

European Chemicals Agency

Call for tenders ECHA/2020/704

**Direct service contract for Customer Support
Service for the ECHA Information Desk**

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 to outsource the Information Desk of ECHA to an external contractor, who will be providing this service on-site together with an existing member of the Information Desk (ECHA's staff member).

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

1.4.1 Background and objectives

The Information Desk acts as the first point of contact for enquiries arriving at the Agency, whether by phone, postal mail or via the contact forms on our website.

ECHA operates an Information Desk service from 09:00-18:00 during the working days. Most of the work for the Information Desk staff involves the registering, "encoding" and distributing of questions that arrive at the Agency. This is carried out via two registration/incident management systems, Remedy and SharePoint. The majority of questions are reassigned to other services, but some questions of a more general nature are answered by the Information Desk.

The service includes staffing the ECHA switchboard. The switchboard needs to be staffed between 09:00 and 18:00 every working day.

The Information Desk is responsible for the registration and dispatch of postal mail, and also coordinates all requests for an ECHA staff member to speak at an external event.

It is essential that the Information Desk provides a good level of professional customer support, as this is often the first contact with the Agency.

There are currently four people working on the Information Desk, of which one is acting as a team leader. The team leader will always be an ECHA staff member; namely, this role will not be filled in by the contractor. The team leader will work together with the 3 contractor's employees, each of whom will work either an early shift or a late shift (see section 1.4.2), so that there is at least one resource of the contractor in each shift. This ensures that the Information Desk is sufficiently staffed at all times (including holidays and periods of sickness).

Statistics of the 2019 workload

1. Number of manually encoded incidents – 5400 (weight: 40%)
2. Number of general enquiries responded to – 1800 (weight: 15%)
3. Number of phone calls received – 2400 (weight: 5%)
4. Number of speaking requests handled – 180 (weight: 10%)
5. Number of items registered in SharePoint – 2500 (weight: 30%)

In case the volume of work of ECHA's Information desk reduces by 30% or more in the above categories 1 to 5 (taking into consideration the abovementioned weight of each category) during the previous 12 months, ECHA reserves the right to reduce the number of contractor's resources by one person at each anniversary of the contract signature. ECHA shall inform the contractor of its decision one month before the anniversary date providing the necessary justification.

1.4.2 Working hours

The Information Desk resources provided by the contractor are considered non-statutory staff of the Agency and will be subject to Finnish employment law and the applicable collective labour agreement(s) in Finland.

The contractor shall therefore comply with the relevant Finnish legislation on employment, taxes, social and pension contributions. The contractor shall ensure the fulfilment of all legal and financial obligations towards the staff, which include, in addition to the gross salary, all social and pension contributions foreseen by the Finnish law for the employer.

The normal working week shall be in accordance with the applicable Finnish legislation and collective agreement(s) i.e. 37.5 hours per week. ECHA will not pay any hours worked above the normal working week.

The working day of the Information Desk staff consists of 7 hours 30 minutes a day. There are two non-restrictive shifts:

1. Early shift starts between 8:00-8:30. These staff usually leaves at 16:00-16:30, due to the current rules of working hours.
2. For late shift, staff start usually at 10:00. The finishing time for this shift is 18:00 because of the switchboard service.

In practice, the above times are agreed upon with ECHA's team leader on a weekly basis and a rolling schedule.

Saturdays, Sundays and ECHA's holidays¹ are not working days. Holidays are preferably taken during periods of lower activity such as July and August, and the Easter week.

1.4.3 Detailed characteristics of the purchase

The Contractor is required to provide the Information Desk Support Services to ECHA.

The total number of resources that the contractor will need to deploy is three persons according to the working hours/shift system in section 1.4.2.

¹ ECHA's public holidays are accessible here: <https://echa.europa.eu/contact/opening-hours>

1.4.3.1 Tasks of the Information Desk

The list of tasks to be carried out by the Information Desk are listed below.

