type="checkbox"/>
(b) It fulfills the applicable economic and financial criteria indicated in section <i>[insert]</i> of the tender specifications;	<input type="checkbox"/>	<input type="checkbox"/>
(c) It fulfills the applicable technical and professional criteria indicated in section <i>[insert]</i> of the tender specifications.	<input type="checkbox"/>	<input type="checkbox"/>
➤ declares that the above-mentioned person will be 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.		

Full name

Date

Signature

ANNEX 3

POWER OF ATTORNEY

mandating one of the partners in a joint tender as lead partner and lead contractor⁷

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 X, 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 X 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.
- 1) 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].
- 2) 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.

Signed in on [dd/mm/yyyy]

Place and date:

⁷ To be filled in and signed by each partner in a joint tender except the lead partner.

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

ANNEX 4

Standard Word template for studies

European
Commission

Add document title 1

Add title 2

1. TABLE OF CONTENTS

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2. HOW TO USE THIS DOCUMENT TEMPLATE

Cover page

Add the title of the document which should be center aligned. Add any other relevant information if necessary which should be left aligned on the left vertical axis of the EC logo.

The font colour of the title should be **White**.

Page set up

- Top margin: 3.5
- Bottom margin: 2.5
- Left margin: 3
- Right margin: 2.5

Headings and subheadings

The following styles should be used for headings and subheadings.

- Heading 1
Font type: Verdana
Font Size: 14
Colour: R:38, G:54, B:115
- Heading 2
Font type: Verdana
Font Size: 11
Colour: R:38, G:54, B:115
- Heading 3
Font type: Verdana
Font Size: 10
Colour: R:38, G:54, B:115

Do not use capital letters for the headings/subheadings, the format should always be "sentence case", except for abbreviations.

Body text

Font style: Verdana
Font size: 10
Font colour: Gray 80%

Header

The header should include the EU flag and the reference text:

- European Commission
- The title of the document

- Font type: Verdana Italic
- Font size: 8

Footer

Add the relevant name of the month and year in the footer which should appear to the left below the line.

- Font type: Verdana Italic
- Font size: 8.
- The page numbers will appear automatically.

Bulleted list

The bullet should be square and the colour should be Black. For reference please see list under ["Headings and subheadings"](#). To apply the style of the list, select "List Bullet 2" from the "Style" drop down menu.

Hyperlinks

By default the hyperlinks will appear in blue (colour coder: R:26, G:63, B:124), no underline.

Table of Contents

This template is complete with Styles for a Table of Contents. From the **Insert menu**, choose **Reference**, then **Index and Tables**. Click on the tab "**Table of Contents**". In the "Format" box, select "From template".

ANNEX 5

DRAFT CONTRACT

Please see separate document