

European Chemicals Agency

Call for tenders ECHA/2019/355

**Framework contract for support of work on restrictions,
dose-response functions, Annex XIV, POPs and dossier
evaluation.**

Open procedure

TENDER SPECIFICATIONS

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1. SCOPE AND DESCRIPTION OF THE PROCUREMENT

1.1. Contracting authority: who is the buyer?

This call for tenders is launched and managed by the European Chemicals Agency (ECHA), referred to as the *Contracting authority* for the purposes of this call for tenders.

1.2. Subject: what is this call for tenders about?

The subject of this call for tenders is a Framework contract to support ECHA's work on restrictions, dose-response function generation, Annex XIV investigations, POPs and evaluation.

1.3. Lots: is this call for tenders divided into lots?

This call for tenders is not divided into lots.

1.4. Description: what do we want to buy through this call for tenders?

The service envisaged through this call for tenders consists of flexible support of several ECHA processes (see 1.4.1), including information gathering and, where needed, the provision of an initial analysis.

The services that are the subject of this call for tenders, including any minimum requirements, are described in detail below.

Variants (alternatives to the model solution described in the Tender Specifications) are not allowed. The *Contracting authority* will disregard any variants described in a tender.

1.4.1. Background and objectives

ECHA is an EU decentralised agency, set up to contribute to the implementation of the common chemicals policy. As a European agency, ECHA is a distinct EU body with its own legal personality. ECHA is a public body, serving the EU citizens, works transparently, and is independent of any specific or policy interests, of national interests and of the EU institutions. For example, ECHA provides opinions to the European Commission on the scientific and technical aspects of hazard assessment, risk assessment, risk management and the societal and economic consequences of risk management decisions. The European Commission, together with the Member States, takes decisions based on ECHA's opinions. In ECHA's programme document, 3 strategic objectives are set out. This contract will support strategic priority 1 on the identification and risk management of substances of concern by providing information gathering and initial assessment services for restrictions dossier preparation, preparation of dose-response functions, Annex XIV substance use investigations, work to support EU work on Persistent Organic Pollutants (POPs), and use investigation for dossier evaluation. The major process to make use of this contract is expected to be restrictions dossier preparation by ECHA followed by Annex XIV investigations and dose response functions.

During the development of restriction proposals and during the other processes set out below in 1.4.2, ECHA often needs to obtain information on the risk, or on impacts to human health and the environment, or other socio-economic impacts, of substances and their alternatives. Such needs often arise at short notice. The exact details of the information required are not always known until the process of developing a report or dossier advances.

The services (such as gathering of information) under this contract will be undertaken through specific contracts.

To that end, ECHA envisages concluding a “multiple framework contract” with minimum two service providers and a maximum of four service providers.

“Multiple framework contract” means, that the same framework contract is concluded between ECHA and a number (namely max. 4) of service providers, with a view to ensuring that one or other of the contractors deliver the service. The contractors will be ranked on a list in decreasing order (cascade) in accordance with the score received by their tender against the award criteria, and ECHA will sign a separate contract with each contractor.

The allocation of orders for services will follow the “cascade” system:

- ECHA will for each specific contract contact the first contractor on the list;
- if the aforementioned first contractor is unable to meet the request (e.g. due to unavailability of staff or professional conflicting interest of the contractor), ECHA will contact the second contractor, and if needed the third or fourth contractor;

In the event of termination of one of the framework contracts, the list, in decreasing order, will be adapted, although the initial ranking will be retained.

For each specific contract the tasks will be specified by ECHA as well as the estimated resources necessary. The contractor will be requested by email to provide a fixed quote (a fixed price per specific contract) for executing the requested work based on a number of person-days per profile at the daily rates fixed in the financial offer of this FWC. Unless specified otherwise in the request for offer, the contractor will have 5 working days to reply to each request for offer, confirming the tasks to be carried out, the allocated resources and the deliverables to be provided by the deadline specified in ECHA’s request. The implementation of the specific contract starts as of the signature of the specific contract by both parties.

1.4.2. Detailed characteristics of the purchase

For each specific contract the contractor is expected to collect information to assist with the qualitative or quantitative assessment of the risk or health, environmental or socio-economic impact of any substance or substances going through one of the potential processes mentioned below; this may include a literature review. The contractor may also be asked to make an initial analysis of the information gathered or provide an expert review of a particular topic related to the risk or health, environmental or socio-economic impacts of any work ECHA is considering.

Scope of the Framework contract

The relevant work areas covered by the contract are the following:

- *Restrictions:* The contractor will have to analyse, integrate and present information in a form that supports the preparation of a REACH Annex XV restriction dossier to complement existing qualitative and quantitative data. To collect relevant information the contractor may need to contact directly relevant industrial organisations, companies and possibly Member States and NGOs. Any task requested by ECHA could be expected to include some or all of the following points:
 - Information on the content of substances in different groups of EU-manufactured or imported articles and possible migration rates (if available);
 - Information on the specific uses of substances, including likely operational controls and risk management measures that they are currently subject to;
 - Information on the manufacturing, import and export of articles containing the relevant substance(s);
 - Information on potential alternatives to the relevant substance(s), including available information on the alternative substances' hazards and risks, technical and economic feasibility, and availability;
 - Information on the industries impacted by the restriction to assist with the establishment of the baseline and the assessment of the affordability and proportionality of the proposed restriction;
 - Information on the human health and/or environmental hazards, risks and impacts of the substances subject to the restriction, including the strength of evidence linking effects seen in animals (or in silico) to their likely impact on humans.

Other information could also be needed.

- *Dose-response functions.* Following adoption of a new Annex XIV amendment, there is often the need to prepare dose-response functions, vetted by ECHA's Risk Assessment Committee (RAC), to assist applicants with understanding how RAC will approach the risk assessment of a use of an Annex XIV substance.¹ A dose-response function could also be needed during the development of a restriction proposal or a proposal for an OEL. This work typically involves seeking information related to the mode of action of a substance or substances for a specified end point, and prepare relevant dose-response relationships or other relevant quantitative risk estimates for specific health endpoints for various populations. To guide the setting of risk estimates RAC needs to be informed on the exposure of populations including the background exposure and the analytical methods to

¹ see https://echa.europa.eu/documents/10162/13579/setting_dnels_and_dose-response_curves_en.pdf/ for more details.

measure those. The results would normally be presented in two RAC meetings to firstly discuss (meeting 1) and agree (meeting 2) the dose-response function.