1. Being available to respond to enquiries arriving at the ECHA switchboard each working day. This will often involve guiding the customer to the correct point of entry.
2. Encoding and evaluating enquiries arriving via the ECHA contact forms and assigning them to the correct service.
3. Responding to questions within the scope of the Information Desk service or where specific instructions and/or standard replies exist.
4. Opening, registering and distributing incoming postal mail according to a strict set of instructions.
5. Registering email enquiries forwarded to the Information Desk by other units at ECHA.
6. Coordinating requests for ECHA staff to participate as speakers at external events. Creating tasks for secretaries and responding to event organisers.
7. Providing administrative support to the IPR (Intellectual Property Rights) team of the Agency in responding to IPR enquiries arriving at ECHA.
8. Maintaining and updating working instructions for the allocation of enquiries within ECHA.
9. Assisting other services at ECHA and implementing other administrative duties related to the Information Desk if necessary.

1.4.3.2 Basic information maintenance

On a regular basis, the Information Desk receives and updates internal instructions on how to assign enquiries and allocate registered items.

1.4.3.3 Continuous improvement

It is important that ECHA staff can feel assured that they can receive the help they need from the Information Desk. As such, the Information Desk is expected to identify ways to improve this experience. This can be through streamlining the processes or by finding ways to provide clear information through ECHA's internal communication channels.

1.4.3.4 Distributing the workload

The workload follows a rotating schedule in which each member of the Information Desk takes primary responsibility for one specific task for a set period of time. After that period, the tasks switch, so that each member refreshes their knowledge on all the tasks. At times of higher workload the Information Desk members are nevertheless expected to support any task, as needed.

1.4.4 Profiles of the requested resources

ECHA requests Information Desk resources according to the profile defined below:

- Ability to speak and write in English at a high level of competence (European language level B2 on written and spoken)²
- Successful completion of post-secondary level education attested by a diploma.

² <https://europa.eu/europass/system/files/2020-05/CEFR%20self-assessment%20grid%20EN.pdf>

- Minimum six (6) months professional experience relevant to the job (within the field of customer support or comparable service field)
- Competent knowledge of the Office programs: primarily Word and Excel. Prior knowledge of SharePoint or Remedy is considered an advantage.
- Soft skills: ability to work in a multicultural context, good professional conduct and team spirit

The above elements will be assessed as part of the quality performance during the contract.

A failure to acceptably comply with the above will be treated as a failure to deliver and will be dealt with according to the relevant provisions of the Contract. This applies both to the work performance detailed in Section 1.4 and the requirements for the staff detailed in this section.

1.4.5 Staff vetting

The ECHA Information Desk often handles very sensitive commercial and personal information. This requires that the staff members are selected keeping in mind the required level of confidentiality needed in the tasks to be carried out. The contractor shall be responsible for ensuring that confidentiality is preserved during and after the duration of the contract, in accordance with the relevant confidentiality provisions of the contract.

ECHA and the contractor will sign a Non-Disclosure Agreement (see Annex VIII) and the contractor will be responsible to ensure that its terms are respected by the resources provided, who will be requested to sign a Security and Confidentiality declaration upon their arrival to work at ECHA (please see Annex IX).

1.4.6 Selection and training of staff

Selection

The contractor will provide by e-mail at least 3 Europass CVs in English of candidates matching the requirements of the profile in section 1.4.4, for the approval of ECHA, at the latest 5 working days before the start of the service provision. As part of the selection process, ECHA's contract manager and the contract manager on the contractor's side will hold short interviews with the prospective Information Desk resources at no cost for ECHA. The Information Desk resources must have been approved by ECHA in advance, before they arrive to work at the Agency premises.

If based on the submitted CV or the interview ECHA rejects candidates for not meeting the requirements of the profile, the contractor may not seek compensation for any costs that may be incurred as a result of this selection process.

During the implementation of the contract ECHA reserves the right to request the replacement of an Information Desk resource if there is evidence that the person does not meet the requirements of the profile, does not adequately work together with the rest of the persons in the team or integrate in ECHA's working environment. In such a case, a replacement will be provided by the contractor in a timely manner, in accordance with the selection process described above, not to disrupt the smooth running of the service. The same rules apply in case of resources leaving the service on their own initiative or as a result of a decision of the Contractor.

