



EUROPEAN COMMISSION
DIRECTORATE-GENERAL
ENVIRONMENT
Directorate C – Quality of Life
Unit ENV.C.2 – Marine Environment & Water Industry

CALL FOR TENDERS

ENV/2019/OP/0019

**Service contract to support the implementation of the Marine
Strategy Framework Directive (2008/56/EC)**

TENDER SPECIFICATIONS

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1. INFORMATION ON TENDERING

1.1. How to submit a tender: Registration in the Participant Register and validations by the EU Validation services

In order to submit a tender using e-Submission, tenderers (each member of the group in the case of a joint tender) will need to register in the European Commission's Participant Register - an online register of organisations participating in EU calls for tenders or proposals. On registering, each organisation obtains a Participant Identification Code (PIC, 9-digit number) which acts as its unique identifier in the above register. Instructions on how to create a PIC can be found in the [PIC-management Quick Guide for Economic Operators](#). Tenderers already registered in the Participant Register shall reuse their existing PICs when preparing tenders in e-Submission.

In the e-Submission application the tenderers should fill out the required identification information in line with the instructions in the e-Submission Quick Guide available at: https://webgate.ec.europa.eu/e-Submission/assets/documents/manual/quickGuide_en.pdf. The sole tenderer or all members of a joint tender must be identified with a PIC – Participant Identification Code. No PIC is needed for subcontractors.

It is not required at the level of the tender submission, to attach either Legal Entity Form or Financial Identification Form.

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. To that end, tenderers are invited to upload a self-declaration under the heading ‘other documents’ as part of their offer in e-Submission. See checklist in Annex 5.

1.2. Participation

Participation in this procurement procedure is open on equal terms to all natural and legal persons coming within the scope of the Treaties, as well as to international organisations.

It is also open to all natural and legal persons established in a third country which has a special agreement with the Union in the field of public procurement on the conditions laid down in that agreement. Where the plurilateral Agreement on Government Procurement¹ concluded within the World Trade Organisation applies, the participation to this procedure is also open to all natural and legal persons established in the countries that have ratified this Agreement, on the conditions it lays down.

For British candidates or tenderers:

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

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

1.3. 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.

1.4. Compliance with applicable law

The tender must comply with applicable environmental, social and labour law obligations established by Union law, national legislation, collective agreements or the international environmental, social and labour conventions listed in Annex X to Directive 2014/24/EU².

1.5. Joint tenders

Tenderers may choose between presenting a **joint tender** and introducing a tender as a **sole economic operator**. A joint tender is a situation where a tender is submitted by a group of economic operators (natural or legal persons). Joint tenders and sole tenders may also include subcontractors.

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.

Whichever type of bid is chosen, the tender shall stipulate the legal status and role of each legal entity in the tender proposed and the monitoring arrangements that exist between them and, failing this, the arrangement they foresee to establish if they are awarded the contract.

The sole tenderer or all members of a joint tender must be identified with a PIC – Participant Identification Code. No PIC is needed for subcontractors.

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.

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

To this end all members of the group should sign a **power of attorney** (see models in Annex 3). This document must be scanned and included in the offer. For groups not having formed a common legal entity, model 1 should be used, and for groups with a legal entity in place model 2 should be used.

1.6. Subcontracting

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

Tenderers are required to identify all subcontractors and provide an indication of the proportion of subcontracting. Consequently, the bid must document their willingness to accept the tasks assigned to them by submitting the form in Annex 2, duly completed and signed. In case a tenderer relies on subcontracting to meet the required level under selection criteria, the subcontractor(s) concerned must upload the relevant supporting documents to that effect with their tender.

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.

2. EVALUATION AND AWARD

2.1.Evaluation steps

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

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

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

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

2.2.Verification of non-exclusion

All tenderers must provide a declaration on honour (see Annex 1), stating that they are not in one of the situations of exclusion listed in that declaration on honour.

The declaration(s) shall be signed by an authorised representative either with advanced electronic signature based on qualified certificates or by scanning and uploading a hand signed copy.

The hand-signed originals of the declaration on honour must be sent by letter to the contracting authority. See the *Invitation* document for more details.

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

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

In any event, the successful tenderer must provide the documents mentioned in the declaration on honour before signature of the contract and within a deadline given by the contracting authority. This requirement applies to each member of the group in case of joint tender including subcontractors whose capacity is necessary to fulfil the selection criteria.

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

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

2.3.Selection criteria

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

2.3.1. Declaration and evidence

The tenderers (and each member of the group in case of joint tender) and subcontractors must provide the declaration on honour (see Annex 1), signed and dated by an authorised representative, stating that they fulfil the selection criteria applicable to them individually. In case of joint tender or subcontracting, the criteria applicable to the tenderer as a whole will be verified by combining the various declarations for a consolidated assessment.

This declaration is part of the declaration used for exclusion criteria (see section 2.2) so only one declaration covering both aspects should be provided by each concerned entity.

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

A tenderer (or a member of the group in case of joint tender, or a subcontractor) is not required to submit the documentary evidence if it has already been submitted for another procurement procedure and provided the documents were issued no 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 in the e-Submission that the documentary evidence has already been provided in a previous procurement procedure, indicate the reference of the procedure and confirm that there has been no change in its situation.

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

2.3.2. Legal and regulatory capacity criteria and evidence

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

In the course of the procedure the EU Validation Services (at Research Executive Agency) may contact tenderers (each member of the group in the case of a joint tender) via the Participant Register and ask for supporting documents with respect to the legal existence and status. The notifications concerning the legal status validation will be sent to the e-mail address of the contact person indicated in the Participant Register. It is the responsibility of the tenderer (each member of the group in the case of a joint tender) to provide a valid e-mail address and to check it. Please note that a request for supporting documents in no way implies that the tenderer has been successful.

The documents that may be requested by the EU Validation Services during the course of the procedure are listed in Annex 6.

The documents that shall be submitted with the tender in e-Submission are listed in the checklist available in Annex 5.

2.3.3 Economic and financial capacity criteria and evidence

The tenderer must have the necessary economic and financial capacity to perform this contract until its end. To that end, tenderers are required to upload the supporting evidence under the heading ‘other documents’ as part of their offer in e-Submission.

The tenderer must comply with the following selection criteria:

Annual turnover of the last two financial years above EUR 1.200.000 (one million two hundred thousand); this criterion applies to the tenderer as a whole, i.e. the combined capacity of all members of a group and identified subcontractors in case of a joint tender.

- Copy of the profit and loss accounts for the last two years for which accounts have been closed from each concerned legal entity;
- Failing that, appropriate statements from banks;
- If applicable, evidence of professional risk indemnity insurance.

If, for some exceptional reason which the Contracting Authority considers justified, a tenderer is unable to provide one or other of the above documents, it may prove its economic and financial capacity by any other documents which the Contracting Authority considers appropriate. In any case, the Contracting Authority must at least be notified of the exceptional reason and its justification. The Commission reserves the right to request any other document enabling it to verify the tenderer's economic and financial capacity.