- *Annex XIV screening.* It is essential for planning purposes that ECHA obtains as detailed an understanding as possible on the number of authorisation applications likely to be submitted for each substance included in REACH Annex XIV. This would be done by requesting the contractor to give an up-to-date overview of the uses and market actors of the relevant Annex XIV substances or their alternatives that operate in the EU market.
- *POPs work.* In supporting the European Commission's implementation of the new POPs Regulation (EU) 2019/1021, ECHA may be asked to develop Annex D proposals, risk profile and risk management dossiers for potential POP substances. The latter two dossiers are likely to need information similar to that needed by a restriction. The Annex D proposal is a hazard assessment where PBT properties of a substance and its potential for long-range environmental transport (LRTP) are evaluated. The information would mostly come from literature reviews and database searches.
- *Evaluation screening for repro-testing.* In examining testing proposals or making compliance checks, ECHA's evaluation unit may need to know specificities of the uses of a substance to determine which the correct test type to request or approve is. Again, this information is similar to that gathered for a restriction proposal.

Description of resources, technical profiles and areas of expertise

For the implementation of this framework contract, highly qualified and experienced experts will be needed. It is expected that the contractor will have at least the following staff, **key technical profiles**, at its disposal:

- Economists and
- Other impact assessment specialists
- Engineers
- Toxicologists
- Exposure specialists
- Risk assessors

In addition to the above, the Contractor(s) can propose other expertise deemed relevant for the execution of the tasks under a Specific Contract.

Overall, the experts proposed shall have:

- University degrees (at least Masters level) in the following relevant scientific fields (or equivalent): chemistry, economics, toxicology, engineering and ecotoxicology.

Areas of expertise:

- Experience in collecting and analysing chemicals-related information, including market information and information on alternatives;

- Economics expertise with experience in environmental, health or public economics
- Engineering expertise related to the technical feasibility of alternatives
- Risk assessment expertise with experience in human health or environmental hazard assessment, exposure assessment and experience in assessment of epidemiology studies.

All experts involved shall be able to communicate fluently in English (spoken and written).

The tenderers are requested to propose a team in the tender, containing experts and senior experts that will carry out the services. The proposed team should consist of at least 2 senior experts for all technical profiles set out above with experience within the areas of expertise in the scope of the contract² and at least 3 experts per technical profile as well (see selection criterion 3 in section 3.2). Key experts covering more than one technical profile or more than one area of expertise are also acceptable and can even be an advantage to keep the core project team as small as possible (to ensure efficiency of work). Experts and senior experts should meet the following requirements:

Category of expert	1) Educational background	2) Professional experience ³	3) Additional requirements
Senior expert	At least, a Master's degree in a subject relevant to the "Areas of expertise" listed above. Alternatively, for lower grade degrees (at least BSci), please see provisions under point 2 (professional experience).	Experience of at least 8 years in at least one of the "Areas of expertise" Alternatively, in the absence of a Master's degree as in point 1 (educational background), experience of 20 years in at least one of the "Areas of expertise" listed above.	Knowledge of written and spoken English at C1 level in the Common European Framework of Reference for languages ⁴ and Experience in drafting reports and presentations in English.

² Restrictions dossier preparation, preparation of dose-response functions, Annex XIV substance use investigations, work to support EU work on Persistent Organic Pollutants (POPs), and use investigation for dossier evaluation.

³ Only relevant professional experience acquired **after achieving** the minimum qualification stated in point 1 "Educational background" shall be considered

⁴ See Common European Framework of Reference for Languages - Self Assessment Grid <https://europass.cedefop.europa.eu/en/resources/european-language-levels-cefr>

Category of expert	1) Educational background	2) Professional experience ³	3) Additional requirements
Expert	At least a Master's degree in a subject relevant to the "Areas of expertise" listed above.	Experience of at least 2 years in at least one of the "Areas of expertise" listed above. Alternatively, in the absence of a Master's degree as in point 1 (educational background), experience of 10 years in at least one of the "Areas of expertise" listed above.	Knowledge of written and spoken English at C1 level in the Common European Framework of Reference for languages ² and Experience in drafting reports and presentations in English

The experts proposed for the specific contracts during the implementation of the framework contract must comply with the requirements of the technical profiles.

The involvement of the technical profiles above is considered to be instrumental in the achievement of the contract objectives (see award criterion 2 in section 3.4). Therefore, it is expected that the team of experts proposed will be assigned to this Framework contract for its whole duration, to guarantee service continuity and adequate contract execution. However, if so required for the implementation of a specific contract, additional expertise can be added to the team proposed in your offer for the framework contract, provided that they meet the requirements of expert/senior expert. If a senior expert or an expert needs to be replaced, the Contractor(s) shall guarantee that the replacement of the expert(s) does not affect the implementation of the tasks to be carried out under the respective Specific Contract.

The Agency requires that a team leader shall be proposed, who will take care of the coordination of the different specific contracts and who will remain available throughout the duration of the Framework contract.

Please also note that tenderers shall detail in their offer how they will guarantee the availability of the proposed experts throughout the execution of this Framework Contract, also detailing the measures that will be implemented to guarantee business continuity for the services to be delivered under the different specific contracts.

1.4.3. Deliverables

The contractor will be required to provide one or several reports on the relevant information gathering or analysis per specific contract.

All deliverables shall be written in English. Where appropriate, findings may be summarised in tables or data sets. The format of the deliverables will be agreed upon at the level of each specific contract.

Each specific contract will be completed with the delivery of a final report.

After each delivery of service, the Agency shall have 10 working days to review and submit requests for clarifications and the contractor shall have 10 working days to reply and integrate the Agency's comments, if any.

Any confidential information needs to be reported separately, preferably in an Annex to the main deliverable, so that the Agency can make available a public version of the overall project report to interested parties.

The report and any additional documents shall be delivered to ECHA electronically e.g. in Microsoft Word or as Microsoft Excel or Access files, if appropriate.

1.5. Place of performance: where will the contract be performed?

The services will be performed at the following locations:

- the contractor's premises and possible travel to Helsinki related to presentation at RAC of the dose response functions.

1.6. Nature of the contract: how will the contract be implemented?

The procedure will result in the conclusion of multiple framework contracts in cascade.

A framework contract establishes a mechanism for future repetitive purchases by the *Contracting authority* to be awarded in the form of specific contracts. The signature of a framework contract does not impose an obligation on the *Contracting authority* to conclude specific contracts with a framework contractor.

The framework contract will be concluded in the form of separate but identical contracts with maximum number of 4 contractors provided that there are enough tenderers that: have access to the procurement, are not excluded, satisfy the selection and award criteria, and comply with the Tender specifications.

The tenders deemed admissible as a result of the evaluation will be ranked in descending order to establish a list of contractors and a sequence in which they will be offered specific contracts during the implementation of the framework contract. The modalities of implementation of the framework contract in cascade are set out in Section 1.4 above and Article I.4.3 of the Draft contract.