The replacement can be formalised by exchange of e-mails between the contractual parties.

The Contractor is responsible for providing contingency in cases beyond planned holidays and long-term sick leaves or other absences. The contractor does not need to provide replacements during normal holiday leave, temporary sickness periods or other shorter foreseen absences, as the shifts shall be arranged to cover the smooth running of the service.

The replacement of an Information Desk resource will be carried out at no cost for ECHA. The replacement candidate selected by the Agency will be given adequate handover by the contractor, free of charge for ECHA, so that the resource may be immediately operational when the replaced person is withdrawn. If no handover is possible and on-the-job training is needed for the replacement person, up to 10 working days free of charge for the Agency must be performed by the new resource. When applying this provision ECHA will take into consideration the specific circumstances of the case.

Training

All professional training that may be needed by the contractor's resources to reach the level of performance required by the contract will be the responsibility of the Contractor, and cannot be invoiced.

ECHA shall provide guidance and training to the Information Desk resources on the specific tasks and working methods of the Agency that need to be applied in the provision of the services under the contract.

For the training of replacement resources see the previous section.

1.4.7 Contract Management

The contractor will appoint a Contract Manager, who will have the overall coordination responsibility of the service delivery on the contractor's side.

ECHA and the Contract Manager of the service provider shall meet at least four times per year on pre-agreed dates to discuss the contractor's performance, monitor the KPIs (Key Performance Indicators) and discuss any possible improvements. The meeting can be physical or virtual.

Both parties can request ad-hoc meetings if concerns or other upcoming issues that require corrective action arise. The Contract Manager of the service provider is responsible for the corrective actions for issues highlighted in the regular/ad hoc meetings.

Satisfactory performance of the service will be assessed based on the following KPIs:

- Incidents encoded (KPI is based on how correctly incidents are assigned after the training period of 1 month and initial work-practice period of two months): the contractor's resources shall correctly encode at least 95% of the incidents.
- Items registered in SharePoint (KPI is based on how correctly incidents are assigned after the training period of 1 month and initial work-practice period of two months): the contractor's resources shall correctly registered at least 95% of the items
- General enquiries replied to (KPI is based on the quality of the answers, once an acceptable period of training and work experience has been reached. Under normal circumstances, this will be the first 6 months of the contract): the contractor's resources shall send at least 90% of acceptable replies to enquiries.

1.4.8 Deliverables

Besides the execution of the tasks as detailed above, the following deliverables are expected under the contract:

- Kick off meeting minutes and confirmation of weekly work schedules
- Minutes of regular/ad hoc meetings
- Monthly reports on the service provided and KPI reporting
- Additional specific reports about services provided, upon request

The invoicing is based on the resources and services delivered according to the Specifications as detailed in section 1.4. The working time of the resources will be monitored on a daily basis with ECHA's time tracking system. In the end of each month, the ECHA team leader verifies the timesheets of the Information Desk resources. Should the Information Desk persons provided by the contractor be on sick leave, annual leave or other leave, those days are not considered as days of service delivered, and, accordingly, those days cannot be invoiced from ECHA.

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

The services will be performed at the following location: ECHA's premises in Telakkaranta (street address Telakkakatu 6, 00150 Helsinki, Finland).

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

The procedure will result in the conclusion of **a direct contract**.

In direct contracts all the terms governing the provision of the services, supplies or works are defined at the outset. Once signed, they can be implemented directly without any further contract procedures.

Tenderers need to take full account of the provisions of the Draft contract as the latter will define and govern the contractual relationship to be established between the *Contracting authority* and the successful tenderer. 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?

The maximum price for the total duration of this contract is indicated under Heading II.1.5 of the contract notice. The volume of the services to be provided over the total duration of the contract are specified in Section 1.4 of these Specifications. Any tender exceeding the above-mentioned price may be rejected.