2.3.4 Technical and professional capacity criteria and evidence

a. Criteria and evidence relating to tenderers

Tenderers (in case of a joint tender the combined capacity of all members of the group and identified subcontractors) must comply with the criteria listed below:

The project references indicated below consist of a list of relevant services provided (i.e. not ongoing but fully completed) 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 technical, scientific and socio-economic issues related to the implementation of the Marine Strategy Framework Directive, and other related policies, such as the Water Framework Directive, the Habitats and Birds Directives, the Common Fisheries Policy and Maritime Spatial Planning. This should include experience of work related to the policy framework notably through data collection, handling and analysis; statistical analyses; and technical assessments. The tenderer must also prove experience in drafting studies, reports, minutes and recommendations, organising meetings, developing and using tools for information sharing, IT projects and communication activities including those with stakeholders related to the policy framework.

Evidence A1: The tenderer must provide references for three projects delivered collectively covering these fields in the last three years with a minimum value for each project of EUR 300.000.

- **Criterion A2:** The tenderer must prove capacity to work in English and French, while also having the possibility to process, analyse and understand documents submitted in any EU language.

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

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

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

- **Criterion A4:** The tenderer must prove its capacity to work in at least five EU countries.

Evidence A4: The tenderer must provide references for five projects delivered in the last three years. The combination of projects must cover the required geographical scope.

In order to prove their capacity, the tenderer must upload in e-Submission the evidence listed above.

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

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

Criterion B1 - Project Manager: At least five years' experience in project management, including overseeing project delivery, quality control of delivered service, client orientation and conflict resolution experience in projects of at least EUR 300.000 and coverage (of at least five countries covered, with experience in management of teams of at least ten persons.

Evidence B1: CV

Criterion B2 - Language quality check: At least three members of the team should have at least C1 level in the Common European Framework for Reference for Languages³ in English.

Evidence B2: A language certificate or past relevant experience.

Criterion B3 – Project team: Team of experts with at least 3 years' experience in project management, including overseeing project delivery, quality control of delivered service, client orientation and conflict resolution experience in projects of a similar size (at least € 150.000) and coverage (at least three countries covered), with experience in management of teams of at least three persons.

Evidence B3: CV

Criterion B4 –Experts in technical, scientific or socio-economic issues related to the implementation of the Marine Strategy Framework Directive. The expertise needs to cover all of the MSFD descriptors: namely covering reported information on GES objectives, environmental targets, assessment and monitoring of environmental state and pressures, maritime uses and activities, and measures. Relevant higher education degree or equivalent professional experience and at least 7 years' professional experience in their area of expertise relevant for the work to be undertaken. Each of the experts need to demonstrate a good understanding of the aims of the Marine Strategy Framework Directive and its implementation process, notably in contributing to the preparation of national strategies or to the work of regional seas convention, or in developing methodologies to assess Member State's obligations under its various articles.

Evidence B4: CV

Criterion B5: IT experts required to develop and maintain digital systems and tools for the purpose of collecting, processing and disseminating MSFD reporting information: IT experts need to have at least 5 years' professional experience in dealing with complex IT

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

systems dealing with the management of multinational data and have ability to link with other institutional information systems, such as Eionet or Wise-marine. The experts also need to demonstrate up to date know-how and the ability to communicate effectively with non-IT policy and technical experts.

Evidence B5: CV

Criterion B6 – Communication experts, required to deliver effective communication products on the implementation of the Directive to both internal and external audiences. Relevant higher education degree or equivalent professional experience and at least 3 years' professional experience in the field. This includes work related to major communication initiatives with diverse audiences, ranging from the public to specialists. The communication experts need to be able to understand the complex and scientific world of the Marine Strategy Framework Directive and translate it into simple and understandable messages, including infographics, GIFs and other material to be used on the social media.

Evidence B6: CV

In order to prove their capacity, the tenderer must upload in e-Submission the evidence listed above.

2.4. Compliance with the minimum requirements

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

2.5. Award criteria

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

A maximum of 34 points will be attributed to criterion 1, a maximum of 34 points will be attributed to criterion 2, and a maximum of 32 points will be attributed to criterion 3. In addition, a minimum threshold will be set up under this system of points:

- Technical sufficiency levels: Selected companies will have to score a minimum of 17, 17 and 16 points under criteria 1, 2 and 3 respectively, with a minimum total of 65 points.

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

1 Quality of the proposed methodology (34 points – minimum threshold 50%)

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

2 Organisation of the work and allocation of resources (34 points – minimum threshold 50%)

This criterion will assess how the roles and responsibilities of the proposed team and of the economic operators (in case of joint tenders, including subcontractors if applicable) are distributed for each task. It also assesses the global allocation of time and resources to the project and to each task or deliverable, and whether this allocation is adequate for the work. The tender should provide details on the allocation of time and resources and the rationale behind the choice of this allocation and ensure that enough resources are made available throughout the duration of this contract to complete the tasks with the expected quality and agreed timeframes. Details should be provided as part of the technical offer and not simply as part of the financial offer.

3 Quality control measures (32 points – minimum threshold 50%)

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

2.5.1 Ranking and Award

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

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

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

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

2.6. Technical proposal

The technical proposal needs to be uploaded in the step "Tender Data" of the wizard of the e-Submission application. The e-Submission application allows attachment of as many documents as necessary.

Tenderers shall include in their bids a **technical proposal addressing the aspects detailed in the technical specifications** in section 3.

The technical proposal shall comply with the technical specifications and provide, as a minimum, the information specifically requested.

Due consideration should be given to the award criteria and method as stipulated under section 2.5 in this document.

Please note that, to grant equal treatment of all tenders, **it is not possible to modify offers after their submission in relation to the technical and financial proposals.**

Please note that proposals deviating from the technical specifications risk being rejected for non-compliance.

The technical specifications and the tenderer's bid shall be integral parts of the contract and will constitute annexes to the contract.

2.7. Financial offer

The maximum budget allocated to this contract is fixed at EUR 600.000 (*six hundred thousand Euros*) excluding VAT (including fees, travel and all other costs. **Travel and subsistence expenses should be part of the lump sum and will not be refunded separately**). Any offers received that do not respect this maximum budget will be automatically excluded from the evaluation procedure. For guidance purposes see Annex 4.

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

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

A complete financial proposal (see Annex 4 for guidance) needs to be uploaded in step "Tender Data" of the wizard of the e-Submission application.

The total price (including any options and renewals) needs also to be encoded directly in the e-Submission application (Total amount).

It is the responsibility of each tenderer to ensure that the total amount of the tender inserted in the relevant tab of the e-Submission application corresponds exactly to the value reflected in the uploaded financial proposal. In case of discrepancies, only the value reflected in the financial proposal will be taken into account.

