



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR MOBILITY AND TRANSPORT

Directorate C - Land
Unit C.2 Road Safety

CALL FOR TENDERS

N° MOVE/2020/OP/0006

"Appointment of Technical secretariat for the group of the notified bodies under Directive 2010/35/EU on transportable pressure equipment"

TENDER SPECIFICATIONS

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1. INFORMATION ON TENDERING

1.1. Participation

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

1.2. Contractual conditions

The tenderer should bear in mind the provisions of the draft contract which specifies the rights and obligations of the contractor, particularly those on payments, performance of the contract, confidentiality, and checks and audits.

1.3. Compliance with applicable law

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

1.4. Joint tenders

A joint tender is a situation where a tender is submitted by a group of economic operators (natural or legal persons). Joint tenders may include subcontractors in addition to the members of the group.

In case of joint tender, all members of the group assume joint and several liability towards the Contracting Authority for the performance of the contract as a whole, i.e. both financial and operational liability. Nevertheless, tenderers must designate one of the economic operators as a single point of contact (the leader) for the Contracting Authority for administrative and financial aspects as well as operational management of the contract.

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

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

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

1.5. Subcontracting

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

Tenderers are required to identify subcontractors whose share of the contract is above 20 % and those whose capacity is necessary to fulfil the selection criteria.

During contract performance, the change of any subcontractor identified in the tender or additional subcontracting will be subject to prior written approval of the Contracting Authority.

1.6. Structure and content of the tender

The tenders must be presented as follows:

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

Part B: Non-exclusion (see section 3.1)

Part C: Selection (see section 3.2)

Part D: Technical offer

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

Part D: Financial offer

The maximum contract price is **EUR 150,000**. Tenders with prices higher than the maximum will be considered unacceptable.

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

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

Tenderers must provide the total contract price. The quoted price must be a fixed amount which include all charges (including travel and subsistence). Travel and subsistence expenses are not refundable separately.

Part F: Power of attorney (for consortia only)

1.7. Identification of the tenderer

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

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

In addition the tenderer must fill and sign Annex I (identification of the Tenderer) and join it to the tender.

2. TECHNICAL SPECIFICATIONS

2.1. Introduction

The experience in implementing [Directive 2010/35/EC](#) on transportable pressure equipment³, hereafter TPED, has shown the need to assist the Chairperson of the group of conformity assessment bodies by a stable Technical Secretariat. Directive 2010/35/EC is a global approach directive setting up the framework for the market surveillance of the transportable pressure equipment, while the technical provisions applicable in this field are detailed in the Annexes to Directive 2008/68/EC on inland transport of dangerous goods⁴.

Council Decision 768/2008/EC of 9 July 2008⁵ lays down that the Commission, in co-operation with the Member States, must ensure that close co-operation is organised between the notified bodies in order to ensure consistent technical application of the conformity assessment procedures set out in the EU Harmonisation Directives based on the “New Approach” and the “Global Approach”.

To this end, conformity assessment bodies dealing with an individual directive or with a specific field must meet, in co-ordination, in order to establish coherent methods so that all the examinations are based on the same techniques and lead to comparable results.

Moreover, in order to ensure consistency between the various groups, the European Commission can assemble and organise inter-sector groups, by inviting the Technical

³ OJ L 165, 30.6.2010, p. 1

⁴ Directive 2008/68/EC of the European Parliament and of the Council of 24 September 2008 on the inland transport of dangerous goods, OJ L 260, 30.9.2008, p. 13.

⁵ Council Decision 768/2008/EC of 9 July 2008 of the European Parliament and of the Council on a common framework for the marketing of products and repealing Council Decision 93/465/EEC. OJ L 218, 13.08.2008.

Secretariat and Chairpersons of the co-ordination of conformity assessment bodies, either together or in restricted groups, when specific subjects are involved.

A technical secretariat for the group of conformity assessment bodies has already been in place between 2017 and 2020, and it clearly improved the functioning of the group – therefore it is necessary to continue the existing activities.

This call for tenders is intended to designate the Technical Secretariat of the group of conformity assessment bodies related to Directive 2010/35/EC on transportable pressure equipment. This group is also known as the Notified Bodies Group (NoBo Group) for TPED.