Within three years following the signature of the 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 to procure new services from the contractor(s) up to a maximum of 50 % of the initial contract value. 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 increase of volume of requests received by ECHA's Information Desk.

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

The contract(s) resulting from the award of this call for tenders will be concluded for at most 48 months. 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](#)³. 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)³.

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.

³ 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).

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 following the entry into force of the EU-UK Withdrawal Agreement⁴ on 1 February 2020 and in particular Articles 127(6), 137 and 138, the references to natural or legal persons residing or established in a Member State of the European Union are to be understood as including natural or legal persons residing or established in the United Kingdom. UK residents and entities are therefore eligible to participate under this call for tenders.

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

⁴ Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community.

entity on whose capacities the tenderer relies to fulfil the selection criteria⁵. This applies also where the *involved entities* belong to the same economic group.

2.5 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 tenderer⁶.

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 *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.

2.6 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.

⁵ Such an entity is not considered a subcontractor, see Section 2.4.3.

⁶ 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.

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.

2.7 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 Honour⁷ in the model available in **Annex 2**.⁸ 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](#). 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 Authority⁹.

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.

⁷ The European Single Procurement Document (ESPD) may not be used yet in ECHA's calls for tenders.

⁸ 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.

⁹ 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.

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 procedure¹⁰. 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 in case of individual assessment – by each involved entity to whom the criterion applies individually.

3.2.1 Legal and regulatory capacity

Tenderers do not need to prove specific legal and regulatory capacity to perform the contract.

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.

Criterion F1	
Minimum level of capacity	Average yearly turnover of the last three financial years above EUR 250 000.
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.

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.

Criterion T1	
The tenderer must prove experience in the field of Staffing for info desk services or similar (handling organisation's and customers interaction)	
Minimum level of capacity	A minimum of one staffing contracts for the provision of on-site info desk support for two different clients in multicultural/multinational company over the last five years.
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 contract reference form per contract meeting the minimum level of capacity described above. The forms shall include details of their start and end date, total contract amount and scope, staff profiles provided and amount invoiced. In case of contracts still on-going only the portion completed during the reference period will be taken into consideration.

Criterion T2	
The tenderer must prove to have a large enough personnel capacity to be able to provide a sufficient number of resources at the required competence level.	
Minimum level of capacity	<p>This shall also apply in the case of the need to replace resources during the duration of the contract</p> <p>Tenderers should be able to provide at least the following:</p> <ul style="list-style-type: none"> i) One contract manager – with a minimum of three-year's experience in staffing projects; ii) Six resource candidates at the required competence level at the start of the contract
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 persons. ECHA reserves the right to request the CVs of the staff in the overview table in the Europass CV ¹¹ format in English.).

! 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.

¹¹ <https://europass.cedefop.europa.eu/documents/curriculum-vitae>

The presence of conflicting interests shall be examined during the evaluation phase based on commitment letters (**Annex 5.1 and Annex 5.2**).

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.

Particular attention is drawn to the minimum requirements specified in Section 1.4 of these specifications, namely:

- The Contractor is required to provide the Information Desk Support Services to ECHA with the total number of three resources with the requested profiles and according to the working hours in the section 1.4.

Tenderers 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 [Cost] - 50%

The price considered for evaluation will be the total price of the tender, covering all the requirements set out in the Tender Specifications.

The price criterion (P) is evaluated as follows: the offers are ranked according to the following formula:

$$P = (P_{min}/P_o) \times 50$$

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; 50 = Maximum points to be awarded

2. Quality - 50%

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

Criterion No	Qualitative award criteria	Weighting (maximum points)
AW1.	Quality and efficiency of the proposal for supplying Information Desk services	35
AW2.	Quality and efficiency of the proposal for the cooperation between the Contractor and ECHA	15
	Total quality points	50

The selected tender is assessed according to the above qualitative award criteria and the weighting applicable to each criterion. The tenderer's technical offer shall include a **separate document to be assessed under each of the award criteria.**