3. TECHNICAL SPECIFICATIONS

The aim of the EU Marine Strategy Framework Directive 2008/56/EC⁴ (hereinafter "MSFD") is to protect more effectively the marine environment across Europe, while allowing for a sustainable use of its resources. It aims to achieve good environmental status of the EU's marine waters by 2020 and to protect the resource base upon which marine-related economic and social activities depend⁵. The MSFD constitutes a vital environmental component of the Union's sea and ocean policy, aiming to balance environmental protection with sustainable use. It lays out a comprehensive and long-term management process for the environmental issues affecting the marine environment. Commission Decision 2017/848/EU lays down criteria and methodological standards on good environmental status of marine waters and specifications and standardised methods for monitoring and assessment. Implementing this Decision is crucial to achieving the objectives of the MSFD and is therefore an essential component of the work that needs to be carried out by Member States and in the context of the Common Implementation Strategy (CIS)⁶.

Member States must implement the MSFD in their marine waters taking into account that they geographically and environmentally form an integral part of marine regions. Each Member State - cooperating with other Member States and/or non-EU countries within a same marine region - is required to develop strategies for its marine waters. Most of the challenges and difficulties arising during the implementation phase of the MSFD will inevitably be common to all Member States sharing the same marine region, where a common understanding and approach is crucial for a successful and effective implementation. Some issues may also have to be tackled at a subregional level given the specificity of the issue.

The Commission aims to ensure that the EU legislation as a whole is implemented in a coherent and effective manner across the EU and that Member States comply with their obligations. The regional approach as required by the Directive makes it imperative that an integrated and coherent approach is applied throughout each marine region.

⁴ OJ L 164 of 25 June 2008, p.19.

⁵ These are defined in Annex III of the MSFD, which was revised through Commission Directive 2017/845/EU

⁶ https://ec.europa.eu/environment/marine/eu-coast-and-marine-policy/implementation/index_en.htm

In addition to the participation in activities jointly carried out by Member States, and as part of its core role, the Commission will therefore have to check compliance of the Member States' implementation efforts with their obligations under the MSFD. The use of particular descriptors, the definition of environmental targets and indicators and the planning of monitoring activities is the responsibility of Member States. The Commission has to produce reports to summarise the state-of-play and its assessments.

The marine strategies developed by each Member State have to contain a detailed assessment of the state of the marine environment, a definition of "good environmental status" (GES) at regional level, a set of environmental targets to achieve GES and the systematic monitoring programmes to be conducted. Importantly it also includes the development of and implementation of programmes of measures, including marine protected areas.

The Directive requires an evaluation of its implementation by Member States by 2019, and a review of the Directive by 2023.

The Common Implementation Strategy (CIS), through which the Commission's MSFD expert group and its subgroups meet⁷, helps in providing a shared understanding on how the Directive is to be implemented.

More information is available on http://ec.europa.eu/environment/marine/index_en.htm and on <https://circabc.europa.eu>.

The Commission wishes to establish a new contract to cover the provision of services to support unit DG ENV C.2 in carrying out the tasks attributed to the Commission under the MSFD, through:

- support for the organisation and management of conferences, workshops and meetings associated with the MSFD implementation;
- the development of specific MSFD related documentation (such as guidance documents, concept papers, technical documents, reports and meeting reports, etc.);
- reporting and data management, including through adequate IT systems;
- carrying out assessments on how Member States are implementing the Directive in their marine strategies, as provided for by the relevant articles of the MSFD.

TASK 1: ADMINISTRATIVE AND LOGISTIC SUPPORT FOR CO-ORDINATION OF GROUPS AND ACTIVITIES TO IMPLEMENT THE MSFD

- Background

The implementation of the MSFD is complemented through a Common Implementation Strategy (CIS). This framework brings together Member States and interested stakeholders,

⁷ Marine Strategy Coordination Group, Working Group Good Environmental Status, Working Group Data, Information and Knowledge Exchange, Working Group Programmes of Measures and Economic-Social Analysis, Technical Group Marine Litter, Technical Group Underwater noise, Technical Group Data, Technical Group Seabed.

such as the Regional Sea Conventions, non-governmental organisations and industry. This framework entails a number of groups and activities involving numerous experts across the whole EU, which cooperates for the implementation of the MSFD as part of the CIS, such as:

- The Marine Strategy Coordination Group (MSCG), is an expert group that meets up to three times per year. The group ensures the overall coordination of the process, and provides a platform for discussion with stakeholders at European level.
- Three working groups: Good Environmental Status (GES), Programmes of Measures and Economic and Social Analysis (POMESA) and Data, Information and Knowledge Exchange (DIKE). These three subgroups of MSCG generally meet once or twice a year.
- Four technical groups: marine litter, underwater noise, seabed integrity and data (TG Litter, TG Noise, TG Seabed and TG Data). Each technical sub-group generally meets once a year.
- Other types of groups can be established, such as drafting and steering groups, as well as expert workshops. These groups are formed ad-hoc to elaborate particular guidance or best practice documents or to prepare expert workshops.

The work of this expert group and its subgroup dynamics is guided by a work programme. The previous one covered the period 2016-2019⁸ and the implementation progress of this work programme was debated at the 24th MSCG meeting. Discussions on the next work programme (2020-2023) are ongoing in the various groups.

- The Marine Directors meeting organised by the Presidency of the European Union. These meetings take place twice a year.

In addition, the Commission is assisted by a Committee:

- The MSFD Regulatory Committee established under the Directive. It is chaired by the Commission and consists of representatives of all Member States. The number of meetings depends on ongoing regulatory work. On average, it has so far met around once a year.

- Objective

The aim of this task is to ensure that the CIS functions smoothly, through the support the contractor will be required to provide to the Commission.

- Tasks, deliverables and outputs

The Commission will require support for the different groups. Attendance to CIS groups meetings and other ad-hoc workshops by the contractor depends on the meeting, usually one consultant per meeting will be required to undertake one or more of the following tasks:

⁸ <https://circabc.europa.eu/ui/group/326ae5ac-0419-4167-83ca-e3c210534a69/library/e4891789-9115-4867-81d2-8406a64a1261/details>

- a) Support to the preparation of meeting agenda, documents, presentations, background material, etc. These should be circulated as early as possible and at the very latest 2 weeks before the meeting is due to take place;
- b) Various organisational matters, depending on the nature of the meeting – (which may include inviting and briefing speakers, managing registrations when needed, preparing badges, preparing and updating the attendance list, nameplates when needed, etc.);
- c) Identifying and providing a venue for a limited number of 2-day meetings (up to 3 meetings a year) in Brussels or to a limited extent in other EU cities⁹, (such as the capitals of the Presidencies¹⁰). The average meeting has about 50 participants. The contractor does not have to arrange travel and accommodation for the participants. The rental of the meeting venue shall include water and tea/coffee for two breaks per meeting day but no further costs for catering shall be covered. Technical equipment including, at least, a PC and audio-visual facilities shall also be part of the costs covered by the contractor;
- d) Compilation of comments on documents discussed at the meeting, and within a two-week deadline, preparation of overviews and summaries of documents;
- e) Editing of documents based on comments received or consolidation of contributions from different authors;
- f) Preparation of a flash report and action list within a half day after the meeting, as well as meeting minutes at the latest two weeks after the meeting took place, and updating the documents to integrate comments received after the meeting;
- g) Preparation of progress reports from the working and technical groups, for presentation at MSCG or the Marine directors' meetings;
- h) Editing of documents to ensure coherence with other documents produced by the CIS and quality checking to ensure high technical quality.
- i) Language and format editing of final documents to be presented to Marine Directors, MSCG or MSFD Committee.
- j) Ensure the exchange of relevant documents and information through appropriate tools (e.g. CIRCABC).
- k) Finalisation of documents for publication, in either paper or web versions. Synoptic versions of documents clearly summarising conclusions, where available, will be needed ready for paper or electronic publication in the webpages of the Commission.