Please note that in the event a specific request is assigned to the second, third or fourth contractor, ECHA reserves the right to contact directly the second, third or fourth contractor in cascade first in case of an extension of an assignment or an assignment that is intrinsically connected to a previous assignment.

👉 Tenderers need to take full account of the provisions of the Draft contract as the latter will define and govern the contractual relationship(s) to be established between the *Contracting authority* and the successful tenderers. Special attention is to be paid to the provisions specifying the rights and obligations of the contractor, in particular those on payments, performance of the contract, confidentiality, and checks and audits.

1.7. Volume and value of the contract: how much do we plan to buy?

An indicative estimate of the volume to be ordered over the whole duration of the framework contract is given in the contract notice. The volume is an estimate only and there is no commitment as to the exact quantities to be ordered. The actual volumes will depend on the quantities which the *Contracting authority* will order through specific contracts. In any case the *framework contract ceiling*, i.e. the maximum amount to be spent under the framework contract, shall not be exceeded.

The *framework contract ceiling* is indicated in Heading II.2.6 of the contract notice.

Within three years following the signature of the framework contract resulting from the current call for tenders, the *Contracting authority* may use the negotiated procedure under point 11.1.e of Annex 1 to [Regulation \(EU, Euratom\) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union](#)⁵ to procure new services from the contractor(s) up to a maximum of 50 % of the initial *framework contract ceiling*. These services will consist in the repetition of similar services entrusted to the contractor(s) and will be awarded under the following conditions: unexpected or unforeseen requests or actions from the European Commission, e.g. concerning Occupational Exposure Limits (Socio-Economic Analysis).

1.8. Duration of the contract: how long do we plan to use the contract?

The contracts resulting from the award of this call for tenders will be concluded for at most 48 months (2+1+1 years). The details of the initial contract duration and possible renewals are set out in Article I.3 of the Draft contract.

1.9. Electronic exchange system: can exchanges under the contract be automated?

For all exchanges with the contractor during the implementation of the contract as well as for future possible subsequent proceedings for the purposes of EDES ([European Union's Early Detection and Exclusion System](#)) the *Contracting authority* may use an electronic exchange system meeting the requirements of Article 148 of [Regulation \(EU, Euratom\) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union](#)⁵. At the request of the *Contracting authority* the use of such a system shall become mandatory for the contractor(s) at no additional cost for the *Contracting authority*. Details on specifications, access, terms and conditions of use will be provided in advance.

2. GENERAL INFORMATION ON TENDERING

2.1. Legal basis: what are the rules?

The present Call for Tenders is governed by the Financial Regulation of the European Chemicals Agency (ECHA), which refers to the provisions of [Regulation \(EU, Euratom\) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union](#) (the Financial Regulation)⁵.

The *Contracting authority* has chosen to award the contract resulting from this call for tenders through an open procedure pursuant to Article 164(1) (a) of the Financial Regulation. In an open procedure any interested economic operator (any natural or legal person who offers to supply products, provide services or execute works) may submit a tender.

2.2. Rules on access to procurement: who may submit a tender?

Participation in this call for tenders is open on equal terms to all natural and legal persons coming within the scope of the [Treaties](#), as well as to international organizations.

It is also open to all natural and legal persons established in a third country which has a special agreement with the European Union in the field of public procurement on the conditions laid down in that agreement. This procedure is, however, not covered by the Government Procurement Agreement (GPA).

The rules on access to procurement do not apply to subcontractors. Subcontracting may not be used with the intent to circumvent the rules on access to procurement.

To enable *the Contracting authority* to verify the access, each tenderer must indicate its country of establishment (and in case of joint tender – the country of establishment of each group member) and must present the supporting evidence normally acceptable under the law of that country/-ies. The same document(s) could be used to prove country/-ies of establishment and the delegation(s) of the authorisation to sign as described in **Section 4.3**.

✍ *For tenderers established in the United Kingdom:*

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

⁵ Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012 (OJ L 193 of 30.07.2018, p.1).

2.3. Registration in the Participant Register: why register?

Any economic operator willing to submit a tender for this call for tenders must be registered in the [Participant Register](#) - an online register of organizations and natural persons participating in European Commission's calls for tenders or proposals (participants).

On registering each participant obtains a Participant Identification Code (PIC, 9-digit number) which acts as its unique identifier in the Participant Register. A participant needs to register only once – the information provided can be further updated or re-used by the participant in other European Commission's calls for tenders.

2.4. Ways to submit a tender: how can economic operators organise themselves to submit a tender?

Economic operators can submit a tender either as a sole tenderer or as a group of tenderers. In either case subcontracting is permitted.

In order to fulfil the selection criteria set out in *Section 3.2* the tenderer can rely on the capacities of subcontractors or other entities (not subcontractors).

The role of each entity involved in a tender (hereafter referred to as *involved entity*) must be clearly specified: sole tenderer, member of a group or Group leader, subcontractor or an entity on whose capacities the tenderer relies to fulfil the selection criteria⁶. This applies also where the *involved entities* belong to the same economic group.

2.4.1. Joint tenders

A joint tender is a situation where a tender is submitted by a group (with or without legal form) of economic operators regardless of the link they have between them. The group as a whole is considered a tenderer⁷.

All members of the group assume joint and several liability towards the *Contracting authority* for the performance of the contract as a whole.

Group members must appoint a *Group leader* and a single point of contact authorised to act on their behalf in connection with the submission of the tender and all relevant questions, clarification requests, notifications, etc., that may be received during the evaluation, award and until the contract signature. The model power of attorney attached in *Annex 3* is to be used.

The joint tender must clearly indicate the role and tasks of each member and of the *Group leader* who will act as the *Contracting authority's* contact point for the contract's administrative or financial aspects and operational management. The *Group leader* will have full authority to bind the group and each of its members during contract execution. If the joint tender is successful, the

⁶ Such an entity is not considered a subcontractor, see Section 2.4.3.

⁷ References to *tenderer* or *tenderers* in this document shall be understood as covering both sole tenderers and groups of economic operators submitting a joint tender.

Contracting authority shall sign the contract with the Group leader, authorized by the other members to sign the contract on their behalf via power of attorney drawn up in the model attached in **Annex 3**.

Changes in the composition of the group during the procurement procedure (after the submission deadline and before contract signature) shall lead to rejection of the tender except in case of:

- a merger or takeover of a member of the group (universal succession), provided that the new entity has access to procurement (see **Section 2.2**) and is not in an exclusion situation, or
- exclusion or rejection of a member by the *Contracting authority* where the member has no access to procurement, is in an exclusion situation or does not meet a relevant selection criterion.

In either case the selection criteria must be still fulfilled by the group and the terms of the originally submitted tender may not be altered substantially, i.e. all the tasks assigned to the excluded/rejected entity must be taken over by the group, the change must not make the tender non-compliant with the Tender specifications, and the evaluation of award criteria of the originally submitted tender may not be modified.

2.4.2. Subcontracting

Subcontracting is the situation where the contractor enters into legal commitments with other economic operators which will perform part of the contract on its behalf. The contractor retains full liability towards the *Contracting authority* for performance of the contract as a whole.

The following shall not be considered subcontracting:

- a) Use of workers posted to the contractor by another company owned by the same group and established in a Member State (“intra-group posting” as defined by Article 1, 3, (b) of [Directive 96/71/EC concerning the posting of workers in the framework of the provision of services](#)).
- b) Use of workers hired out to the contractor by a temporary employment undertaking or placement agency established in a Member State (“hiring out of workers” as defined by Article 1, 3, (c) of [Directive 96/71/EC concerning the posting of workers in the framework of the provision of services](#)).
- c) Use of workers temporarily transferred to the contractor from an undertaking established outside the territory of a Member State and that belongs to the same group (“intra-corporate transfer” as defined by Article 3, (b) of [Directive 2014/66/EU on the conditions of entry and residence of third-country nationals in the framework of an intra-corporate transfer](#)).
- d) Use of staff without employment contract (“self-employed persons working for the contractor”) to perform substantially the same tasks as the staff with employment contract (“employees”), without the tasks of the self-employed persons being particular well-defined parts of the contract.
- e) Use of suppliers and/or transporters by the contractor, in order to perform the contract at the place of performance, unless the economic activities of the suppliers and/or the transporting services are within the subject of this call for tender (see **Section 1.4**).
- f) Performance of part of the contract by members of an EEIG (European Economic Interest Grouping), when the EEIG is itself a contractor or a group member.

The persons mentioned in points a), b), c) and d) above will be considered as “personnel” of the contractor as defined in the contract.

All contractual tasks may be subcontracted unless the *Technical specifications* expressly reserve the execution of certain critical tasks to the sole tenderer itself, or in case of a joint tender, to a member of the group.

By filling in the form available in **Annex 4**, tenderers are required to give an indication of the proportion of the contract that they intend to subcontract, as well as to identify and describe briefly the envisaged contractual roles/tasks of subcontractors meeting any of these conditions (hereafter referred to as *identified subcontractors*):

- on whose capacities the tenderer relies upon to fulfil the selection criteria as described under **Section 3.2**;
- whose individual share of the contract, known at the time of submission, is above 20 %.

Any such subcontractor must provide the tenderer with a commitment letter drawn up in the model attached in **Annex 5.1** and signed by its authorised representative.

Changes concerning subcontractors identified in the tender (withdrawal/replacement of a subcontractor, additional subcontracting) during the procurement procedure (after the submission deadline and before contract signature) require the prior written approval of the *Contracting authority* subject to the following verifications:

- any new subcontractor is not in an exclusion situation;
- the tenderer still fulfils the selection criteria and the new subcontractor fulfils the selection criteria applicable to it individually, if any;
- the terms of the originally submitted tender are not altered substantially, i.e. all the tasks assigned to the former subcontractor are taken over by another involved entity, the change does not make the tender non-compliant with the Tender specifications, and the evaluation of award criteria of the originally submitted tender is not modified.

Subcontracting to subcontractors identified in a tender that was accepted by the *Contracting authority* and resulted in a signed contract, is considered authorised.

2.4.3. Entities on whose capacities the tenderer relies to fulfil the selection criteria

In order to fulfil the selection criteria a tenderer may also rely on the capacities of other entities, regardless of the legal nature of the links it has with them. It must in that case prove that it will have at its disposal the resources necessary for the performance of the contract by producing a commitment letter in the model attached in **Annex 5.2**, signed by the authorised representative of such an entity, and the supporting evidence that those other entities have the respective resources.

If the contract is awarded to a tenderer intending to rely on another entity to meet the minimum levels of economic and financial capacity, the *Contracting authority* may require the entity to sign the contract or, alternatively, to provide a joint and several first-call financial guarantee for the performance of the contract.

With regard to technical and professional selection criteria, a tenderer may only rely on the capacities of other entities where the latter will perform the works or services for which these capacities are required (i.e. the latter will assume the role of subcontractors).

👉 Relying on the capacities of other entities is only necessary when the capacity of the tenderer is not sufficient to fulfil the required minimum levels of capacity. Abstract commitments that other entities will put resources at the disposal of the tenderer will be disregarded.

3. EVALUATION AND AWARD

The evaluation of the tenders that comply with the submission conditions will consist of the following elements:

- Check if the tenderer has access to procurement (see *Section 2.22*);
- Verification of administrative compliance (if the tender is drawn up in one of the official EU languages and signed by duly authorised representative(-s) of the tenderer);
- 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 defined in the Tender specifications;
- Evaluation of tenders on the basis of the award criteria.

The *Contracting authority* will evaluate the abovementioned elements in the order that it considers to be the most appropriate. If the evaluation of one or more elements demonstrates that there are grounds for rejection, the tender will be rejected and will not be subjected to further full evaluation. The unsuccessful tenderers will be informed of the ground for rejection without being given feedback on the non-assessed content of their tenders. Only tenderer(s) for whom the verification of all elements did not reveal grounds for rejection can be awarded the contract.

The evaluation will be based on the information and evidence contained in the tenders and, if applicable, on additional information and evidence provided at the request of the *Contracting authority* during the procedure. If any of the declarations or information provided proves to be false, the *Contracting authority* may impose administrative sanctions (exclusion or financial penalties) on the entity providing the false declarations/information.

For the purposes of the evaluation related to exclusion and selection criteria the *Contracting authority* may also refer to publicly available information, in particular evidence that it can access on a national database free of charge.

3.1. Exclusion criteria

The objective of the exclusion criteria is to assess whether the tenderer is in any of the exclusion situations listed in Article 136(1) of the Financial Regulation.

As evidence of non-exclusion each tenderer needs to submit with its tender a Declaration on Honour⁸ in the model available in *Annex 2*.⁹ The declaration must be signed by an authorised representative of the entity providing the declaration.

The initial verification of non-exclusion of tenderers will be done on the basis of the submitted declarations and consultation of the [European Union's Early Detection and Exclusion System](#).

⁸ The European Single Procurement Document (ESPD) may not be used yet in ECHA's calls for tenders.

⁹ Unless the same declaration has already been submitted for the purposes of another award procedure of the ECHA, the situation has not changed, and the time elapsed since the issuing date of the declaration does not exceed one year.

The documents mentioned as supporting evidence in the Declaration on Honour need to be provided whenever requested and where this is necessary to ensure the proper conduct of the procedure within a deadline given by the Contracting authority¹⁰.

Annex 1 specifies which of the *involved entities* participating in a tender need to provide the Declaration on Honour and, when requested by *the Contracting authority*, the supporting evidence.

Please note that a request for evidence in no way implies that the tenderer has been successful.

3.2. Selection criteria

The objective of the selection criteria is to assess whether the tenderer has the legal, regulatory, economic, financial, technical and professional capacity to perform the contract.

The selection criteria for this call for tenders, including the minimum levels of capacity, the basis for assessment and the evidence required, are specified in the following subsections.

Tenders submitted by tenderers not meeting the minimum levels of capacity will be rejected.

When submitting its tender each tenderer shall declare on honour that it fulfils the selection criteria for the call for tender. The model Declaration on Honour available in *Annex 2* shall be used.

The initial assessment of whether a tenderer fulfils the selection criteria will be done on the basis of the submitted declaration(s).

The subsections below specify which selection criteria evidence must be provided with the tender or may be requested later, at any time during the procurement procedure¹¹. In any case, to the extent that there is no ground for a waiver, the evidence must be provided, upon request and within a deadline given by the Contracting authority. The evidence must be provided in accordance with the applicable basis for assessment of each criterion: in case of a consolidated assessment – only by the *involved entities* who contribute to the fulfilment of the criterion, and

¹⁰ The obligation to provide the supporting evidence will be waived in the following situations:

- if the same documents have already been provided in a previous award procedure of the ECHA, have been issued no more than one year before the date of their request by the *Contracting authority* and are still valid at that date;
- if such evidence can be accessed by the *Contracting Authority* on a national database free of charge, in which case the economic operator shall provide the *Contracting authority* with the internet address of the database and, if needed, the necessary identification data to retrieve the document;
- if there is a material impossibility to provide such evidence.

¹¹ The obligation to provide the supporting evidence will be waived in the following situations:

- if the same documents have already been provided in a previous award procedure of the ECHA, have been issued no more than one year before the date of their request by the *Contracting authority* and are still valid at that date;
- if such evidence can be accessed by the *Contracting Authority* on a national database free of charge, in which case the economic operator shall provide the *Contracting authority* with the internet address of the database and, if needed, the necessary identification data to retrieve the document.

in case of individual assessment – by each *involved entity* to whom the criterion applies individually.

Compliance with the selection criteria shall be observed throughout the entire duration of the contract, in case of award.

3.2.1. Legal and regulatory capacity

Tenderers must prove that they have legal capacity to perform the contract and the regulatory capacity to pursue the professional activity necessary to carry out the work subject to this call for tenders.

The legal and regulatory capacity shall be proven by the evidence listed below:

- Proof of enrolment in a relevant trade or professional register
- Proof of authorisation that the tenderer is authorised to perform the contract in its country of establishment

3.2.2. Economic and financial capacity

Tenderers must comply with the following selection criteria in order to prove that they have the necessary economic and financial capacity to perform the contract.

Selection Criterion 1	
Minimum level of capacity	Average yearly turnover of the last three financial years is above EUR 500.000.
Basis for assessment	This criterion applies to the tenderer as a whole, i.e. a consolidated assessment of the combined capacities of all <i>involved entities</i> will be carried out.
Evidence	Copy of the profit and loss accounts and balance sheet for the last three years for which accounts have been closed from each concerned <i>involved entity</i> , or, failing that, appropriate statements from banks. The most recent year must have been closed within the last 18 months.

👉 The evidence of economic and financial capacity does need not be provided with the tender but may be requested by the *Contracting authority* at any time during the procedure. **Please note that a request for evidence in no way implies that the tenderer has been successful.**

3.2.3. Technical and professional capacity

Tenderers must comply with the following selection criteria in order to prove that they have the necessary technical and professional capacity to perform the contract.

Selection Criterion 2	
The tenderer must prove experience in the fields of providing information and scientific support to authorities (national/regional/international authorities) on chemicals.	
Minimum level of capacity	At least 3 similar contracts (relating to at least 2 different of the areas of the FWC (e.g. restrictions and dose response functions), see point 1.4.2) that have been completed in the

	last three years preceding the tender submission deadline, with a minimum value for each of them € 20.000.
Basis for assessment	This criterion applies to the tenderer as a whole, i.e. the combined capacities of all <i>involved entities</i> .
Evidence	A list of projects meeting the minimum level of capacity. The list shall include details of their start and end date, total project amount and scope, role and amount invoiced. In case of projects still on-going only the portion completed during the reference period will be taken into consideration. See Annex 7, Contract Reference form.

Selection Criterion 3	
The tenderer must prove that he has the required staff necessary for performance of the contract.	
Minimum level of capacity	<p>At least 3 who meet the criteria for expert and at least 2 who meet the criteria for senior expert of staff members with the following technical profiles:</p> <ul style="list-style-type: none"> - Economists - Other impact assessment specialists - Engineers - Toxicologists - Exposure specialists - Risk assessors <p>See the description of the requirements of the technical profiles in section 1.4.2.</p>
Basis for assessment	This criterion applies to the tenderer as a whole, i.e. the combined capacities of all <i>involved entities</i> .
Evidence	The overview table of the proposed experts and senior experts according to their technical profiles. The form is provided in Annex 8. (ECHA reserves the right to request the CVs of the experts in the overview table).

👉 The evidence of technical and professional capacity does need not be provided with the tender but may be requested by the *Contracting authority* at any time during the procedure. **Please note that a request for evidence in no way implies that the tenderer has been successful.**

👉 *Involved entities* must not be subject to conflicting interests which may negatively affect the contract performance. Where the *Contracting authority* has established such conflicting interests, it may conclude that the tenderer or an involved entity does not possess the required professional capacity to perform the contract to an appropriate quality standard.

The presence of conflicting interests shall be examined at the level of specific contracts (see 1.4.1)
--

3.3. Compliance with the minimum requirements of the Tender specifications

By submitting a tender a tenderer commits to perform the contract in full compliance with the terms and conditions of the procurement documents for this call for tender.

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

The minimum requirements shall be observed throughout the entire duration of the contract. Compliance with these requirements is mandatory and cannot be subject to any assumptions, limitations, conditions, or reservations on the part of a tenderer.

🚫 Tenders that are not compliant with the applicable minimum requirements shall be rejected.

3.4. Award criteria

The objective of the award criteria is to evaluate the tenders with a view to choosing the most economically advantageous tender.

Tenders will be evaluated on the basis of the following award criteria and their weighting:

1. Price – overall 30%

The price considered for evaluation will be the sum of the unit price for the experts and the unit price of the senior experts weighted as follows: 40% experts and 60% senior experts as per the financial offer form in Annex 6 of the tender.

The price criterion (P) is evaluated as follows: a maximum of 30 points is given to the lowest price offer. The other offers are ranked according to the following formula:

$P = (P_{min}/P_o) \times 30$

where:

P = Classification of the evaluated offer (points to be awarded)

P_{min} = Minimum price offered among all tenders

P_o = Price of the evaluated offer

30 = Maximum points to be awarded

2. Quality – overall 70%

The quality of the tender will be evaluated based on the following criteria:

No	Qualitative award criteria	Weighting (maximum points)
AW1	<p>Quality and relevance of the methodology (for all of the work areas in all of the fields as described under section 1.4.2).</p> <p>This criterion refers to the methodology that the tenderer proposes to use to complete the tasks requested under this framework contract. Any particular aspect of the proposed methodology relating to the different topics in the scope of this framework contract shall be highlighted in the technical proposal.</p>	40
AW2	Organisational set-up of the team (including service continuity, back-up proposals and quality management).	10
AW3	<p>Assessment of the case study</p> <p>Please propose the methodology and organisational set-up you would use for a work contract to assess the excess cancer risk related to the use of fictional substance X (classified as carcinogenic category 1b that has been added to Annex XIV of REACH) at different levels of exposure and present the results to ECHA's Risk Assessment Committee (RAC).</p>	20
	Total number of points	70

Assessment basis for the award criteria

The tenderer's technical offer shall include separate documents to be assessed under AW1, AW2 and AW3.

Assessment basis for award criterion AW1: Quality and relevance of the methodology

The tenderer shall describe in the technical offer in detail the proposed methodology for the provision of tasks under all the work areas in 1.4.2 (40 points)

Assessment basis for award criterion AW2: Organisational set-up of the team

The tenderer shall describe in the technical offer in detail the proposed organisational set-up of the team for the provision of the tasks with a description of the division of work between the team members and the role of the team leader. The tenderers shall also detail in their offer how they will guarantee the availability of the proposed experts throughout the execution of this Framework Contract, also detailing the measures that will be implemented to guarantee business continuity for the services to be delivered under the different specific contracts (10 points).

Assessment basis for award criterion AW3 – Assessment of the case study

The tenderer's proposal for the case study - how reliable is the methodology and organisational set-up when applied to a real case (20 points).

The selected tenders are assessed according to the above qualitative award criteria and the weighting applicable to each criterion.

Tenders scoring less than 60% in the overall points total or less than 50% in the points awarded for a single criterion will be excluded from the rest of the assessment procedure.

3.5. Award (ranking of tenders)

Tenders shall be ranked according to the best price-quality ratio in accordance with the formula below:

Final Evaluation	
Total points	= Total Quality Points + Total Price Points

☞ The contract shall be awarded to the first 4 ranked tenders, which comply with the Tender Specifications and are submitted by tenderers with access to procurement, not in an exclusion situation and fulfilling with the selection criteria. The ranking will determine the sequence in which the contractors will be offered specific contracts during the implementation of the framework contract.

4. FORM AND CONTENT OF THE TENDER

4.1. Form of the tender: how to submit the tender?

Tenders are to be submitted via the e-Submission application according to the instructions laid down in the Invitation to tender letter and the [e-Submission Quick Guide](#).

👉 Make sure you prepare and submit your electronic tender in e-Submission early enough to ensure it is received within the deadline specified under Heading IV.2.2 of the contract notice. A tender received after this deadline will be rejected.

4.2. Content of the tender: what documents to submit with the tender?

The documents to be submitted with the tender in e-Submission are listed in *Annex 1*.

The following requirements apply to the technical and financial offer (to be uploaded as Technical tender and Financial tender in e-Submission):

- *Technical offer.*

The technical offer must provide all the information needed to assess compliance with Section 1.4 of these specifications and to evaluate the award criteria in section 3.4. Tenders deviating from the minimum requirements in section 3.3 or not covering all the requirements of the Specifications may be rejected on the basis of non-compliance and not evaluated further.

- *Financial offer.*

A complete financial offer, including the breakdown of the price needs to be uploaded. For this purpose, the Financial Model in *Annex 6* shall be completed, duly signed and uploaded in e-Submission.

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

The financial offer shall be:

- expressed in euros. 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.
- quoted free of all duties, taxes and other charges, i.e. also free of VAT. The tenderer may indicate the amount of VAT but it must be shown separately.

👉 The European Union Institutions are exempt from such charges in the EU under Articles 3 and 4 of the Protocol on the Privileges and Immunities of the European Union of 8 April 1965 annexed to the Treaty on the Functioning of the European Union. Exemption is granted to the Commission by the governments of the Member States, either through refunds upon presentation of documentary evidence or by direct exemption.

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

4.3. Signature policy: how can documents be signed?

Where a document needs to be signed, the signature must be hand-written. For hand-written signatures see Section 1 of the Invitation to tender.

All documents must be signed by the signatories (when they are individuals) or by their duly authorised representatives.

For the following documents, when signed by representatives, tenderers must provide evidence for the delegation of the authorisation to sign:

- The Tender report;
- The Declaration on Honour of the tenderer (in case of joint tender – the Declarations on Honour of all group members);
- (If applicable – in the case of joint tender) the power(s) of attorney drawn up using the model attached in **Annex 3**).

The delegation of the authorisation to sign on behalf of the signatories (including, in the case of proxy(-ies), the chain of authorisations) must be evidenced by appropriate written evidence (copy of the notice of appointment of the persons authorised to represent the legal entity in signing contracts (together or alone), or a copy of the publication of such appointment if the legislation which applies to signatory requires such publication or a power of attorney). A document that the Contracting authority can access on a national database free of charge does not need to be submitted if the Contracting authority is provided with the exact internet link and, if applicable, the necessary identification data to retrieve the document.

4.4. Confidentiality of tenders: what information and under what conditions can be disclosed?

Once the *Contracting authority* has opened a tender, it becomes its property and shall be treated confidentially, subject to the following:

- For the purposes of evaluating the tender and, if applicable, implementing the contract, performing audits, benchmarking, etc., the *Contracting authority* is entitled to make available (any part of) the tender to its staff and the staff of other Union institutions, agencies and bodies, as well to other persons and entities working for the *Contracting authority* or cooperating with it, including contractors or subcontractors and their staff provided that they are bound by an obligation of confidentiality.
- After the signature of the award decision tenderers whose tenders were received in accordance with the submission modalities, who have access to procurement, who are not found to be in an exclusion situation referred to in Article 136(1) of the FR, who are not rejected under Article 141 of the FR, whose tenders are not found to be incompliant with the procurement documents, and who make a request in writing will be notified of the name of the tenderer to whom the contract is awarded, the characteristics and relative advantages of the successful tender and the price of the offer and/or contract value. The

Contracting authority may decide to withhold certain information that it assesses as being confidential, in particular where its release would prejudice the legitimate commercial interests of economic operators or might distort fair competition between them. Such information may include, without being limited to, confidential aspects of tenders such as unit prices included in the financial offer, technical or trade secrets¹².

- The *Contracting authority* may disclose the submitted tender in the context of a request for public access to documents, or in other cases where the applicable law requires its disclosure. Unless there is an overriding public interest in disclosure¹³, the *Contracting authority* may refuse to provide full access to the submitted tender, redacting the parts (if any) that contain confidential information, the disclosure of which would undermine the protection of commercial interests of the tenderer, including intellectual property.

👉 The *Contracting authority* will disregard general statements that the whole tender or substantial parts of it contain confidential information. Tenderers need to mark clearly the information they consider confidential and explain why it may not be disclosed. The *Contracting authority* reserves the right to make its own assessment of the confidential nature of any information contained in the tender.

APPENDIX: LIST OF REFERENCES

<i>Award criteria</i>	See Section 3.4
<i>Contracting authority</i>	See Section 1.1
<i>Entities on whose capacities the tenderer relies to fulfil the selection criteria</i>	See Section 2.4.3
<i>Exclusion criteria</i>	See Section 3.1
<i>Financial Regulation</i>	Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union
<i>Framework contract</i>	See Section 1.6
<i>Framework contract ceiling</i>	See Section 1.67
<i>Group leader</i>	See Section 2.4.1
<i>Identified subcontractors</i>	See Section 2.4.2
<i>Involved entities</i>	See Section 2.4
<i>Joint tender</i>	See Section 2.4.1

¹² For the definition of trade secrets please see Article 2 (1) of DIRECTIVE (EU) 2016/943 on the protection of undisclosed know-how and business information (trade secrets) against their unlawful acquisition, use and disclosure.

¹³ See Article 4 (2) of the REGULATION (EC) No 1049/2001 regarding public access to European Parliament, Council and Commission documents.

<i>Participating entities</i>	See Section 1.1
<i>Participant Register</i>	See Section 2.3 https://ec.europa.eu/info/funding-tenders/opportunities/portal/screen/how-to-participate/participant-register
<i>Selection criteria</i>	See Section 3.2
<i>Sole tenderer</i>	See Section 2.4
<i>Subcontracting/subcontractor</i>	See Section 2.4.2
<i>Treaties</i>	The EU Treaties: https://europa.eu/european-union/law/treaties_en

ANNEXES

Annex 1. List of documents to be submitted with the tender or during the procedure

Description	Sole tenderer	Joint tender		Identified Subcontractor	Entity on whose capacity is being relied	When and where to submit the document?	Instructions for uploading in eSubmission (if applicable)	
		Group leader	Member of the group				How to name the file?	Where to upload?
<div>1. Identification and information about the tenderer.</div> <div><i>eSubmission view</i></div>								
<div>Declaration on Honour on Exclusion and Selection Criteria (see Section 3.1 and 3.2)</div> <div>model in Annex 2. Declaration on Honour on exclusion and selection criteria</div>	<div>☒</div>	<div>☒</div>	<div>☒</div>	<div>☒</div> <div>Subcontractors that contribute to the selection criteria or that are responsible for more than 5% of the contract implementation</div>		<div>With the tender in e-Submission</div>	<div>'Declaration on Honour'</div>	<div>With the concerned entity under 'Parties' → 'Identification tenderer' → 'Attachments' → 'Declaration on Honour'.</div>
<div>Evidence that the person signing the documents is an authorised</div>	<div>☒</div>	<div>☒</div>	<div>☒</div>			<div>With the tender in e-Submission</div>	<div>'Authorisation to sign' documents'.</div>	<div>With the concerned entity under 'Parties' → 'Identification tenderer' → 'Attachments' → 'Other documents'.</div>

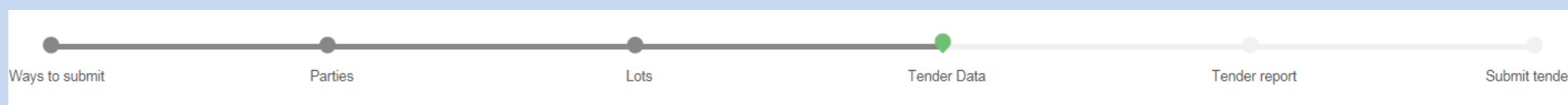
representative of the entity ¹⁴								
Power of attorney (see Section 2.4.1) model in Annex 3. Power of attorney			☒			With the tender in e-Submission	'Power of attorney'	In the Group leader's section under 'Parties' → 'Identification tenderer' → 'Attachments' → 'Other documents'.
Commitment letter (see Section 2.4.2 and 2.4.3)				☒ (model in Annex 5.1)	☒ (model in Annex 5.2)	With the tender in e-Submission	'Commitment letter'	With the concerned entity under 'Parties' → 'Identification tenderer' → 'Attachments' → 'Other documents'.
Evidence of non-exclusion (see Section 3.1)	☒	☒	☒			Only upon request by <i>the Contracting authority</i> At any time during the procedure	n.a.	n.a.
Evidence of legal existence and status	☒	☒	☒			Only upon request by <i>the EU Validation services</i> At any time during the procedure In the Participant Register	n.a.	n.a.
Evidence of legal capacity (see Section 3.2.1)						Only upon request by <i>the Contracting authority</i>		n.a.

¹⁴ A document that the Contracting authority can access on a national database free of charge does not need to be submitted if the Contracting authority is provided with the exact internet link and, if applicable, the necessary identification data to retrieve the document.

						At any time during the procedure		
Evidence of economic and financial capacity F1 (see Section 3.2.2)	The documents must be provided only by the <i>involved entities</i> who contribute to reaching the minimum capacity level for criterion F1					Only upon request by <i>the Contracting authority</i> At any time during the procedure	n.a.	With the Group leader or the sole tenderer under 'Parties' →'Identification tenderer' →'Attachments'→'Economic and financial capacity'.
Evidence of economic and financial capacity F2 (see Section 3.2.2)						Only upon request by <i>the Contracting authority</i> At any time during the procedure By e-mail or letter	n.a.	With the Group leader or the sole tenderer under 'Parties' →'Identification tenderer' →'Attachments'→'Economic and financial capacity'.
Evidence of technical and professional capacity T1 (see Section 3.2.3)	The documents must be provided only by the <i>involved entities</i>					Only upon request by <i>the Contracting authority</i>	n.a.	With the Group leader or the sole tenderer under 'Parties' →'Identification tenderer' →'Attachments'→'Technical and professional capacity'.

	<p>who contribute to reaching the minimum capacity level</p> <p>for criterion T1</p>	At any time during the procedure		
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2. Tender data.



Failure to upload the following documents in eSubmission will lead to rejection of the tender.

Technical offer (see Section 4.2)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>				With the tender in e-Submission	'Technical tender'	Under section 'Tender Data' → 'Technical Tender'
Financial offer (see Section 4.2)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>				With the tender in e-Submission	'Financial tender'	Under 'Tender Data' → 'Financial Tender'

3. Tender report.

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 [eSubmission Quick Guide](#).



Tender report	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>				With the tender in e-Submission	'Tender report'	Under section 'Tender report'
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Annex 2. Declaration on Honour on exclusion and selection criteria

See template uploaded as Annex 2 to the specifications.

Annex 3. Power of attorney

Call for tenders ECHA/2019/355

Framework contract for support of work on restrictions, dose-response functions, Annex XIV, POPs, and dossier evaluation.

POWER OF ATTORNEY

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 joint tender as a member of a group of tenderers (the Group), constituted by Company 1, Company 2, Company N (Group members), and led by Company 1 (Group leader), 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 Contracting authority awards the contract resulting from this call for tenders to the *Group* on the basis of the joint tender to which this power of attorney is attached, all *Group members* shall be considered parties to the contract in accordance with the following conditions:
 - (a) All *Group members* shall be jointly and severally liable towards the Contracting authority for the performance of the contract.
 - (b) All *Group members* shall comply with the terms and conditions of the contract and ensure the proper delivery of their respective share of the services and/or supplies subject to the contract.
- 3) Payments by the Contracting authority related to the services and/or supplies subject to the Contract shall be made through the bank account of the *Group leader*: [Provide details on bank, address, account number].
- 4) The *Group members* grant to the *Group leader* all the necessary powers to act on their behalf in the submission of the tender and the conclusion of the contract, including:
 - (a) The *Group leader* shall submit the tender on behalf of all *Group members* and indicate in the "Tender Contact Info" section in e-Submission the name and e-mail address of an individual - single point of contact authorised to communicate officially with the Contracting authority in connection with the submitted tender on behalf of all *Group members*, including in connection with all relevant questions, clarification requests, notifications, etc., that may be received during the evaluation, award and until the contract signature.
 - (b) The *Group leader* shall sign any contractual documents — including the contract, and amendments thereto — and issue any invoices related to the performance of the contract on behalf of all *Group members*.

(c) The *Group leader* shall act as a single contact point with the Contracting authority 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* to the Contracting authority, and shall see to a proper administration of the contract.

Any modification to the present Power of attorney shall be subject to the Contracting authority's express approval. This Power of attorney shall expire when all the contractual obligations of the *Group* have ceased to exist. The parties cannot terminate it before that date without the Contracting authority's consent.

Place and date:

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

Annex 4. List of identified subcontractors

Identification details	Roles/tasks during contract execution	Proportion of subcontracting (% of contract volume)
<i>[Full official name Registered address Statutory registration number VAT registration number]</i>		
<i>[Full official name Registered address Statutory registration number VAT registration number]</i>		
<i>[REPEAT AS MANY TIMES AS THE NUMBER OF IDENTIFIED SUBCONTRACTORS]</i>		
Other subcontractors that do not need to be identified under Section 2.4.2		
TOTAL % of subcontracting		0,00%

Annex 5.1. Commitment letter by an identified subcontractor

[Letterhead, if any]

EUROPEAN CHEMICALS AGENCY

Call for tenders Ref. ECHA/2019/355

Attn:

[Insert date]

Commitment letter by identified subcontractor

I, the undersigned,

Name:

Function:

Company:

Registered address:

VAT Number:

having the legal capacity required to act on behalf of the company *[insert name of the entity]* hereby confirm that our company agrees to participate as subcontractor in the offer of *[insert name of the tenderer]* for the Call for Tenders ECHA/2019/355 – *Framework contract for support of work on restrictions, dose-response functions, Annex XIV, POPs, and dossier evaluation.*

In the event that the tender of the aforementioned tenderer is successful, *[insert name of the subcontractor]* commits itself to make available the resources necessary for performance of the contract as a subcontractor and to carry out the services that will be subcontracted to it in compliance with the terms of the contract. It further declares that it is not subject to conflicting interests which may negatively affect the contract performance and that it accepts the general conditions attached to the Tender Specifications for the above call for tender, in particular the contractual provisions related to checks and audits.

Done at:

Name:

Position:

Signature:

Annex 5.2. Commitment letter by an entity on whose capacities is being relied

[Letterhead, if any]

EUROPEAN CHEMICALS AGENCY

Call for tenders Ref. ECHA/2019/355

Attn:

[Insert date]

Commitment letter by an entity on whose capacity is being relied

I, the undersigned,

Name:

Function:

Company:

Registered address:

VAT Number:

having the legal capacity required to act on behalf of the company *[insert name of the entity]* hereby confirm that our company **authorises the *[insert name of the tenderer]* to rely on its financial and economic capacity in order to meet the minimum levels** required for the Call for Tenders ECHA/2019/355 – Framework contract for support of work on restrictions, dose-response functions, Annex XIV, POPs, and dossier evaluation.

In the event that the tender of the aforementioned tenderer is successful, *[insert name of the entity]* commits itself to make available the resources necessary for performance of the contract. It further declares that it is not subject to conflicting interests which may negatively affect the contract performance, and that it accepts the general conditions attached to the Tender Specifications for the above call for tender, in particular the contractual provisions related to checks and audits.

Done at:

Name:

Position:

Signature:

Annex 6. Financial offer form

See template uploaded as Annex 6 to the specifications.

Annex 7. Contract Reference form

The Contract Reference Form must be used to give details about relevant projects the tenderer wants to present as proof of experience for Selection Criterion 2.

A new Project Reference Form must be completed for each project.

Contract Reference Form – Contract reference n°_ECHA/2019/355_

Project name:

Start date (mm/yy):

Finish date (mm/yy):

Client name:

Contact person:

Phone:

Contract:

Main contractor for this project (check the appropriate):

☐ Tenderer

☐ Other

Contract value:

Description:

Annex 8. Overview table of proposed experts and senior experts (example of table)

[illegible]