In this context, the Technical Secretariat will have as its mission in the field covered by the group of preparing and taking part in the meetings of the TPED NoBo Group, drafting the technical working papers, to propose solutions to the technical problems raised at the meetings and to provide, at the request of the European Commission services, technical advice on subjects relating to the application of Directive 2010/35/EU and Directive 2008/68/EC.

A thorough knowledge of the international agreements applicable in this field (including RID / ADR / ADN), as well as an appropriate coverage of the evolution of technical provisions and standards related to transportable pressure equipment is required.

The following information is considered of interest as regards potential bidders:

- The rules of procedure of the TPED NoBo Group
- The full list of conformity assessment bodies notified according to Directive 2010/35/UE, which can be found in the NANDO database at the following link: http://ec.europa.eu/growth/tools-databases/nando/index.cfm?fuseaction=directive.notifiedbody&dir_id=141121

The Technical Secretariat will be assisted by an Administrative Secretariat⁶ (designated separately) responsible for logistical support for the meetings of the coordination groups of conformity assessment bodies. The tasks of the Administrative Secretariat include the management of any aspect referring to the preparation, as well as the organisation and the monitoring of the meetings or conferences from a logistical point of view only. Among others, the tasks of the Administrative Secretariat do not include the drafting of general or technical documents.

The Administrative Secretariat is responsible for the distribution of information on the work of the group via the CIRCABC⁷ internet based document sharing system. It is also responsible for the tasks of the "leader" of the specific CIRCABC group dedicated to TPED e.g. by granting access to the users, uploading documents prepared by the Technical Secretariat and answering the users' requests with the necessary explanations on the operating mode of the site.

⁶ The tasks of the Administrative Secretariats are not covered by this contract, but are presented here to explain tasks to be completed in cooperation.

⁷ For details on CIRCABC, see <https://circabc.europa.eu>

The Technical Secretariat may if the need arises also distribute information or documents directly via the CIRCABC system in consultation with the Administrative Secretariat and the Commission's responsible desk officer.

2.2. Tasks of the Technical Secretariat

The tasks of the Technical Secretariat shall be the following:

- a) Assist the Chairpersons of the TPED NoBo Group in their functions. In this context, the Technical Secretariat has to:
 - take the initiative to ensure, in collaboration with the Chairpersons of the group, that productive meetings of the TPED NoBo Group can be held;
 - take part in the meetings of the TPED NoBo Group in Brussels or in other places where the group decides to meet;
 - collect and draft the documents for the meetings, prepare the agenda in collaboration with the Chairpersons of the TPED NoBo Group and ensure their timely distribution through CIRCABC (i.e. one month before the meetings);
 - draft the technical working papers, the reports (including minutes) of these meetings and their recommendations. The draft minutes shall be submitted to the Commission's responsible desk officer for comments prior to distribution. The draft minutes shall be prepared as soon as possible and in any case within two weeks after the meeting. Documents and/or reports resulting from each TPED NoBo Group meeting shall be provided to the Commission and - after the agreement of the relevant desk officer - be submitted to the relevant expert group meetings of the sector;
 - keep informed the TPED NoBo Group and report to it on:
 1. work of the intersectoral groups of conformity assessment bodies when they meet;
 2. progress with implementation of the EU legislation in the related area, according to the possible information provided by the Commission services;
 3. work in the field of European standardisation.
 - ensure the continuity of the work of the Technical Secretariat throughout the contract (ensure regular meetings, systematic and timely production of documents and back-up foreseen when necessary);
 - collect all useful technical information and, at the request of the Commission services, format them to allow conformity assessment bodies in the NoBo Group to carry out and co-ordinate their activity in the most effective way;
 - propose answers or solutions to the problems raised by the conformity assessment bodies between and at the meetings of the TPED NoBo Group - see also point d) below;
 - take part, at the request of the Commission services, in the sector related meetings with stakeholders and with competent authorities (e.g. Expert group or Committee under Directive 2008/68/EC);