In total, up to 30 meetings (of between 40 and 80 participants, average 50 participants) are expected to take place each year. Technical groups at times meet in other European

⁹ 2-3 meetings per year

¹⁰ <http://www.consilium.europa.eu/en/council-eu/presidency-council-eu/>

locations). The groups chaired or co-chaired by DG Environment, are mainly hosted in Brussels and will be the ones requiring more support from the contractor and represent up to 20 meetings per year. For a limited number of these meetings (3 per year) the contractor will organise and provide a venue place (see point c above). For other meetings (up to 10 per year maximum) sub-tasks (a) and (b) above may be reduced to a minimum. An annual meeting plan is available on CIRCABC¹¹ and similar meeting schedules are expected for the subsequent years.

This information is indicative and serves to help the tenderer draw its offer. In its offer, the tenderer will explain how he intends to prepare and organise the events and ensure that all the deliverables are provided on time.

The final deliverables include the successful preparation and organisation of the events including all necessary material mentioned above. This shall be documented in a final report summarising the activities carried out under this task.

The overall percentage of the budget to be dedicated to this task is around 8%.

TASK 2: PROVIDE TECHNICAL AND SCIENTIFIC SUPPORT ON SPECIFIC MSFD RELATED ISSUES

- Background

The implementation of the various provisions of the Directive has so far required the drafting of a number of technical documents to assist Member States in achieving their objectives. The Commission may also request the drafting of such documents when it requires expert advice on the implementation of the Directive.

- Objective

To provide clear and expert technical and scientific advice supporting the implementation of the MSFD.

- Tasks, deliverables and outputs

The consultant will be asked in year 1 and subsequent years (if the contract is renewed) to support the Commission through the provision of the following expertise: technical and/or scientific assessments on specific issues under the remit of the various Working and Technical Groups, including guidance documents, policy papers, discussion documents, best practice documents, compilation of case studies, socio-economic evaluations, FAQs, etc. Such documents have been prepared in the past and several examples are available in the

¹¹<https://circabc.europa.eu/ui/group/326ae5ac-0419-4167-83ca-e3c210534a69>

MSFD library on the Commission website and CIRCABC¹², such as the reporting guidance on reporting measures¹³ and the guidance document on economic and social assessments¹⁴.

In this task, the contractor may need to analyse and assess pressures and human activities in or affecting the marine environment, identifying the possible cost-effective measures and analysing their socio-economic impacts and benefits, while fostering information exchange between the EU, its Member States and Regional Sea Conventions.

In all cases, the deliverables to be prepared, such as documents, will need to:

- a) be technically sound, thorough and accurate and based whenever relevant on preliminary research;
- b) be able to cover all the EU's marine regions and sub-regions, acknowledging the differences between them, whenever relevant;
- c) written in clear English;
- d) contain clear and to the point conclusions, and, whenever necessary, recommendations;
- e) be fronted by an executive summary, including through the use of graphics, which can also be used for communication purposes including non-specialist target audiences.

In doing so the contractor will be expected to:

- a) develop a first draft on the basis of Commission guidance, information available under the MSFD and other EU instruments, further research and input from relevant actors as relevant;
- b) consult, follow guidance and integrate comments from the relevant working group, relevant actors working with the MSFD such as members of the Marine Strategy Coordination Group or its sub-groups or individual members, as appropriate;
- c) prepare a final version of the deliverable;
- d) present the deliverable in the relevant CIS groups when required, through the most appropriate means (including graphic material, use of Powerpoint or equivalent presentations, etc.), and follow up the ensuing discussions with the working group accordingly;

¹² http://ec.europa.eu/environment/marine/publications/index_en.htm or <https://circabc.europa.eu/w/browse/f088529c-41a7-4b2e-b92a-e8838a6b3396>

¹³ <https://circabc.europa.eu/ui/group/326ae5ac-0419-4167-83ca-e3c210534a69/library/60728950-8791-45a2-9891-e7defdf785c7/details>

¹⁴ <https://circabc.europa.eu/ui/group/326ae5ac-0419-4167-83ca-e3c210534a69/library/45ba0632-5eba-42dd-a26f-305fd3376331/details>

- e) deliver, where appropriate, a communication strategy for targeted or general dissemination of the key messages of the requested advice, as well as the document itself.

The support will concern:

- providing advice on technical issues related to each of the MSFD 11 descriptors,
- marine protected areas, including providing scientific and technical support for their assessment, notably on management measures and network coherence issues;
- issues relevant to the MSFD Article 17 updates for Articles 8, 9 10, 11, 13 and 18;
- Article 14 exemptions;
- providing data, information and other support for the Commission's marine modelling activities;
- compiling and analysing information to support the review of the Directive due by 2023.

The exact type and scope of the required support, including the length of deliverables, as well as deadlines for completion will be defined through specific task sheets (see below).

In total, the overall percentage of the budget to be dedicated to this task is estimated to around 20%.

TASK 3 - ASSESSMENT OF STEPS TAKEN BY MEMBER STATES FOR THE IMPLEMENTATION OF THE MSFD

- Background

Pursuant to MSFD Article 12 and Article 16, the Commission is required to assess the reports sent by Member States on their implementation of the MSFD. The assessment will be carried out from two broad perspectives:

The framework of the Member States' marine strategy: In these assessments, the Commission is expected to consider the appropriateness of the frameworks set up by Member States, and their coherence within the relevant marine region and sub-regions as well as across the EU. Where appropriate, the Commission is finally also requested to provide guidance to Member States on the improvements in their strategies which are considered necessary, including those aimed at improving coordination within or amongst marine regions to achieve good environmental status;

Achievement of Good Environmental Status: The assessment should also examine issues in Member States' strategies from a scientific and technical perspective. It should assess the environmental effectiveness of Member States' implementation of the Directive and provide operational guidance on how to close the gap from achieving the objective of good environmental status. These assessments will be

carried out through the assessment module¹⁵ that has been developed by the Commission, the European Environment Agency (EEA) and other parties.

- Objective

To assist the Commission in its assessment of Member State's frameworks as required by the Directive, as well as provide operational guidance on achieving Good Environmental Status.