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

BASIS FOR ASSESSMENT

Award criterion 1: Quality and efficiency of the proposal for supplying Information Desk services

The tenderer shall describe (max. 7 pages) how they will deliver the following service:

- Providing 3 resources meeting the profiles, as described in section I.4.4, to staff the ECHA Information desk

The proposal of the tenderer shall describe and will be assessed by ECHA on the following points:

- The overall approach, and the detailed description of the services that the tenderer proposes to deliver in order to reach the objectives of the contract (see I.4.1);
- The description of the resources selection procedures including the following:
 - o How the tenderer will ensure that suitable resources are available for selection at the start of the contracting period (including the provision of CVs and interview arrangement).
 - o How suitable replacement resources will be made available, in a timely manner, for selection during the implementation of the contract (in situations of persons leaving or longer unforeseen absences as mentioned in section 1.4.6), including how long it will take to arrange the staffing in such an event.
 - o How the tenderer will ensure that the proposed resources have the level of competence required by the Agency.
 - o The tenderer's proposal to ensure appropriate contractual relationship practices with the information desk resources, making sure that they are timely and proactively informed of matters concerning their contractual relationship with the contractor, as well as of their work placement at ECHA.

Award criterion 2: Quality and efficiency of the cooperation between the Contractor and ECHA

The tenderer shall describe (max. 3 pages) how they will carry out their cooperation with ECHA to ensure the correct contract management.

The proposal of the tenderer shall describe and will be assessed by ECHA on the following points:

- The communication tools /procedures between ECHA and the Contractor (Contractor's representatives), and how these tools and procedures will facilitate maintaining good collaboration with ECHA during the implementation of the contract.
- The effective KPI monitoring and reporting system during the implementation of the contract.

The Evaluation Committee appointed for this procedure shall assess the quality of the services offered against the award criteria. The evaluation will concentrate on the elements of the offer specifically responding to the elements outlined above.

Tenders should therefore elaborate on all points addressed by these specifications to score as many points as possible. Tenders not meeting the minimum requirements will be rejected for non-compliance.

Furthermore, the tender will become part of the contract, whereby the tender documents need to be fully comprehensive, unambiguous and easy to interpret.

The tenderers shall observe that proposals submitted in their Tender will be binding in the subsequent delivery of services by the selected Contractor.

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 tender ranked first, which complies with the Tender Specifications and is submitted by a tenderer having access to procurement, not in an exclusion situation and fulfilling with the selection criteria.

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 the compliance with Section 1.4 of these specifications and the award criteria. Tenders deviating from the minimum requirements or not covering all the requirements 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 or using qualified electronic signature. 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 2.7
<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>Group leader</i>	See Section 2.5
<i>Identified subcontractors</i>	See Section 2.6
<i>Involved entities</i>	See Section 2.4
<i>Joint tender</i>	See Section 2.5

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 2.6
<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 document?	Instructions for uploading in eSubmission (if applicable)	
		Group leader	Member of the group				How to name file?	Where to upload?
1. Identification and information about the tenderer.								
<div><div>eSubmission view</div><div><div><div></div><div>Ways to submit</div></div><div><div></div><div>Parties</div></div><div><div></div><div>Lots</div></div><div><div></div><div>Tender Data</div></div><div><div></div><div>Tender report</div></div><div><div></div><div>Submit tender</div></div></div></div>								
<div>Declaration on Honour on Exclusion and Selection Criteria (see Section 3.1)</div> <div>model in Annex 2. Declaration on Honour on exclusion and selection criteria</div>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	With the tender in e-Submission	'Declaration on Honour'	With the concerned entity under 'Parties' <input type="checkbox"/> 'Identification tenderer' <input type="checkbox"/> 'Attachments' <input type="checkbox"/> 'Declaration on Honour'.
<div>Evidence that the person signing the documents is an authorised</div>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>			With the tender in e-Submission	'Authorisation to sign' documents'.	With the concerned entity under 'Parties' <input type="checkbox"/> 'Identification tenderer' <input type="checkbox"/> 'Attachments' <input type="checkbox"/> 'Other documents'.