- ensure in co-operation with the Administrative Secretariat that electronic tools (e.g. the specific CIRCABC Interest Groups dedicated to TPED) are operated properly to facilitate communication and cooperation of the conformity assessment bodies.
- b) In case sub-groups of the NoBo Group will be created, assist the Chairpersons of these sub groups.
 - c) The Technical Secretariat must also be in a position to provide, at the request of the Commission services, technical advice on subjects relating to the application of the TPED. At the request of the Commission, the Technical Secretariat may also be asked to draft working documents on specific technical topics covered the TPED and reflecting the various opinions and present such documents in the TPED NoBo Group meetings in order to facilitate the discussions. It is expected that this activity may take up to 15 % of the total of allocated resources.
 - d) Specific tasks may be performed by members of the TPED NoBo Group, when they are designated for this task by the group itself. The execution and reporting on such tasks, when they are performed in the context and scope of work of this specification, is to be supervised and accounted by the Technical Secretariat.

The working language to be used in performing the tasks of the Technical Secretariat shall be English.

2.3. Meetings to be attended by the Technical Secretariat

- two meetings of the TPED NoBo Group per year, of up to two-day duration each. These meetings will in principle take place in Brussels but, upon decision of that group, could also be organised elsewhere within the EU.
- two meetings of the Administrative Cooperation Group (TPED ADCO Group) per year, of up to two-day duration each. These meetings will in principle take place in Brussels but, upon decision of that group, could also be organised elsewhere within the EU.
- the Technical Secretariat shall attend a kick-off meeting with the Commission at the latest 15 days following the entry into force of the contract, in order to settle all the details of the work to be undertaken, an interim meeting within the second period of 12 months of the contract, and one hand-over meeting at the end of the contract, of one-day duration each, to be held in the Commission premises in Brussels.
- in addition to the meetings envisaged above, two meetings per year related to the transportable pressure equipment sector (e.g. informal working groups organised by the NoBo Group) of one day each could be organised.

The activities under 2.2 and 2.3 are estimated at 2x40 man-days a year.

In summary, the foreseeable meetings that the Technical Secretariat is expected to take part in are as follows:

Initial period of 12 months	Second period of 12 months	Third period of 12 months
2x40 man-days, including 1x1-day kick-off meeting with the Commission in Brussels 2x2-day meetings of TPED NoBo Group	2x40 man-days, including 2x2-day meetings of TPED NoBo Group 2x2-day meetings of the TPED ADCO Group	2x40 man-days, including 2x2-day meetings of TPED NoBo Group 2x2-day meetings of the TPED ADCO Group

2x2-day meetings of the TPED ADCO Group 1x2-day meetings of the TPED sector	1x2-day meetings of the TPED sector 1x1-day progress meeting with the Commission in Brussels	1x2-day meetings of the TPED sector 1x1-day hand-over meeting with the Commission in Brussels
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2.4. Specific obligations of the Technical Secretariat

The Contractor will appoint one person as Technical Secretary and a second person as a Vice-Secretary to carry out the tasks and missions of the Technical Secretariat. Tenders should envisage the names of one or two substitutes to cover the cases where the named persons would be unable to continue exercising their function. At least two people from the Technical Secretariat (e.g. the Secretary and his/her Vice-Secretary) shall attend all the above mentioned meetings (only one for the TPED ADCO Group), in order to ensure appropriate organisation of the meeting and to take the necessary notes to draft the reports.

2.5. Reports and Documents

For each 12 month period, the Contractor is to provide the required reports and documents in accordance with the conditions of the standard service contract appended in Annex 4.

Work carried out by the Contractor in performance of the contract will be subject to the reports detailed below, two copies of which must be sent both electronically (PDF/Word and/or Excel) and – if requested - in paper copy to the Commission.

The reports to be drafted are as follows:

- **Two progress reports** for the two initial twelve-month periods, to be submitted no later than 6 weeks before the end of each period. These yearly progress reports should constitute an overview of the activity performed in execution of the contract and propose means of enhancement for the next term;
- **A final report** to be submitted no later than 6 weeks before the end of the last 12 months period.