- Tasks, deliverables and outputs

The contractor will assess¹⁶, at the request of the Commission, the reports of MS on the implementation of the MSFD (primarily articles 8, 9, 10, 11, 13 and 14), from national, regional and EU perspectives. The tenderer should assume that it will assess all EU Member States having marine waters, for all MSFD articles that are reported, and for all descriptors. The Commission may however, at its discretion, decide to use in-house expertise for specific elements to be assessed. These assessments will be defined through specific task sheets (see below).

In this regard, the tenderer will help to:

- a) develop assessment methodologies, pursuant to MSFD Articles 12 and 16¹⁷, to assess the Member States' marine strategies (and the different steps within) which are reported to the Commission according to the reporting guidance¹⁸ agreed between Member States and the European Commission;
- b) undertake the assessments, based on the assessment methodology agreed with the Commission, using the on-line assessment module;
- c) where assessments for a specific MSFD article are already ongoing, the contractor will use the methodology used for other Member States¹⁹. In year 1 of the contract, the tenderer will be expected to finish the assessments of the 2018 update reports on Articles 8, 9 and 10 from the late reporting Member States, and to develop an

¹⁵ <https://wise-test.eionet.europa.eu/marine/compliance-module/regional-descriptors-assessments>. Prospective tenderers will be given access upon request to the assessment module on a Read-only basis. They will also be bound by the confidentiality of the content displayed in the module.

¹⁶ Assessing the report of one Member State typically requires an average of 30 [person days].

¹⁷ See for example draft methodology used for the Art.12 assessments for the Art. 17 updates for Art. 8-10 - <https://circabc.europa.eu/ui/group/326ae5ac-0419-4167-83ca-e3c210534a69/library/b4b08310-894f-43d4-8dec-0fa275aa740e/details>

¹⁸ The guidance for Member States' reporting is available here - https://circabc.europa.eu/ui/group/326ae5ac-0419-4167-83ca-e3c210534a69/library/1dfbd5c7-5177-4828-9d60-ca1340879afc?p=3&n=10&sort=title_DESC

¹⁹ http://ec.europa.eu/environment/marine/eu-coast-and-marine-policy/implementation/scoreboard_en.htm and <http://cdr.eionet.europa.eu/>

assessment methodology for the Commission's Article 12 assessment of 2020 updates for Article 11 (monitoring);

- d) assess these strategies from a marine regional perspective;
- e) provide an aggregated assessment that allows for an EU-wide overview of the strategies;
- f) develop an assessment of exemptions to the MSFD (Article 14);
- g) report to the Commission;
- f) provide adequate communication material that can be used to explain the outcomes of these assessments, including the development of infographics and other visuals intended for specialist and non-specialist target audiences.

The outcome of the assessment of the Member States' reports will be extracted from the assessment module, thereby producing national, marine regional and EU-level assessments. The text reports²⁰ will therefore be automatically extracted through the assessment module. The tenderer will in addition provide presentation and communication material that concisely captures the main elements of the assessment outcomes, including through the use of graphics. These outcomes can also be used for communication purposes, including to non-specialist target audiences. These will contribute to the assessment²¹ carried out by the Commission throughout the implementation cycle.

The overall percentage of the budget to be dedicated to this task is estimated at around 40% of the total budget of the contract²².

TASK 4: PROGRAMME FOR THE DEVELOPMENT OF REPORTING AND INFORMATION SYSTEMS

- Background

Member States are required to periodically report to the Commission on their implementation of the MSFD. These steps are clearly identified in the relevant articles of the MSFD. Member states are currently reporting their updates for environmental assessments, GES determinations and environmental targets. In 2020 they will be expected to report their update on their monitoring programmes, while in 2022 they will report on their updated programmes of measures and exceptions. The reporting is undertaken via structured electronic reporting, whose content is agreed with the Member States, which provide consistent structured reports that are capable of being analysed for the Commission's Article 12 and 16 assessments (see

²⁰ The reports produced by the contractor in the first implementation cycle are all available on this page – https://ec.europa.eu/environment/marine/eu-coast-and-marine-policy/implementation/reports_en.htm

²¹ See COM(2014)97 final and SWD(2014)49final; COM(2017)3 final and SWD(2017)1 final; COM(2018)562 final, SWD(2018)393 final and SWD(2019)510 final

²² Member States submitted reports - <http://rod.eionet.europa.eu/obligations/612>

task 3). These e-reports, in XML format, are generated from national databases or via bespoke web-forms and are uploaded to the EEA's reporting system (ReportNet)²³. The information reported by Member States is also made available more widely via WISE Marine²⁴ in both raw and aggregated forms to inform stakeholders and the public. Data and information resulting from the environmental assessments and monitoring programmes is to be made available to the Commission and the EEA according to Article 19(3), requiring the development of data standards and data access mechanisms, including use of the Commission's EMODnet system, where appropriate.

- Objective

In association with the MSFD implementation process, the Commission is committed to improving the efficiency and effectiveness of environmental reporting through further integration and harmonisation of reporting processes under other relevant EU Directives and policies (e.g. the Common Fisheries Policy) and reporting under Regional Sea and other international Conventions, as well as further improving the reporting mechanisms²⁵. This task is aimed at facilitating this process. The Commission is also aiming to provide more punctual feedback on Member States' reporting.

- Tasks, deliverables and outputs

The contractor will be required to undertake a range of technical tasks in relation to the above reporting and information systems, including:

- a) updating of reporting templates and associated reporting tools (e.g. XML schemas, web-forms) for environmental assessments, GES determinations and environmental targets (Articles 8, 9 and 10), monitoring programmes (Article 11) and programmes of measures and exceptions (Articles 13 and 14), based on updated reporting guidance agreed with Member States;
- b) support the reporting process, including provision of a Help desk for Member States, and management of the reported data via EEA systems for dissemination in WISE-Marine;
- c) support to the development of output reports (as text, graphics, maps, etc.) for dissemination of MSFD reports via the WISE-Marine system;
- d) support to the development of standards for data/data sets/data products (as appropriate) and data exchange and access mechanisms, including in relation to EMODnet and the INSPIRE Directive²⁶;

²³ <https://cdr.eionet.europa.eu/>

²⁴ <https://water.europa.eu/marine/about-us>

²⁵ For example, the EEA is developing a new version of its reporting mechanism (ReportNet 3.0).

²⁶ Directive 2007/2/EC of the European Parliament and of the Council of 14 March 2007 establishing an Infrastructure for Spatial Information in the European Community (INSPIRE) OJ L 108, 25.4.2007, p. 1–14

- e) support to the further improvement in the effectiveness and efficiency of environmental reporting, including through further integration and harmonisation of reporting processes under other relevant EU Directives and reporting under Regional Sea and other international Conventions.

The work under this contract will focus on finalisation of the reporting system for the monitoring programmes (Article 11 MSFD) and the programmes of measures (Article 13 MSFD). Some of this work will need to be completed in the second and third year of the contract, provided the contract is renewed. It will also support the establishment of a process for data and information sharing currently being developed under Article 19.3 MSFD²⁷. Work will be split over the years but the process will be the same. Specific information will be defined at the inception meeting. These tasks will be carried out in close collaboration with the EEA and need to comply with EEA IT requirements.