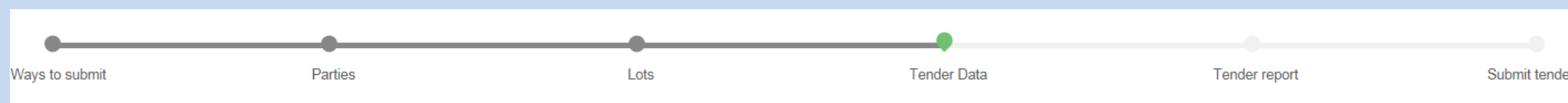
representative of the entity ¹⁴								
Power of attorney (see Section 2.5) model in Annex 3. Power of attorney			<input checked="" type="checkbox"/>			With the tender in e-Submission	'Power of attorney'	In the Group leader's section under 'Parties' <input type="checkbox"/> 'Identification tenderer' <input type="checkbox"/> 'Attachments' <input type="checkbox"/> 'Other documents'.
Commitment letter (see Section 2.6 and 2.7)				<input checked="" type="checkbox"/> (model in Annex 5.1)	<input checked="" type="checkbox"/> (model in Annex 5.2)	With the tender in e-Submission	'Commitment letter'	With the concerned entity under 'Parties' <input type="checkbox"/> 'Identification tenderer' <input type="checkbox"/> 'Attachments' <input type="checkbox"/> 'Other documents'.
Evidence of non-exclusion (see Section 3.1)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Only upon request by <i>the Contracting authority</i> At any time during the procedure	n.a.	n.a.
Evidence of legal and existence status	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>			Only upon request by <i>the EU Validation services</i>	n.a.	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		
						In the Participant Register		
Evidence of legal capacity (see Section 3.2.1)						Only upon request by the Contracting authority	n.a.	
						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 involved entities who contribute to reaching the minimum capacity level for criterion F1					Only upon request by the Contracting authority At any time during the procedure	n.a.	With the Group leader or the sole tenderer under 'Parties' <input type="checkbox"/> 'Identification tenderer' <input type="checkbox"/> 'Attachments' <input type="checkbox"/> 'Economic and financial capacity'.
Evidence of technical and						Only upon request by the	With the Group leader or the sole tenderer under 'Parties' <input type="checkbox"/> 'Identification tenderer'	

professional capacity T1 and T2 (see Section 3.2.3)	The documents must be provided only by the <i>involved entities</i> who contribute to reaching the minimum capacity level for criteria T1 and T2	<i>Contracting authority</i> At any time during the procedure	<input type="checkbox"/> 'Attachments' <input type="checkbox"/> 'Technical and professional capacity'.
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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' <input type="checkbox"/> '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' <input type="checkbox"/> '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'

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/2020/704 -

Customer Support Service for the ECHA Information Desk

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)
[Full official name Registered address Statutory registration number VAT registration number]		
[Full official name Registered address Statutory registration number VAT registration number]		
[REPEAT AS MANY TIMES AS THE NUMBER OF IDENTIFIED SUBCONTRACTORS]		
Other subcontractors that do not need to be identified under Section 2.6		
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/2020/704

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 **[insert reference number]** – **[insert title of procedure]** Lot **[insert lot number]**.

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/2020/704

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 **[insert reference number] – [insert title of procedure]** Lot **[insert lot number]**.

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

Contract Reference Form – Contract reference n^o ECHA/2020/704

Project name:

**If ongoing portion completed
during the reference period:**

Start date (mm/yy):

Finish date (mm/yy):

Client name:

Contact person:

**Phone
address:**

and

Email

Principal contractor for this project (check the appropriate):

☐ Tenderer

☐ Other

Contract value and invoiced amount:

Multinational/multicultural: yes no

Description of the scope and profiles of the staff provided:

Annex 8: Non-disclosure agreement

See template uploaded as Annex 8 to the specifications.

Annex 9: Confidentiality and Security Agreement

See template uploaded as Annex 9 to the specifications.