The documents to be drafted are as follows:

- agendas for the TPED NoBo Group meetings,
- documents to be communicated to the TPED NoBo Group members, including the following ones (list not exhaustive):
 - o questions addressed to the TPED NoBo Group that the Technical Secretariat receives (directly from stakeholders, from Notified Bodies, from the Commission or from other sources), codifies and forwards;
 - o interpretation done by the Technical Secretariat to the questions received;
 - o documents to be forwarded to the ADCO Group after the TPED NoBo Group meeting;
 - o outcome of the discussions in the ADCO Group on the documents forwarded by the NoBo Group
- consolidation of texts resulting from meetings and

- any other documents necessary for the fruitful cooperation in the sector (i.e. correspondence with the NoBos, chairs and Administrative Secretariats for NoBo and ADCO groups, stakeholders or the Commission on the items on the Agenda, organisational issues, including preparatory conference calls to debate documents with their authors).

Work regarding the organisation of the meetings, including the preparation of the above mentioned documents, will be performed in close cooperation with the Chairpersons of the group.

The Commission shall have ten days from the date of receipt of the relevant **progress report** to proceed to its assessment, and fifteen days to evaluate the final progress report and the handover report. The Commission reserves the right to ask the Contractor to provide it with a copy of all the documents drawn up by the Technical Secretariat as well as the documents, in preparation or finalised, not yet submitted or approved by the group.

Reports and documents shall be written in English. The contractor shall guarantee a high linguistic quality of the documents. If need be, the contractor shall provide for a linguistic review by a native speaker or a qualified person with equivalent skills.

The duration of the tasks shall not exceed 36 months, divided into 3 periods of 12 months each.

This period is calculated in calendar days.

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

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

A kick-off meeting will take place in Brussels, at the latest 15 calendar days following the entry into force of the contract, in order to settle all the details of the work to be undertaken and to establish a document which describes further the work plan for the execution of the contract. Following submission of the progress reports, meetings with the Technical Secretariat may be organised in order to address outstanding issues concerning the activities of the group. Following the submission of the draft final report and of the handover report, a meeting will be organised in Brussels to discuss the Commission's observations. The exact dates of the above mentioned meetings will be agreed upon with the Contractor.

3. EVALUATION AND AWARD

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

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

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

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

3.1. Verification of non-exclusion

All tenderers must provide a declaration on honour (see Annex 2), signed and dated by an authorised representative, stating that they are not in one of the situations of exclusion listed in that declaration on honour.

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

In case of subcontracting, identified subcontractors must provide a declaration on honour signed by an authorised representative.

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

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

A tenderer (or a member of the group in case of joint tender, or a subcontractor) is not required to submit the documentary evidence if it has already been submitted for another procurement procedure and provided the documents were issued not more than one year before the date of their request by the contracting authority and are still valid at that date. In such cases, the tenderer must declare on its honour that the documentary evidence has already been provided in a previous procurement procedure, indicate the reference of the procedure and confirm that 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.

3.2. Selection criteria

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

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

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

3.2.1. Declaration and evidence

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

This declaration is part of the declaration used for exclusion criteria (see section 3.1) so only one declaration covering both aspects should be provided by each concerned entity.

For the selection criteria, the Contracting Authority will evaluate:

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

A tenderer (or a member of the group in case of joint tender, or a subcontractor) is not required to submit the documentary evidence if it has already been submitted for another procurement procedure and provided the documents were issued not more than one year before the date of their request by the contracting authority and are still valid at that date. In such cases, the tenderer must declare on its honour that the documentary evidence has already been provided in a previous procurement procedure, indicate the reference of the procedure and confirm that 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.

3.2.2. 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.

Tenderers shall have at least 5 years of experience since they enrolled in a relevant trade or professional register, i.e. notified bodies group, national/international standardisation working groups dealing with issues related to the field of application of Directive 2010/35/EU etc. or hold a particular authorisation proving that they are authorised to perform in their country of establishment tasks related to the execution of the contract (i.e. conformity assessment bodies).

The requested evidence shall be:

- Proof of enrolment in the list of conformity assessment bodies under Directive 2010/35/EU,
- Proof that the tenderer is a member of a national/international standardisation working group dealing with issues related to the field of application of Directive 2010/35/EU (name or type of specific standardisation works attended, specific standards dealt with and short description of the activities attended).

3.2.3. Economic and financial capacity criteria

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

- **Criterion F1:** Annual turnover of the last two financial years above EUR 100,000; this criterion applies to the tenderer as a whole, i.e. the combined capacity of all members of a group in case of a joint tender.
Evidence F1: a statement on the annual turnover for the last two years for which accounts have been closed from each concerned legal entity.
- **Criterion F2:** The tenderer must have a professional risk indemnity insurance of at least EUR 150,000; this criterion applies to the leader in case of a joint tender.
Evidence F2: a copy of the professional risk indemnity insurance.

3.2.4. Technical and professional capacity criteria and evidence

a. Criteria relating to tenderers

Tenderers (in case of a joint tender the combined capacity of all members of the group and identified subcontractors) must comply with the criteria listed below. The project references indicated below consist in a list of relevant services provided during the requested time period, with the sums, dates and clients, public or private, accompanied by statements issued by the clients.

- **Criterion A1:** The tenderer must prove experience of 5 years in the field of transportable pressure equipment framework – Directive 2010/35/EU and Directive 2008/68/EC as well as in the related standardisation process.
Evidence A1: the tenderer must provide references for technical or regulatory projects delivered in these fields of at least five years, e.g. related to conformity assessment, type approval, initial inspections of transportable pressure equipment, TAIEX/Twinning projects.
- **Criterion A2:** The tenderer must prove **access to the applicable standards**.
Evidence A2: the tenderer must provide proofs, e.g. invoices for the acquisition of the applicable standards from the national standardisation bodies or other proofs of access (i.e. subscriptions to relevant standardisation bodies' websites).
- **Criterion A3:** The tenderer must prove experience of 2 years in the preparation and conducting of secretarial work for meetings, ability to draft meeting agendas, working documents and minutes as well as to provide overviews
Evidence A3: the tenderer must provide proofs, e.g. technical documents, agendas, reports.
- **Criterion A4:** The tenderer must prove capacity to draft reports/documents **on the subject of transportable pressure equipment** in English.
Evidence A4: the tenderer must provide one document of at least 10 pages (report, study, etc.) in this language that it has drafted and published or delivered to a client in the last two years. The verification will be carried out on 5 pages of the document.

b. Criteria relating to the team delivering the service

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

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

Profile B1 – Senior Expert in transportable pressure equipment: relevant higher education degree in engineering or equivalent, at least 5 years' experience in the field of TPED, Directive 2008/68/EC, the related standardisation process, and minimum C1 level in the Common European Framework for Reference for Languages⁸ in English.

The experience mentioned above should include a minimum 3 years' experience in activities at international or EU level in one of the related fields, e.g. pressure equipment and/or simple pressure vessels technology, means of containment for dangerous goods not covered by TPED, application of other related "New Approach" and/or "New Legislative Framework" Directives applicable for gases or other chemical products, drafting of technical specifications or documents discussed in the related working groups organised at UN level is also required.

Evidence: CV and language certificate or previous experience

Profile B2 - Expert in transportable pressure equipment: relevant higher education degree in engineering or equivalent, with at least 3 years' professional experience in the field of TPED Directive 2008/68/EC, the related standardisation process, and minimum C1 level in the Common European Framework for Reference for Languages⁹ in English.

A minimum 1 year experience in activities at international or EU level in one of the related fields, e.g. pressure equipment and/or simple pressure vessels technology, means of containment for dangerous goods not covered by TPED, application of other related "New Approach" and/or "New Legislative Framework" Directives applicable for gases or other chemical products, drafting of technical specifications or documents discussed in the related working groups organised at UN level is also required.

Evidence: CV and language certificate or previous experience

3.3. Award criteria

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

- **Criterion 1 - Quality of the proposed methodology** (60 points - minimum score 50%)

This criterion serves to assess the proposed methodology to carry out the tasks and fulfil the objectives; in particular the following items shall be considered:

⁸ See http://www.coe.int/t/dg4/linguistic/Cadre1_en.asp

⁹ See http://www.coe.int/t/dg4/linguistic/Cadre1_en.asp

- **Sub-criterion 1.1 Role of the Technical Secretariat** (20 points – minimum score 50%):

Quality of the proposed methodology on the overall role of the technical secretariat in the work of the notified bodies group, including description of concrete sector specific objectives and challenges foreseen by the tenderer for the period covered.

- **Sub-criterion 1.2 Specific tasks related to the NoBo Group** (20 points – minimum score 50%)

Quality of the proposed methodology to assure the specific tasks described in point 2.2 including separate well-structured sections on the following subjects:

- actions and procedures planned to be performed in performance of their tasks;
- resources to be allocated to the above actions and producers.

- **Sub-criterion 1.3 Relationship with other stakeholders**(20 points – minimum score 50%)

Quality of the proposed methodology and actions intended to establish a good relationship with the groups of relevant conformity assessment bodies, authorities and the main stakeholders.

- **Criterion 2 - Organisation of the work and resources** (20 points – minimum score 50%)

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

- **Criterion 3 - Quality control measures** (20 points – minimum score 50%)

This criterion will assess the quality control system applied to the service foreseen in this tender specification concerning the quality of the deliverables, the language quality check, and continuity of the service in case of absence of 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 system will result in a low score.

Tenders must score minimum 50% for each criterion and sub-criterion, and minimum 70 % in total. Tenders that do not reach the minimum quality levels will be rejected and will not be ranked.

3.4. Ranking of tenders

The contract will be awarded to the most economically advantageous tender, i.e. the tender offering the best price-quality ratio determined in accordance with the formula below. A weight of 70/30 is given to quality and price.

Score for tender X	=	cheapest price	*	100	*	0,30	+	total quality score (out of 100) for all award criteria of tender X	*	0,70
		price of tender X								

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

4. LEGAL VALIDATION AND FINANCIAL VIABILITY ASSESSMENT

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

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

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

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

- Signed legal entity identification form¹⁰:
Natural Person Form
Private Legal Entity Form
Public Legal Entity Form
- Official VAT document or — if the entity is not registered for VAT — the proof of VAT exemption, not older than 6 months.
- Signed Bank Account Form, and
- the following additional documents, where relevant:

Status	Documents to be submitted
Private body (including SME)	Registration extract (not older than 6 months).

¹⁰ http://ec.europa.eu/budget/contracts_grants/info_contracts/legal_entities/legal-entities_en.cfm

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	<p>Copy of an official document attesting that the organisation has a legal or statutory obligation not to distribute profits to shareholders or individual members.</p> <p>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.</p>
Research organisation	Copy of an official document attesting that one of the main objectives of the entity is carrying out research or technological development.
Secondary or higher education establishment	Copy of an official document attesting that the organisation is recognised such as 'secondary or higher education establishment by the national education system and is entitled to deliver diplomas recognized by the State.
International organisation International organisation of European interest	Copy of the relevant international treaty creating the organisation under international public law.
Natural person	Copy (legible) of valid identity card or passport.
Entities without legal personality	<p>Copy of an official document attesting that the representatives of the entity have the capacity to undertake legal obligations on its behalf.</p> <p>Copy of an official document attesting that the entity has the same operational and financial capacity as that of a legal entity, i.e.:</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.

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

Status	Documents to be submitted
Legal entity	<ol style="list-style-type: none"> 1. Profit and loss account 2. Balance sheet 3. Explanatory notes and/or annexes that form part of the above financial statements (if available) 4. External audit report, for the procurement domain – to be submitted on voluntary basis if the entity has already been audited for other purposes
Natural Person	<ol style="list-style-type: none"> 1. Income tax declaration 2. Certified declaration of current patrimony (may not be applicable to procurement), including: <ol style="list-style-type: none"> a. fixed patrimony (e.g. land, tenement, hereditament, medium/long-term time deposits (more than one year), stock options that cannot be exercised within one year) b. current patrimony (e.g. available cash, savings, short-term time deposits (maximum of one year), stock-options that can be exercised within one year) 3. List of certified debts, which must contain all debts (with dates and figures), broken down in short-term debts (of maximum one year) and medium/long-term debts (of more than one year) (may not be applicable to procurement).
Start-up companies without closed accounts	Business plan

5. ANNEXES

1. Tenderer 's Identification Form
2. Declaration of honour on exclusion criteria and selection criteria
3. Power of attorney (mandate in case of joint tender)
4. Draft Contract

ANNEX 1

IDENTIFICATION OF THE TENDERER

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

Call for tenders MOVE/2020/OP/0006

Identity	
Name of the tenderer	
Legal status of the tenderer	
Date of registration	
Country of registration	
Registration number	
VAT number	
Description of statutory social security cover (at the level of the Member State of origin) and non-statutory cover (supplementary professional indemnity insurance) ¹¹	
Address	
Address of registered office of tenderer	
Where appropriate, administrative address of tenderer for the purposes of this invitation to tender	
Contact Person	
Surname: First name: Title (e.g. Dr, Mr, Ms) : Position (e.g. manager): Telephone number: Fax number: E-mail address:	

¹¹ For natural persons.

Legal Representatives	
Names and function of legal representatives and of other representatives of the tenderer who are authorised to sign contracts with third parties	
Declaration by an authorised representative of the organisation¹² I, the undersigned, certify that the information given in this tender is correct and that the tender is valid.	
Surname: First name:	Signature:

¹² This person must be included in the list of legal representatives; otherwise the signature on the tender will be invalidated.

ANNEX 2

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

Declaration of honour on exclusion criteria and selection criteria

The undersigned *[insert name of the signatory of this form]*, representing:

<i>(only for natural persons)</i> himself or herself	<i>(only for legal persons)</i> the following legal person:
ID or passport number:	Full official name: Official legal form: Statutory registration number: Full official address: VAT registration number:

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

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

v. infringement of Union or national competition law; or decisions of exclusion by an authorising officer of an EU institution, of a European office or of an EU agency or body.		
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[Only for legal persons other than Member States and local authorities, otherwise delete this table]

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

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

- declares whether a natural or legal person that assumes unlimited liability for the debts of the above-mentioned legal person is in one of the following situations or not:

SITUATIONS OF EXCLUSION CONCERNING NATURAL OR LEGAL PERSONS ASSUMING UNLIMITED LIABILITY FOR THE DEBTS OF THE LEGAL PERSON	YES	NO	N/A
Situation (a) above (bankruptcy)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Situation (b) above (breach in payment of taxes or social security contributions)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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

GROUND FOR REJECTION FROM THIS PROCEDURE	YES	NO
h) has not distorted competition by being previously involved in the preparation of procurement documents for this procurement procedure;	<input type="checkbox"/>	<input type="checkbox"/>
i) has provided accurate, sincere and complete information to the contracting authority within the context of this procurement procedure;	<input type="checkbox"/>	<input type="checkbox"/>
➤ acknowledges that the above-mentioned person may be subject to rejection from this procedure and to administrative sanctions (exclusion or financial penalty) if any of the declarations or information provided as a condition for participating in this procedure prove to be false.		

REMEDIAL MEASURES

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

EVIDENCE UPON REQUEST

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

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

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

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

➤ declares whether the above-mentioned person complies with the selection criteria as provided in the tender specifications:		
SELECTION CRITERIA	YES	NO
(a) It has the legal and regulatory capacity to pursue the professional activity needed for performing the contract as required in section 3.2.2. of the tender specifications;	<input type="checkbox"/>	<input type="checkbox"/>
(b) It fulfills the applicable economic and financial criteria indicated in section 3.2.3. of the tender specifications;	<input type="checkbox"/>	<input type="checkbox"/>
(c) It fulfills the applicable technical and professional criteria indicated in section 3.2.4. of the tender specifications.	<input type="checkbox"/>	<input type="checkbox"/>
➤ declares that the above-mentioned person will be able to provide the necessary supporting documents listed in the relevant sections of the tender specifications and which are not available electronically upon request and without delay.		

Full name

Date

Signature

ANNEX 3

POWER OF ATTORNEY

mandating one of the partners in a joint tender as lead partner and lead contractor¹³

The undersigned:

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

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

HEREBY AGREES TO THE FOLLOWING:

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

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

Signed in on [dd/mm/yyyy]

Place and date:

¹³ To be filled in and signed by each partner in a joint tender except the lead partner.

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

ANNEX 4

DRAFT CONTRACT

Please see separate document