The overall percentage of the budget to be dedicated to this task is estimated to be around 30%.

+PROJECT MANAGEMENT

The nature of this contract is that it will support the implementation of the MSFD, which is mainly driven by a consultative process known as the Common Implementation Strategy (CIS). It will also depend on progress in implementation at the national level (e.g., when Member States actually send their reports and the related work in the Regional Sea Conventions). Although the detailed requirements of the MSFD that relate to tasks under this contract are relatively well known, the fine-tuning and further specification of some tasks will need to be reviewed on a regular basis. Therefore, any further necessary details for the execution of the tasks will be explicitly specified by the Commission in the Inception or Interim meetings during the contractual period and specified in the respective task sheets, which will be used as an additional tool for the management of this contract. Discussions on finalising the task sheets need to be carried out through an efficient process (e.g. through a dedicated online portal, or wiki, to facilitate exchanges between the contractor and the Commission). These task sheets provide a set of pre-defined information per task and include a specific timetable with interim deadlines and milestones. Each task sheet should be clearly linked to the tasks set out in these specifications. The Commission will specify the elements necessary to clarify the above- mentioned tasks and deliverables and the contractor is expected to indicate in detail how it will be dealing with it.

The overall percentage of the budget to be dedicated to project management should not exceed 7%.

For all tasks, the Contracting Authority will provide the relevant documentation required for the contractor to be able to carry out its tasks. This includes documentation circulated within the context of the CIS; such as technical documents drafted by the working and technical

²⁷ <https://circabc.europa.eu/w/browse/dfc70b2d-ccb9-472a-91f2-9107de9760da>

groups. The contractor would also be granted access to document and data depositories such as CIRCABC and Eionet.

The intermediate outputs throughout the duration of the contract will be assessed through an interim report in English produced by the contractor 6 months after signature of the contract. Annotated task sheets may serve as a basis for this report.

The final output and deliverable is due within 12 months of contract signature and will include a final report in English transmitted in paper and electronic version as well as a collation of all documentable deliverables provided throughout the duration of the contract in electronic format (USB).

To ensure that the work carried out by the Commission is consistent, the contractor will have to build upon on the methodology and guidance material that has so far been used for the implementation of the MSFD. This is openly available on CIRCABC.

In its offer, the tenderer (on top of detailing its methodology), will include a short visual (e.g. power point or equivalent) presentation of maximum 10 slides explaining in a pedagogic way the main elements of its offer for each task (methodology, organisation, other relevant elements). In particular, the tenderer shall propose in its offer a detailed methodology including information on how:

- the required information will be gathered;
- work will be organised per task, including task allocation and responsibilities, as well as working arrangements between different teams/experts;
- a back-up system will be set up.

The contractor shall perform the contract to the highest professional standards and is expected to maintain the technical sufficiency level demonstrated in the bidding process during the whole execution of the service contract. It is also expected to ensure that the staffing levels adequately respond to the needs to the contract throughout its duration, to ensure that all the deliverables are provided on time.

Typically, this also involves at least the two following meetings in Brussels, a kick off meeting and a further progress meeting. To the extent possible, these meetings will be arranged as teleconferences.

Duration of the tasks

The tasks should be completed within twelve months of the signature of the contract. The execution of the tasks may not start before the contract has been signed.

The contract is renewable twice for a period of twelve months on identical terms, up to a total duration of maximum thirty-six months, provided that the contractor's performance is satisfactory in all respects and depending on budget availability.

Place of performance

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

**ANNEX 1 - DECLARATION ON 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: ('the person')	Full official name: Official legal form: Statutory registration number: Full official address: VAT registration number: ('the person')

The person is not required to submit the declaration on exclusion criteria if the same declaration has already been submitted for the purposes of another award procedure of the same contracting authority²⁸, provided the situation has not changed, and that the time that has elapsed since the issuing date of the declaration does not exceed one year.

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

Date of the declaration	Full reference to previous procedure

I – Situation of exclusion concerning the person

➤ declares that the above-mentioned person is in one of the following situations: <hr style="width: 25%; margin-left: 0;"/>	YES	NO
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²⁸ The same EU institution, agency, body or office.

a) it is bankrupt, subject to insolvency or winding-up procedures, its assets are being administered by a liquidator or by a court, it is in an arrangement with creditors, its business activities are suspended or it is in any analogous situation arising from a similar procedure provided for under EU or national laws or regulations;	<input type="checkbox"/>	<input type="checkbox"/>
b) it has been established by a final judgement or a final administrative decision that the person is in breach of its obligations relating to the payment of taxes or social security contributions in accordance with the applicable law;	<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 or an agreement;	<input type="checkbox"/>	<input type="checkbox"/>
(ii) entering into agreement with other persons with the aim of distorting competition;	<input type="checkbox"/>	<input type="checkbox"/>
(iii) violating intellectual property rights;	<input type="checkbox"/>	<input type="checkbox"/>
(iv) attempting to influence the decision-making process of the contracting authority during the award procedure;	<input type="checkbox"/>	<input type="checkbox"/>
(v) attempting to obtain confidential information that may confer upon it undue advantages in the award procedure;	<input type="checkbox"/>	<input type="checkbox"/>
d) it has been established by a final judgement that the person is guilty of the following:		
(i) fraud, within the meaning of Article 3 of Directive (EU) 2017/1371 and Article 1 of the Convention on the protection of the European Communities' financial interests, drawn up by the Council Act of 26 July 1995;	<input type="checkbox"/>	<input type="checkbox"/>
(ii) corruption, as defined in Article 4(2) of Directive (EU) 2017/1371 and Article 3 of the Convention on the fight against corruption involving officials of the European Communities or officials of Member States of the European Union, drawn up by the Council Act of 26 May 1997, and conduct referred to in Article 2(1) of Council Framework Decision 2003/568/JHA, as well as corruption as defined in the applicable law;	<input type="checkbox"/>	<input type="checkbox"/>
(iii) conduct related to a criminal organisation, as referred to in Article 2 of Council Framework Decision 2008/841/JHA;	<input type="checkbox"/>	<input type="checkbox"/>
(iv) money laundering or terrorist financing, within the meaning of Article 1(3), (4) and (5) of Directive (EU) 2015/849 of the European Parliament and of the Council;	<input type="checkbox"/>	<input type="checkbox"/>
(v) terrorist-related offences or offences linked to terrorist activities, as defined in Articles 1 and 3 of Council Framework Decision 2002/475/JHA, respectively, or inciting, aiding, abetting or attempting	<input type="checkbox"/>	<input type="checkbox"/>

to commit such offences, as referred to in Article 4 of that Decision;		
(vi) child labour or other offences concerning trafficking in human beings as referred to in Article 2 of Directive 2011/36/EU of the European Parliament and of the Council;	<input type="checkbox"/>	<input type="checkbox"/>
e) it has shown significant deficiencies in complying with the main obligations in the performance of a contract or an agreement financed by the Union's budget, which has led to its early termination or to the application of liquidated damages or other contractual penalties, or which has been discovered following checks, audits or investigations by a contracting authority, the European Anti-Fraud Office (OLAF) or the Court of Auditors;	<input type="checkbox"/>	<input type="checkbox"/>
f) it has been established by a final judgment or final administrative decision that the person has committed an irregularity within the meaning of Article 1(2) of Council Regulation (EC, Euratom) No 2988/95;	<input type="checkbox"/>	<input type="checkbox"/>
g) it has been established by a final judgment or final administrative decision that the person has created an entity under a different jurisdiction with the intent to circumvent fiscal, social or any other legal obligations in the jurisdiction of its registered office, central administration or principal place of business.	<input type="checkbox"/>	<input type="checkbox"/>
h) (<i>only for legal persons</i>) it has been established by a final judgment or final administrative decision that the person has been created with the intent provided for in point (g).	<input type="checkbox"/>	<input type="checkbox"/>
i) for the situations referred to in points (c) to (h) above the person is subject to: i.facts established in the context of audits or investigations carried out by the European Public Prosecutor's Office after its establishment, the Court of Auditors, the European Anti-Fraud Office (OLAF) or the internal auditor, or any other check, audit or control performed under the responsibility of an authorising officer of an EU institution, of a European office or of an EU agency or body; ii.non-final administrative decisions which may include disciplinary measures taken by the competent supervisory body responsible for the verification of the application of standards of professional ethics; iii. facts referred to in decisions of entities or persons being entrusted with EU budget implementation tasks; iv.information transmitted by Member States implementing Union funds; v.decisions of the Commission relating to the infringement of Union competition law or of a national competent authority relating to the infringement of Union or national competition law; or vi.decisions of exclusion by an authorising officer of an EU institution, of a European office or of an EU agency or body.	<input type="checkbox"/>	<input type="checkbox"/>

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

Not applicable to natural persons, Member States and local authorities

➤ The signatory declares that a natural or legal person who is a member of the administrative, management or supervisory body of the above-mentioned legal person, or who has powers of representation, decision or control with regard to the above-mentioned legal person (this covers e.g. company directors, members of management or supervisory bodies, and cases where one natural or legal person holds a majority of shares), or a beneficial owner of the person (as referred to in point 6 of article 3 of Directive (EU) No 2015/849) is in one of the following situations:	YES	NO	N/A
Situation (c) above (grave professional misconduct)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Situation (d) above (fraud, corruption or other criminal offence)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Situation (e) above (significant deficiencies in performance of a contract)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Situation (f) above (irregularity)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Situation (g) above (creation of an entity with the intent to circumvent legal obligations)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Situation (h) above (person created with the intent to circumvent legal obligations)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

III – Situations of exclusion concerning natural or legal persons assuming unlimited liability for the debts of the legal person

➤ declares that a natural or legal person that assumes unlimited liability for the debts of the above-mentioned legal person is in one of the following situations:	YES	NO	N/A
Situation (a) above (bankruptcy)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Situation (b) above (breach in payment of taxes or social security contributions)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

IV – Grounds for rejection from this procedure

(4) declares that the above-mentioned person:	YES	NO
Was previously involved in the preparation of the procurement documents used in this award procedure, where this entailed a breach of the principle of equality of treatment including distortion of competition that cannot be remedied otherwise.	<input type="checkbox"/>	<input type="checkbox"/>

V – Remedial measures

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

VI – Evidence upon request

Upon request and within the time limit set by the contracting authority the person must provide information on natural or legal persons that are members of the administrative, management or supervisory body or that have powers of representation, decision or control, including legal and natural persons within the ownership and control structure and beneficial owners.

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

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

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

The person is not required to submit the evidence if it has already been submitted for another award procedure of the same contracting authority²⁹. The documents must have been issued no more than one year before the date of their request by the contracting authority and must still be valid at that date.

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

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

VII – Selection criteria

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

²⁹ The same institution or agency.

(b) It fulfills the applicable economic and financial criteria indicated in section 2.3.3 of the tender specifications;	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(c) It fulfills the applicable technical and professional criteria indicated in section 2.3.4 of the tender specifications.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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

VIII – Evidence for selection

The person is not required to submit the evidence if it has already been submitted for another procurement procedure of the same contracting authority³⁰. The documents must have been issued no more than one year before the date of their request by the contracting authority and must still be valid at that date.

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

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

The above-mentioned person may be subject to rejection from this procedure and to administrative sanctions (exclusion or financial penalty) if any of the declarations or information provided as a condition for participating in this procedure prove to be false.

Full name

Date

Signature

³⁰ The same institution of agency.

ANNEX 2 – SUBCONTRACTING LETTER OF INTENT

"Title of the call for tender"

The undersigned:

Name of the company/organisation:

Address:

Declares hereby the intention to collaborate in the execution of the tasks subject to the above call for tender, in accordance with the terms of the offer to which the present form is annexed, if the contract is awarded to *(name of the tenderer)*.

Declares hereby accepting the general conditions attached to the tendering specifications for this call for tender, and in particular art. II.24 in relation with checks and audits.

Full name

Date

Signature

.....

ANNEX 3 – POWER OF ATTORNEY/AGREEMENT MODEL 1

(DESIGNATING ONE OF THE COMPANIES OF THE GROUP AS LEADER AND GIVING A MANDATE TO IT)

We the undersigned:

- Signatory 1 (Name, Function, Company, Registered address, VAT Number)
- Signatory 2 (Name, Function, Company, Registered address, VAT Number)
-
- Signatory N (Name, Function, Company, Registered address, VAT Number),

Each of them having the legal capacity required to act on behalf of his/her company,
HEREBY AGREE AS FOLLOWS:

In case the European Commission awards Contract (« **the Contract** ») to Company 1, Company 2, ..., Company N (« **the Group Members** »), based on the joint offer submitted by them on for the supply of and/or the provision of services for ... (« **the Supplies and/or the Services** »).

(1) As co-signatories of the Contract, all the Group Members:

- (a) Shall be jointly and severally liable towards the European Commission for the performance of the Contract.
- (b) Shall comply with the terms and conditions of the Contract and ensure the proper execution of their respective share of the Supplies and/or the Services.

(2) To this effect, the Group Members designate Company X as **Group Leader**. [N.B.: *The Group Leader has to be one of the Group Members*]

- (3) Payments by the European Commission related to the Supplies or the Services shall be made through the Group Leader's bank account .*[Provide details on bank, address, account number, etc.]*.
- (4) The Group Members grant to the Group Leader all the necessary powers to act on their behalf in connection with the Supplies and/or the Services. This mandate involves in particular the following tasks:
- (a) The Group Leader shall sign any contractual documents—including the Contract and Amendments thereto—and issue any invoices related to the Supplies or the Services on behalf of the Group Members.
- (b) The Group Leader shall act as single point of contact for the European Commission in connection with the Supplies and/or the Services to be provided under the Contract. It shall co-ordinate the provision of the Supplies and/or the Services by the Group Members to the European Commission, and shall see to a proper administration of the Contract.

Any modification to the present agreement / power of attorney shall be subject to the European Commission's express approval.

This agreement / power of attorney shall expire when all the contractual obligations of the Group Members towards the European Commission in connection with the Supplies and/or the Services to be provided under the Contract have ceased to exist. The parties cannot terminate it before that date without the Commission's consent.

Signed in on

Name
Function
Company

Name
Function
Company
ETC

ANNEX 3 – POWER OF ATTORNEY/AGREEMENT MODEL 2

(CREATING THE GROUP AS SEPARATE ENTITY, APPOINTING A GROUP MANAGER AND GIVING A MANDATE TO HIM/HER)

We the undersigned:

- Signatory 1 (Name, Function, Company, Registered address, VAT Number)
- Signatory 2 (Name, Function, Company, Registered address, VAT Number)
-
- Signatory N (Name, Function, Company, Registered address, VAT Number),

Each of them having the legal capacity required to act on behalf of his/her company,
HEREBY AGREE AS FOLLOWS:

In case the European Commission awards Contract (« **the Contract** ») to Company 1, Company 2, ..., Company N (« **the Group Members** »), based on the joint offer submitted by them on for the supply of and/or the provision of services for ... (« **the Supplies and/or the Services** »).

(1) As co-signatories of the Contract, all the Group Members:

- (a) Shall be jointly and severally liable towards the European Commission for the performance of the Contract.
- (b) Shall comply with the terms and conditions of the Contract and ensure the proper execution of their respective share of the Supplies and/or the Services.

(2) To this effect, the Group Members have set up under the laws of the Group (« **the Group** »). The Group has the legal form of a [*Provide details on registration of the Group: VAT Number, Trade Register, etc.*].

(3) Payments by the European Commission related to the Supplies or the Services shall be made through the Group's bank account . [*Provide details on bank, address, account number, etc.*].

(4) The Group Members appoint Mr/Ms as **Group Manager**.

(5) The Group Members grant to the Group Manager all the necessary powers to act alone on their behalf in connection with the Supplies and/or the Services. This mandate involves in particular the following tasks :

- (a) The Group Manager shall sign any contractual documents—including the Contract and Amendments thereto—and issue any invoices related to the Supplies or the Services on behalf of the Group Members.
- (b) The Group Manager shall act as single point of contact for the European Commission in connection with the Supplies and/or the Services to be provided under the Contract. He/she shall co-ordinate the provision of the Supplies and/or the Services by the Group Members to the European Commission, and shall see to a proper administration of the Contract.

Any modification to the present agreement / power of attorney shall be subject to the European Commission's express approval.

This agreement / power of attorney shall expire when all the contractual obligations of the Group Members towards the European Commission in connection with the Supplies and/or the Services to be provided under the Contract have ceased to exist. The parties cannot terminate it before that date without the Commission's consent.

Signed in on

Name

Function

Company

ANNEX 4 – FINANCIAL OFFER TEMPLATE

(for guidance purposes only)

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

Price and Estimated budget breakdown

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

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

	Sub-total	.....		.....	.....
Sub-contractor 1					

	Sub-total	.....		.....	.....
Sub-contractor 2					

	Sub-total	.....		.....	.....
Sub-contractor 3					

	Sub-total	.....		.....	.....
Travel/other costs ³¹ (if applicable)					
	Total	.....		.....	.....

Signature of Tenderer

.....

Date

.....

³¹ Will be reimbursed on a lump-sum basis.

ANNEX 5 – CHECKLIST OF DOCUMENTS TO BE SUBMITTED IN THE E-SUBMISSION APPLICATION

The purpose of the table below is to facilitate the preparation of the tender by providing an overview of the documents that must be included (marked by ■) depending on the role of each economic operator in the tender (joint tender leader in joint bid, partner in joint bid, sole tenderer, subcontractor).

Some of the documents are only relevant in cases of joint bids or when subcontractors are involved. Additional documents might be necessary depending on the specific characteristics of each tender.

Description	Joint tender leader in joint bid	Partners in joint bid	Sole tenderer	Sub-contractor(s)
Power of attorney of partners in joint bid indicating the group leader (see Annex 3)		■		
Evidence that the person signing the documents is an authorised representative of the tenderer	■	■	■	
Letter of intent of subcontractor (see Annex 2)				■
SME declaration (see section 1.1)	■	■	■	
Exclusion and selection Criteria form (see Annex 1)	■	■	■	■
Evidence of Economic and financial capacity (see section 2.3.3)	■	■	■	■ ³²
Evidence of Technical and professional capacity (see section 2.3.4)				
Go to the following page to fill in the CV: http://europass.cedefop.europa.eu/en/documents/curriculum-vitae	■	■	■	■

³² If relied upon to fulfil economic and financial capacity

The following sections must be provided in the bid, their absence would mean rejection of the bid for incompleteness:

Description	Joint tender leader or sole tenderer
Technical Offer (see section 2.6)	■
Financial Offer (see section 2.7 and Annex 4)	■

Once all information and documents have been encoded and uploaded in the e-Submission application and you consider that the tender is complete, the application will require you to download the Tender Report generated by the e-Submission application. It will have to be signed (hand signature or electronic signature) and uploaded, as explained in the [e-Submission Quick Guide for economic operators](#).

Description	Joint tender leader in joint bid	Partners in joint bid	Sole tenderer	Sub-contract or	Where to upload a document in e-Submission
Tender Report	■		■		In Step "Tender Report" of the e-Submission wizard

**ANNEX 6 – DOCUMENTS WHICH MAY BE REQUESTED BY THE EU
VALIDATION SERVICES DURING THE COURSE OF THE PROCEDURE**

- Signed [legal entity identification form](#)
- Natural Person
- Private Law Body
- Public Law Body
- **Official VAT document** or — if the entity is not registered for VAT — the proof of VAT exemption, not older than 6 months.
- Signed **Financial Identification Form**, and
- the following additional documents, where relevant:

Private body	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	Copy of the relevant international treaty creating the organisation under international public law.

interest	
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.</p> <ul style="list-style-type: none"> • 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.

ANNEX 7 – TRAVEL AND SUBSISTENCE COSTS

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

Travel costs must be based on the following:

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

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

Maximum rates for accommodation and meals.

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

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

ANNEX 8 - ADMINISTRATIVE INFORMATION FORM

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

Organisation or individual:

NAME:

ADDRESS:

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

.....

PERSON AUTHORISED TO SIGN CONTRACT:

Name and position:

PERSON FOR ROUTINE CONTACT:

Name and position:

ADDRESS:

Telephone and E-mail:

BANK DETAILS FOR CONTRACT:

Name of bank:

Full address of branch:

Exact denomination of account holder:

Full account number including bank codes:

IBAN code: