

SPECIFICATIONS

To Invitation to Tender CLIMA.B.3/SER/2012/0014

Maritime transport greenhouse gas data collection and management

These specifications follow the publication of

- the prior information notice in OJEU 2012/S 30-047385 of 14/02/2012

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PART 1: TECHNICAL DESCRIPTION

1. Background

According to the Intergovernmental Panel on Climate Change (IPCC) (2007a), most of the observed increase in global average surface temperatures since the mid-20th century is very likely due to the rising anthropogenic greenhouse gas (GHG) concentrations in the atmosphere.

Greenhouse gas emissions from shipping, which are closely linked to the development of the world economy, have increased strongly in the past years. According to recent figures of a study carried out for the Commission's services, the CO₂ emissions from international shipping related to the EU, i.e. emissions related to intra-EU routes, incoming and outgoing voyages, have increased by +48% between 1990 and 2008 (+24% between 1990 and 2010 due to the decrease of emissions after the begin of the economic crisis in 2008) and they are expected to increase by 87% by 2050 compared to 1990.

Moreover, international shipping is the only sector and transport mode not covered at the EU level by emission reduction target. Indeed, all other transport modes, including domestic shipping, are covered by emission reduction targets thanks to the revised directive 2003/87/EC which set the European Union Emission Trading Scheme (EU-ETS) or to the Decision (EC) n°406/2009 on the effort of Member States to reduce their greenhouse gas emissions to meet the Community's greenhouse gas emission reduction commitments up to 2020. Moreover, some specific measures are used to help the internalisation of the carbon cost, such as the Regulation (EC) n°443/2009 and 510/2011 setting CO₂ emissions standards for cars and vans, but none of them apply to international shipping.

Furthermore, there is currently only limited international regulation of greenhouse gas emissions from ships. Despite many years of efforts, in particular in the International Maritime Organisation (IMO) and the United Nations Framework Convention on Climate Change it has not been possible to agree on an effective global approach to reducing these emissions. In July 2011, the IMO adopted new rules on the Energy Efficiency Design Index (EEDI), setting technical standards for improving the energy efficiency of a significant number of ship categories, thus reducing their CO₂ emissions. According to the IMO, the application of the EEDI is expected to deliver emission reductions of approximately 25-30% by 2030 compared to Business as Usual scenario, due to the fact that the index applies only to new-build ships. In turn, this would only slow down the expected increase in international shipping's emissions. Therefore, the IMO recognizes that additional measures (including market-based measures) to address the emissions of the existing fleet and the expected increase in traffic growth are necessary.

Directive 2009/29/EC and Decision 406/2009/EC of the European Parliament and of the Council of 23 April 2009 call on the Commission to come forward with a proposal to include international maritime GHG emissions in the Communities reduction commitment if there is no successful conclusion in the international negotiations in the International Maritime Organisation and / or the United Nations Framework Convention on Climate Change. In view of the fact the new IMO regulations in relation to the EEDI cover only new build ships, leaving unaddressed the emissions of the existing fleet and operational measure to reduce CO₂ emissions, the

Commission is carrying out preparatory work in view of a possible proposal later in 2012 for a measure to address GHG emission from shipping at EU level.

A European action would only cover part of the global emissions since Europeans control about 40% of the global fleet and ships coming to (and from) European ports emit about a fourth of international maritime emissions. As a result, a European action should be a first step to facilitate broader action. Therefore, a European measure should be designed in view of the international dimension.

At present, the Commission is analysing potential impacts of various policy options for such measure. This also includes the assessment of different options for the technical scope (ship types and sizes to be covered by the scheme). Concerning the routes covered, consideration is being given to intra-EU journeys, journeys from the last non-EU port to the first EU port of call (incoming journeys) as well as journeys from an EU port to the next non-EU port of call (outgoing journeys).

Any measure to include maritime GHG emissions into the EU's reduction commitment and to reduce GHG emissions from shipping (such as compensation fund, ETS, mandatory emission reduction per ship or tax on emissions) would require a robust system for monitoring, reporting and verification (MRV) of emissions up to ETS standards and clear obligations for ship owners and operators. Good quality monitoring, reporting and verification is also a prerequisite for any market-based measure under IMO.

Building on experience with stationary installations and aviation, consideration is being given to set the principles by legislation (e.g. obligation to establish a monitoring plan, to submit verified annual emission reports, the need for third party verification) and to provide a delegation to adopt detailed rules by Comitology. Monitoring of ship emissions is not very demanding given the limited number of sources for emissions on a ship (one or few engines). For commercial reasons, fuel consumption on board of ships is already measured and documented in log books on board.

In November 2011, the European Commission proposed a Regulation on a mechanism for monitoring and reporting greenhouse gas emissions and for reporting other information at national and Union level relevant to climate change¹. This proposal is intended to replace the existing Monitoring Mechanism Decision² and contains obligations for Member States to report GHG emission from shipping in its Article 10. When developing a system for monitoring, reporting and verification of emissions addressed to ship owners and operators, the study should consider the expected obligations for Member States to ensure consistency of approaches and to avoid duplication of work. Such consideration should also take into account obligations under the draft Regulations proposed by the Commission in December 2012 on the monitoring and reporting of greenhouse gas emissions pursuant to Directive 2003/87/EC of the European Parliament and of the Council³ and on the verification of greenhouse gas emission reports and

¹ http://ec.europa.eu/clima/policies/g-gas/docs/regulation_20111123_en.pdf

² Decision No 280/2004/EC of the European Parliament and of the Council of 11 February 2004 concerning a mechanism for monitoring Community greenhouse gas emissions and for implementing the Kyoto Protocol.

³ http://ec.europa.eu/clima/news/docs/regulation_mr_en.pdf

tonne-kilometre reports and the accreditation of verifiers pursuant to Directive 2003/87/EC of the European Parliament and of the Council⁴.

The results of the preparatory activities for of a European MRV system for maritime GHG emissions would also help the IMO proceed on monitoring, reporting and verification, which is vital underpinning for any market-based measure.

2. Objectives

The objective of this study contract is to provide support to the Commission services during the preparation of a proposal for a monitoring, reporting and verification system for GHG emissions from individual ships, in particular;

- identify and describe in detail a monitoring approach based on fuel consumption of ships and possible alternatives in view of administrative simplification for ships owners and other entities involved;
- identify and describe in detail possible options allowing for a differentiation according to ship types and size;
- develop and describe in detail monitoring, reporting and verification procedures;
- assess the need for registers and databases for reporting and publication of emissions;
- develop and describe in detail requirements for independent verifiers and accreditation procedures;
- identify and describe options to ensure consistency between domestic and international ship emissions reporting under UNFCCC/LRTAP reporting by Member States;
- estimate costs and identify ways to reduce these to minimum consistent with high quality, reliable data;
- consult relevant stakeholders on their views on monitoring, reporting and verification of GHG emissions from ships and on the findings of the study.

The final product of the contract will be a set of proposals for elements for Comitology measures on MRV for ship owners.

3. Content / Description of the tasks

Work in this study should build upon and enhance (not duplicate) the work done for previous studies:

⁴ http://ec.europa.eu/clima/news/docs/regulation_va_en.pdf

1. "Technical support for action to reduce Greenhouse Gas Emissions from international maritime transport" (CE Delft and others, December 2009)⁵
2. "Review of Decision No 280/2004/EC (Monitoring Mechanism Decision) in view of the agreed Climate Change and Energy package" (Ökoinstitut and others, March 2011)⁶

Furthermore, results of the currently ongoing Impact Assessment study on measures addressing maritime GHG emissions as well as a possible legislative proposal of the European Commission and any related documents should be fully taken into account. It is expected that reports from this Impact Assessment study will be available prior to the start of the present study.

A. Tasks

Task 1 – Development of a monitoring approach

Based on the principles for monitoring, reporting and verification of GHG emissions applied to installations and aircraft operators covered by the EU-ETS, a detailed monitoring approach based on a ship's fuel consumption within the potential scope of the EU measure (intra-EU voyages, incoming and outgoing voyages) should be developed. For this purpose, also monitoring, reporting and verification approaches used for other systems (e.g. Norwegian NOx fund) should be considered. The approach developed should serve as basis for the other tasks and the final deliverable of the study.

The focus on the monitoring approach should be on carbon dioxide as most important GHG are emitted by ships. In addition, the feasibility of monitoring of other GHG emissions and short lived climate forcers, in particular methane and black carbon should be assessed. In this context, the availability of relevant standards and technical equipments as well as the related costs should be considered as well as monitoring approaches for other air pollutants emitted by ships.

To reduce the administrative burden, consideration is being given to reporting verified emissions on an annual basis, during a calendar year, instead of at each port of call, and to verification carried out by an independent verifier. In general, all ships record their fuel consumption for commercial reasons. Evidence of consumption is provided in fuel consumption log books on board. Log books contain data on fuel purchased and consumed, ports visited, cargo loaded and distances sailed.

Apart from the measurement of the fuel consumption, the key element is the starting point and the end point of the monitoring. Therefore, the legislative proposal will provide a precise definition of a port call, as the emissions will be monitored from the last port of call before entering an EU port and to the last port of call after leaving an EU port.

⁵ http://ec.europa.eu/clima/policies/transport/shipping/docs/ghg_ships_report_en.pdf

⁶ http://ec.europa.eu/clima/policies/g-gas/docs/monitoring_2011_en.pdf

The monitoring approach to be proposed should avoid necessitating physical changes to the ship, installation of new technical equipment or changing manning standards beyond existing internationally recognised construction, design, equipment and manning (CDEM) standards, but could consider how their use could be taken into account.

A possible differentiation according to ship type and/ or size and amount of emissions/ frequency of calls in EU ports (e.g. special consideration of ships calling only occasionally in EU ports) should be assessed in view of minimising the administrative burden while maintaining an appropriate level of accuracy of the annual GHG emission figures. In this context, simplified and alternative approaches should be considered such as ship movement-based emission monitoring (tracking of distance and linking it with average or vessel specific efficiency factors). Such simplified monitoring approaches should be assessed in view of their application as replacement of or in combination with fuel-consumption based monitoring. Particular attention should be given to the availability of data necessary to implement such simplified approaches.

Task 2 – Development of MRV procedures

Procedures for monitoring, reporting and verification of GHG emissions from ships should be developed and described in detail. Where relevant, different options might be proposed and evaluated in view of the possible development of Comitology measures by the European Commission. Consideration should be given to existing procedures (e.g. Norwegian Nox fund or EU-ETS).

Main elements should be the establishment of an approved monitoring plan, annual emission reports covering the ships involved and third party verification of the emission reports. In view of minimising the administrative burden, a differentiated approach for different types or size of ship might be considered and further analysed.

The tasks and responsibilities of all relevant actors, the entity responsible for compliance, the Competent Authority/ -ies, verifiers and relevant EU bodies and Member States Authorities should be clearly described. A possible involvement of service providers and other third parties to facilitate monitoring, reporting and verification should be analysed and considered as appropriate.

Emissions from ships in ports should be identifiable, together with consideration of how this information could be reliably passed to port authorities and analysis of level of checking that might be appropriate.

As the emissions are in principle to be monitored per ships calling into EU ports, consideration is being given to the ship owner as the responsible compliance entity which will be accountable for compliance with the relevant monitoring, reporting and verification obligations. However, as the registered ship owner may have no direct involvement in the operation of the ship, he may delegate responsibilities to other parties. Furthermore, the possibility of grouping of ships for monitoring, reporting and verification should be considered.

In principle, a Competent Authority would be in charge of approving monitoring plans, receiving and validating verified emissions reports. To minimise the administrative burden and to provide

clear rules for ship owners and other responsible entities, consideration is being given to a strong role of a central Competent Authority.

Task 3 – Requirements and specifications for registers and databases

The aim of this task is to identify and describe registers, databases and information systems necessary for the purpose of exchanging data on monitoring, reporting and verification of GHG emissions from ships and for the enforcement of any related obligations for ship owners or other responsible entities.

The analysis shall start to advice on appropriate tools, formats and procedures (including security of data transfer) in GHG emissions data collection and management for all relevant transport sectors (not only maritime transport), taking into account the current IT rationalisation process at the Commission (i.e. increase reusability of IT components between systems).

Then, existing systems such as the SafeSeaNet or the Aviation emission Data Collection tool should be analysed in view of their possible use in the context of monitoring, reporting and verification of GHG emissions from ships.

As a main result, options for the development for new or the adjustment of existing registers and databases should be proposed and evaluated. The evaluation should estimate needs for resources and related costs.

Task 4 – Requirements for verifiers

Based on requirements for EU-ETS verifiers including necessary competence, impartiality and independence, specific requirements for verifiers for maritime GHG emissions should be developed to enable these verifiers to support the verification procedures developed and described under Task 2 also taking the requirements of the draft EU ETS Accreditation and Verification Regulation into account.

Furthermore, an accreditation scheme for verifiers for maritime GHG emissions should be developed and described in line with the Framework Accreditation Regulation No. 765/2008 and with regard to Article 15 of the EU ETS Directive, the draft Accreditation and Verification Regulation. For this purpose, requirements should be set out to ensure compatibility with these two Regulations and to identify any additional requirements. If necessary, different options could be proposed and evaluated.

Task 5 – Electronic data interchange

To facilitate application of the MRV rules, an electronic data interchange (EDI) system should be developed, in particular for monitoring plans, annual emission reports and verification reports.

The study should define the functional specifications of such a system; especially by working closely with the actors involved (ship operators, Member States, Commission's services and agencies, etc.).

Task 6 — Consultation

The contractor will prepare and organise two one-day workshops, chaired by the Commission, at the Commission's premises in Brussels. A questionnaire or working document will need to be prepared by the contractor in advance of the first meeting which will be used to discuss preliminary findings from Tasks 1 and 2. The contractor shall produce a summary report at the latest two weeks after the meeting.

The second workshop will be used to present and discuss the findings of the study. It should be organised once the draft final report is available. The contractor shall prepare a summary report of the second workshop before completion of the final report.

The choice of the timing of the workshops will be taken by the Commission's services in close consultation with the contractor. The final choice of participants will be made by the Commission's services, with the contractor providing suggestions of participants to be invited. The contractor will also be responsible for organising the participants' invitations. A number of participants of up to 50 can be expected.

A third workshop will be organised at the IMO in London in view of disseminating the results of the study at global level. The contractor will be responsible for preparing the content of the workshop and for presenting the findings of the study. This third workshop will be a one-day event expected to be held at the IMO's premises in London with around 70-80 participants.

Furthermore, the contractor will prepare a consultation document for an online consultation which will be organised by the Commission's services with the duration of 12 weeks. A report on the results of the consultation will need to be produced by the contractor within 4 weeks after the end of the consultation. The consultation shall take place within the first 12 months after contract signature.

B. Methodology

The proposed methodology will be discussed between the contractor and the Commission's services at the kick-off meeting. The Commission reserves the right to adjust the details of the proposed methodology.

The study should take into account all the information available, in particular from the ongoing development of a legislative proposal to address maritime GHG emissions (including the impact assessment) and the discussions at Council and the European Parliament on this proposal and the MMR proposal. Therefore, a highly flexible methodology to fully consider latest developments regarding the possible legislative proposal will be crucial for this study project.

The existing rules for monitoring, reporting and verification of GHG emissions within the EU-ETS could serve as guidance for this study (Articles 14 and 15 of Directive 2003/87 and the relevant implementing legislation). Furthermore, previous studies and public consultations and any other appropriate sources (potential additional sources to be indicated in the offer) should be considered.

Any development at international level, in particular at the IMO should be taken into account. Furthermore, a possible later use of the proposed rules for MRV at international level (i.e. a global measure) should be considered to the extent feasible.

A balanced, broad range of stakeholders (to be agreed with the Commission) should be engaged in the study in order to verify and validate results. Results from relevant stakeholder feedback have to be considered by the contractor as appropriate.

Meetings with the Commission services will in principle be held in advance of and/or subsequent to each deliverable as agreed with the contractor, in total at least six meetings.

The contractor is required to keep records of meetings held with the Commission. At least 6 bilateral meetings with the Commission in Brussels should be planned.

Participation of the contractor in meetings of a possible informal Technical Working Group of Member States experts and/ or in meetings of the Climate Change Committee and its Working group III should be foreseen for in total up to 5 meetings. This includes presentations of findings of the study and the consultation process.

The contractor shall arrange at least two workshops in Brussels for relevant stakeholders and participate in one workshop at the IMO in London as agreed with the Commission's services (see task 6).

4. Experience required of the Contractor (see also part 3, point 2.2)

The core team of the contractor must have a good understanding and a minimum of five years, but preferably eight years of experience in the field of maritime transport sector and monitoring, reporting and verification of GHG emissions and measures to address GHG emissions from ships.

The contractor should be familiar with general literature, academic work and methodologies for monitoring, reporting and verification of GHG emissions.

The team should have a good knowledge of previous work done to monitor, report and verify GHG emissions within the EU-ETS.

The contractor, its partners and subcontractors must all be independent entities with no conflict of interest, e.g. not be owned by major stakeholders.

The contractor must be able to work and deliver the required reports in English.

5. Deliverables

Deadline	Deliverables (to be submitted in English)
4 weeks after signature of contract	Inception report setting out in detail the proposed methodology for completing the tasks.
Month 3	Interim report on Task 1
Month 6	Interim report on Task 2.
Month 8	1st Workshop – arrange workshop with relevant stakeholders as agreed with the Commission's services and summary report of the workshop
Month 10	Interim report on Tasks 3 and 4.
Month 12	Draft final report
Month 13	2nd Workshop – arrange workshop with relevant stakeholders as agreed with the Commission's services and summary report of the workshop
Month 15	3rd Workshop – arrange workshop at IMO as agreed with the Commission's services
Month 16	Final report

The final report will include the outcome of all tasks and it will include:

- an executive summary
- a description of the work performed (as Annex)
- minutes from all meetings (as Annex)
- CD (DVD) with data, indicators, presentations, charts and tables in the final report.

The final report shall be delivered to the Commission in an electronic format (MS Word version 2010 and PDF) and five hard copies (paper copy) at the latest sixteen (16) months after the signature of the contract.

6. Intellectual Property Rights (IPR)

Modes of exploitation

All studies, reports, and database formats produced within this Contract and for which the rights vest in the Union and thereby the Union has acquired the ownership in accordance with Article II.10 of the draft contract may be used in the following way:

- i) distribution:
 - publishing in paper copies
 - publishing in electronic form as downloadable/non-downloadable file
 - making available on internet
 - public presentation or display
 - communication through a press information services,
 - inclusion in widely accessible databases or indexes
 - in any form and by any method existing at this date and in the future
 - giving access on individual requests without right to reproduce or exploit, as provided for by Regulation 1049/2001 regarding public access to European Parliament, Council and Commission documents
- ii) storage:
 - in paper format
 - in electronic format
- iii) archiving in line with the applicable document management rules
- iv) modifications made by the Commission or by a third party:
 - shortening
 - making a summary
 - modification of the content
 - technical changes to the content:
 - necessary correction of technical errors
 - adding new parts or functionalities
 - changing functionalities
 - providing third parties with additional information concerning the result (e.g. source code)
 - addition of new elements, paragraphs titles, leads, bolds, legend, table of content, summary, graphics, subtitles, sound, etc.,
 - preparation in audio form, preparation as a presentation, animation, pictograms story, slide-show, public presentation etc.
 - extracting a part or dividing into parts
 - use of a concept or preparation of a derivate work
 - digitisation or converting the format for storage or usage purposes
 - translate, subtitle, dub
- v) language versions:
 - working languages of EC
 - official languages of EU
 - languages used within EU
 - languages of candidate countries
 - [other languages]
- vi) use for own purposes:
 - making available to the staff of the Commission

- making available to the persons and entities working for the Commission or cooperating with it, including: contractors, subcontractors whether legal or natural persons, EU-institutions, agencies and bodies, Member States institutions
- installing, uploading, processing
- arranging, compiling, combining, retrieving
- making a copy, reproducing
- vii) allow use of results by third parties:
 - for commercial or non commercial purposes,
 - against payment, without payment or against fulfilment of other conditions
 - assignment in full or in part
 - giving a licence
 - for a particular period or unlimited in time

Where the Commission becomes aware that scope of modifications exceeds the scope envisaged in the Contract the creator shall be consulted. The creator will be obliged to provide his response within two weeks. He shall provide his agreement including any suggestions of modifications free of charge. The creator may refuse the intended modification only when it may harm his honour, reputation or distort integrity of the work.

Pre-existing rights, intermediaries, creators' rights

Where industrial and intellectual property rights, including rights of ownership and use of the Contractor and third parties, exist prior to the Contract being entered into, ("pre-existing rights") the Contractor shall establish a list which shall specify all pre-existing rights and disclose it to the Commission at the latest when delivering a final result.

All pre-existing rights to delivered results shall vest in the Union and thereby under the terms of the Contract be effectively transferred to the Union, as provided for in Article I.9.1 of the draft contract.

The Contractor shall present relevant and exhaustive proofs of acquiring all necessary rights together with delivery of the final report at the latest. The latter should be fulfilled by presentation of the following information and documents:

- Name and version number of the software product
- Title of the work, date of publishing, date of creation, place of publication, address of publication on internet, number, volume and other information allowing to identify origin easily
- Full identity of the author, developer, creator, translator, data entry person, graphic designer, publisher, editor, photographer
- Copy of the licence to use the product or reference to it
- Agreement transferring the right to the product to the Contractor
- Text of the disclaimer notice

In case parts of the results were created by employees of the Contractor, documentary evidence shall be provided as to how the creators' or authors' rights were transferred to the Contractor, i.e. a copy of the relevant agreement or extract from the employment contract should be provided.

Partial vesting of rights (pre-existing or not pre-existing)

In case the partial vesting of particular rights to the results was envisaged in the tender specification and the offer, the Contractor shall list precisely at the moment of delivery of the final report at the latest all materials, information, IT tools, methodology and any other results or parts of the result to which third persons have rights, even if originally owned by the Contractor, or for which the right is not to be unconditionally given to the Union. For every listed item the Contractor shall describe precisely the scope of pre-existing rights and not pre-existing rights and the scope and the way, direct or indirect, of the partial vesting and thereby the effective transfer of rights to the Union.

The information obligation refers also to the intention of using any listed item referred to in the first paragraph for which the rights are already entirely or partially owned by the Union. This obligation is in addition to the duty to disclose pre-existing rights referred in Article I.9.2 of the draft contract.

7. Duration of the tasks

The tasks should be completed within **16** months of the signature of the contract (see point 5). The execution of the tasks may not start before the contract has been signed.

8. Place of performance

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

PART 2: ADMINISTRATIVE DETAILS

1. General terms and conditions for the submission of tenders

- Submission of a tender implies that the tenderer accepts all the terms and conditions set out in these specifications (including the annexes) and waives all other terms of business.
- Submission of a tender binds the contractor to whom the contract is awarded during performance of the contract.
- Changes to tenders will be accepted only if they are submitted on or before the final date set for the submission of tenders.
- Expenses incurred in respect of the preparation and presentation of tenders cannot be refunded.
- No information of any kind will be given on the state of progress with regard to the evaluation of tenders.
- Once the Commission has accepted the tender, it shall become the property of the Commission and the Commission shall treat it confidentially.
- The protocol on the Privileges and Immunities or, where appropriate, the Vienna Convention of 24 April 1963 on Consular Relations shall apply to this invitation to tender.

2. No obligation to award the Contract

- Fulfilment of adjudication or invitation to tender procedure shall not involve the Commission in any obligation to award the contract.
- The Commission shall not be liable for any compensation with respect to tenderers whose tenders have not been accepted. Nor shall it be liable in the event of its deciding not to award the contract.

3. Joint tenders

When a consortium / partnership is envisaged three cases can arise:

- I. The offer originates from a consortium already formally set up as a separate and legal entity able to submit its statutes, mode of operation, technical and financial capacity, such as result from the contributions of its various members. It is such a consortium that will bear the technical and financial responsibility for the contract and will present the requested financial guarantee, if applicable.
- II. The offer originates from companies not yet having created a consortium as a separate legal entity but planning to constitute one as referred to in item I, if their joint offer is accepted. In such a situation, the tenderer will have to provide the legal form, the envisaged draft statutes and mode of operation of the consortium, the various technical and financial contributions, letters of intent, as well as the guarantees envisaged, where applicable.

- III. The offer originates from companies not wishing to constitute formally a consortium as a separate legal entity and thus constituting effectively an association. In such a case, the offer will be submitted in the form of subcontracting (cf. point 4 below), in which case one of the companies shall assume the total responsibility for the offer. This company will sign the contract in its name, the other companies then being regarded as subcontractors of the first.

For joint tenders described in cases I and II above, the information required in

- Part 2, 6.2 (“administrative proposal”)
- Part 3, 1 (“information for assessment of exclusion criteria”) and
- Part 3, 2 (“information for assessment of selection criteria”)

must be provided for **all** members participating in the tender.

For sub-contractors (joint tenders described in case III) please refer to point 4 below. Furthermore, the questionnaire in Annex 2 must be completed.

4. Subcontractors

Sub-contracting for the purpose of the contract is permitted.

Sub-contracting is defined as the situation where a contract has been or is to be established between the Commission and a contractor and where the contractor, in order to carry out that contract, enters into legal commitments with other legal entities for performing part of the service. However, the **Commission has no direct legal commitment with the sub-contractor(s)**. At the level of the liability towards the Commission, tasks provided for in the contract may be entrusted to sub-contractors, but **the contractor retains full liability towards the Commission for performance of the contract as a whole**.

Accordingly:

- The Commission will treat all contractual matters (e.g. payments) exclusively with the contractor, whether or not the tasks are performed by a sub-contractor;
- The Commission will privilege direct contacts with the contractor, who is responsible for executing the contract;
- Under no circumstances can the contractor avoid liability towards the Commission on the grounds that the sub-contractor is at fault.

A contract which includes sub-contracting is subject to certain general conditions in particular the provisions on sub-contracting, checks and audits, and confidentiality. Where justified by the subject matter of the contract, a statement of confidentiality may be required to be submitted to the Commission. **The sub-contracting arrangement between the contractor and his sub-**

contractor should render directly applicable all those contractual obligations with regard to the Commission to the sub-contractor.

Consequently, the bid must clearly identify the sub-contractor(s) and document their willingness to accept the tasks and their acceptance of the terms and conditions set out in part 2, point 1 above, in particular article II.20 of the standard service contract by returning the form in Annex 2, duly filled in and signed.

Tenderers must inform the sub-contractor(s) and include in their sub-contracting documents that Article II.20 of the standard service contract may be applied to sub-contractors.

Once the contract has been signed, Article II.6 of the above-mentioned service contract shall govern the sub-contracting.

Where sub-contracting exceeds 60.000€ or 20% of the contract value (the highest value will be applied), the sub-contractor(s) concerned will be assessed against the exclusion criteria, including absence of conflict of interest (see Annex 5), and selection criteria.

Documents to be submitted – subcontracting

If the bid envisages subcontracting, it must include the following:

Administrative information and evidence for access to the contract

1. The **questionnaire for joint bids and subcontracting** provided in Annex 2, signed by a legal representative of the tenderer. A separate copy of the second page of this questionnaire must be provided for each sub-contractor, and include the following information:
 - the reasons for sub-contracting;
 - the role, activities and responsibilities of each sub-contractor;
 - and the volume/proportion of tasks for each sub-contractor.
2. A **declaration of intent** by each sub-contractor stating its intention to collaborate with the tenderer if the contract is awarded to it.

Documents relating to the exclusion criteria

1. Subcontractors must provide the duly signed declaration on the grounds for exclusion (Annex 5). Where the value of the sub-contracting to be executed by a subcontractor in a bid is equal to or exceeds 60.000€ or 20% of the value of the contract (whichever is higher of the two), the subcontractor must if and when requested, provide all the supporting documents to the declaration as specified in part 3, point 1. Where these services represent less than the above mentioned ceiling, the subcontractor shall not be required to provide the supporting evidence. The Commission reserves the right to ask for those documents if considered necessary.

Documents relating to the selection criteria

1. Where the value of the subcontracting to be performed by a sub-contractor in a bid is equal to or exceeds 60.000€ or 20% of the value of the contract, the sub-contractor must provide the documents relating to financial and economic capacity as specified in part 3, point 2. Where these services represent less than above mentioned ceiling, the sub-contractor does **not** have to provide the **documents relating to financial and economic capacity**. However, if the tenderer is relying on the capacities of the sub-contractors to fulfil the selection criteria, as stated in the questionnaire for joint bids and sub-contracting (Annex 2), these documents must be submitted. The Commission also reserves the right to ask for those documents in other cases if considered necessary.
2. The sub-contractor must answer the questions in Annex 2 concerning the services it is proposing to perform.

Documents relating to the award criteria

The documents relating to the award criteria shall be provided only by the tenderer.

5. Payments

This contract will be paid on a lump sum basis.

An interim payment of 30% will be paid upon acceptance by the Commission of the interim report on Task 1.

A final payment of 70% will be paid upon acceptance by the Commission of the final report.

The Commission is exempt from all taxes and dues, including value added tax, pursuant to the provisions of Articles 3 and 4 of the Protocol on the Privileges and Immunities of the European Union with regard to its financial contribution under the contract.

6. Content of the tender

All tenders must be presented in three sections:

6.1. Financial offer

- A financial offer duly dated and signed by the person authorised to sign on behalf of the organisation. The price must be quoted in Euro using the template in annex 3, including for the countries which do not form part of the Euro zone. For the tenderers of the countries which do not form part of the Euro zone, the amount of the offer cannot be revised because of exchange rate movements. The choice of exchange rate belongs to the tenderer, who assumes the risks or opportunities associated with these exchange rate movements.
- The price must be a fixed amount, inclusive of all expenses.
- The price will not be subject to revision.

- The price range within which offers will be accepted for this contract is fixed at € 180000 – 220000 (one hundred and eighty thousand Euro – two hundred and twenty thousand Euro). Any offers received that do not respect the upper limit will be automatically excluded from the evaluation procedure. The lower limit is indicative.
- The price quotation must be signed by the tenderer or his duly authorised representative.
- The price must be quoted free of all duties, taxes and other charges, including VAT, as European Union is exempt from such charges under Articles 3 and 4 of the Protocol (n° 7) on the Privileges and Immunities of the European Union (OJEU C 83 of 30 March 2010). 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 is to be shown separately. In case of doubts about the applicable VAT system, it is the tenderer's responsibility to contact his national authorities to clarify the way in which the European Union is exempt from VAT.
- The offer shall remain valid for a period of 12 months, as from the deadline for submission of offer.

6.2. Administrative offer

- An administrative information form containing information on the full name of the organisation, legal status, address, person to contact, person authorised to sign on behalf of the organisation, telephone number, and facsimile number. The form must be duly dated, signed and stamped by the person authorised to sign on behalf of the company (see annex 1).
- Tenders from consortia of firms or groups of service providers must specify the role, qualifications and experience of each member (see also part 3, points 1, 2 and 3 – exclusion, selection and award criteria). If sub-contracting is envisaged, please fill in the questionnaire in annex 2 (one questionnaire per sub-contractor) clearly indicating which tasks are concerned, the % that this represents of the total value of the offer, and the name and address of the sub-contractor(s) (*see annex 2*). Furthermore, a **declaration of intent** must be submitted by each sub-contractor.
- Legal entity and financial identification forms (see annex 4), proof of enrolment (certificates) in one of the professional or trade registers, in country of establishment.
- If the tenderer is a natural person; she/he will be required to provide proof of her/his status as a self-employed person. To this end she/he must supply details of her/his social security cover and situation with regards to VAT regulation.
- A declaration of the candidate's eligibility; certifying that he/she is not in one of the situations listed in articles 93 and 94 of the Financial Regulation of the European Communities (Official Journal L 390 of 30/12/2006) (see annex 5)
- Documents relating to the selection criteria (see part 3, point 2.1. Financial and Economic capacity)
- Duly filled in acknowledgement form (*see annex 6*) if you wish to receive confirmation of receipt of your offer.
- Duly filled in checklist (*see annex 7*) for complete tender file, clearly indicating on which page(s) of the offer the information can be found.

- The service provider's educational and professional qualifications and those of the firm's managerial staff and, in particular, those of the person or persons responsible for providing the services (curriculum vitae presented on the EU standard form which can be downloaded from the following address –
- <http://europass.cedefop.europa.eu/europass/home/vernav/Europasss+Documents/Europass+CV/navigate.action> **together with a consolidated overview of CVs in an excel table.**
- A list, preferably in English or French of the principal studies, services contracts, consultancy work, surveys, publications or other work previously carried out during the past three years, indicating the name of the client and stating which, if any, were done for the European Commission.

6.3. Technical offer

- A technical offer with the methodology needed to fulfil the requirements mentioned in Part 1, point 3 must be submitted. The tender should give indications on the theoretical background used, the methodology used in the work that will be undertaken and on its appropriateness for this purpose. It should also give indications on the data to be used and their reliability.

PART 3: ASSESSMENT AND AWARD OF A CONTRACT

The assessment will be based on each tenderers bid.

All the information will be assessed in the light of the criteria set out in these specifications. The procedure for the award of the contract will concern only admissible bids and it will be carried out in three successive phases. The first step is to check that the tenderers are not excluded in any way from taking part in the tender procedure. The second step is to check the tenderer's capacity (financial and technical) to perform the contract and the final step is to assess the quality of the offers against the award criteria for each offer that has passed the exclusion and selection phase.

In the case of joint tenders, the exclusion, selection and award criteria will be applicable to all the members of the consortium. The same principle will also be applied in the case where there are sub-contractors. The bid must clearly identify the subcontractors and document their willingness to accept the tasks and thus acceptance of the terms and conditions set out in Part 2.1. Tenderers must inform the subcontractors that Article II.20 of the standard contract will be applied to them. Once the contract has been signed, Article II.6 of the above mentioned contract shall govern subcontractors.

1. Exclusion criteria

Tenderers must declare on their honour that they are not in one of the situations referred to in articles 93 and 94 a) of the Financial Regulation. Tenderers or their representatives must therefore fill in and sign the form in Annex 5 to these specifications. Hereby agreeing to submit to the Commission, **if and when requested to do so**, those certificates or documents demonstrating that the tenderer is not in any of the situations described under points (a), (b), (d) and (e) below:

These articles are as follows:

Article 93:

1. Candidates or tenderers shall be excluded if:

- (a) they are bankrupt or being wound up, are having their affairs administered by the court, have entered into an arrangement with creditors, have suspended business activities, are the subject of proceedings concerning those matters, or are in any analogous situation arising from a similar procedure provided for in national legislation or regulations;
- (b) They have been convicted of an offence concerning their professional conduct by a judgment which has the force of *res judicata*;
- I They have been guilty of grave professional misconduct proven by any means which the contracting authority can justify;
- (d) They have not fulfilled obligations relating to the payment of social security contributions or the payment of taxes in accordance with the legal provisions of the country in which they are established or with those of the country of the contracting authority or those of the country where the contract is to be performed;
- (e) They have been the subject of a judgment which has the force of *res judicata* for fraud, corruption, involvement in a criminal organisation or any other illegal activity detrimental to the Union's financial interests;

(f) They are not a subject of the administrative penalty for being guilty of misrepresentation in supplying the information required by the contracting authority as a condition of participation in the procurement procedure or failing to supply an information, or being declared to be in serious breach of his obligation under contract covered by the budget.

Article 94

A contract shall not be awarded to candidates or tenderers who, during the procurement procedure for this contract:

- (a) are subject to a conflict of interest;
- (b) are guilty of misrepresentation in supplying the information required by the contracting authority as a condition of participation in the procurement procedure or fail to supply this information;

I find themselves in one of the situations of exclusion, referred to in Article 93(1), for this procurement procedure.

2. Selection criteria

Only those tenders fulfilling all the selection criteria will be examined in the light of the award criteria. The selection criteria are set out below

2.1. Financial and economic capacity should be shown by means of the following:

- A simplified balance sheet and profit and loss account, exclusively based on the annex 6 form attached to these specifications;

In the event that the tenderer – for valid reasons which must be communicated to the Commission – is unable to complete the form as proposed above one of the following alternatives would be acceptable

- a. financial statements for the last two financial years;
- OR**
- b. other substantiating documents if the candidate or tenderer cannot, for valid reasons, provide those indicated above

2.2. Technical and professional competence:

- Experience as evidenced by the qualifications, both educational and professional, of the service provider or contractor and those of the firm's managerial staff and, in particular those of the person or persons responsible for carrying out the service/work. Fulfilment of all requirements as set out in part 1, point 4 of these specifications must be clearly documented. Curriculum vitae must be provided.
- A reference list of relevant previous projects over the past 3 years must be provided, indicating the sums involved, dates, recipients, public or private.

2.3. Authorisation to perform the contract

- A tenderer must prove that he is authorised to perform the contract under national law, as evidenced by inclusion in a trade or professional register, or a sworn declaration or certificate, membership of a specific organisation, express authorisation or entry in the VAT register.

2.4. Access to the market

- A tenderer must indicate in which State they have their headquarters or domicile and to present the supporting evidence normally acceptable under their own law.

3. Award criteria

The contract will be awarded to the most cost-effective tender. The following award criteria will be applied:

Award criteria 1 – Understanding (max points 30)

This criterion serves to assess whether the tenderer has understood all of the issues involved, as well as the nature of the work to be undertaken and the content of the final products.

Award criteria 2 – Methodology (max points 40)

This criterion assesses the degree to which the methodology shows the capacity to resolve the questions underlying in the tender in a realistic and well-structured way, as well as whether the methods proposed are suited to the needs set out by the Commission in the Technical Description.

Award criteria 3 – Project management and availability (max points 30)

Offers will be assessed as regards the quality of the team organisation, the time attributed to each team member and the availability of resources for the completion of the contractual tasks, which should be clearly outlined in the tender.

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

4. Points

A points system to evaluate the award criteria relating to the technical value of the offers will be applied.

A maximum of 30 points will be attributed to criterion 1, a maximum of 40 points will be attributed to criterion 2, and a maximum of 30 points will be attributed to criterion 3. In addition a minimum threshold will be set up under this system of points:

- Technical sufficiency levels: Selected companies will have to score a minimum of 18, 24 and 18 points under criteria 1, 2 and 3 respectively, with a minimum total of 65 points.

5. Budget

The price range is fixed between € 180000 and € 220000 excluding VAT (including fees, travel and all other costs). Any offers received that do not respect the upper limit will be automatically excluded from the evaluation procedure. The lower limit is indicative.

The Commission is exempt from all taxes and dues, including value added tax, pursuant to the provisions of Articles 3 and 4 of the Protocol on the Privileges and Immunities of the European Union with regard to its financial contribution under the contract.

The price quoted must be a firm, non-revisable price and must be quoted in euro.

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

6. Ranking of the tenders and award of the contract.

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

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

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

7. Opening of tenders

The tenders received will be opened on **18/07/2012 at 14h30** in the Commission building at **Avenue de Beaulieu 5, B-1160 Brussels**.

One authorised representative of each tenderer (with proof of identity) may attend the opening of tenders (no expenses paid). Please inform clima-tenders@ec.europa.eu of the name of the attendee in advance of the opening.

8. Information for tenderers

After the award decision has been taken, the Commission will inform tenderers including the grounds for any decision not to award a contract or to recommence the procedure.

ANNEX 1 – ADMINISTRATIVE INFORMATION FORM

Organisation or individual:

NAME:

ADDRESS:

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

.....

PERSON AUTHORISED TO SIGN CONTRACT:

Name and position:

PERSON FOR ROUTINE CONTACT:

Name and position:

ADDRESS:

Telephone and E-mail:

Signature of Tenderer

ANNEX 2 – QUESTIONNAIRE FOR JOINT BIDS AND SUBCONTRACTING

This questionnaire should only be completed if your tender involves a joint bid or subcontracting.

Joint bid (refer to part 2, point 3)

1. Does your bid involve more than one tenderer? Yes No

Questions 2 – 4 shall be answered only if you have answered yes to question 1.

2. Please fill in the name of the company having power of attorney for the group of tenderers and acting as a co-ordinator:

3. Please fill in the names of the other companies taking part in the joint offer:

4. If a consortium or similar entity exists, please fill in the name and the legal status of the entity:

Subcontracting (refer to part 2, point 4)

5. Does your bid involve subcontracting? Yes No

If the answer is yes, please complete question 6, and the next page per sub-contractor.

6. List of sub-contractors:

.....

.....

.....

Reasons, roles, activities and responsibilities of sub-contractors.

Please complete this page for each sub-contractor (one page per sub-contractor):

Name of the sub-contractor:

.....

Official legal form:

.....

Country of registration:

.....

Statutory registration number:

.....

(Internet address, if applicable):

.....

Official address in full:

.....

.....

Contact person:

.....

Telephone number:

.....

Reasons for subcontracting:

.....

Role, activities and responsibilities of the sub-contractor:

.....

The volume or the proportion of the sub-contracting:

.....

Do you intend to rely on capacities from the sub-contractor in order to fulfil the selection criteria?
If yes, specify which selection criterion – financial and economic capacity or technical and professional capacity – and be aware that the tenderer must provide the documents which make it possible to assess the selection criteria.

.....

Tenderer:

Date:

Signature:

ANNEX 3 – FINANCIAL OFFER TEMPLATE

(FOR GUIDANCE PURPOSES ONLY)

PRICE AND ESTIMATED BUDGET BREAKDOWN

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

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

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

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

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

	Sub-total	.....		.....	.....
.....					
External experts					

	Sub-total	.....		.....	.....
	Total	.....		.....	.....

Signature of Tenderer

.....

Date

.....

ANNEX 4 – LEGAL ENTITY AND FINANCIAL IDENTIFICATION FORMS

These forms can be downloaded from

http://ec.europa.eu/budget/contracts_grants/info_contracts/legal_entities/legal_entities_en.cfm
(Legal entity form)

http://ec.europa.eu/budget/contracts_grants/info_contracts/financial_id/financial_id_en.cfm
(financial identification form)

ANNEX 5

Declaration of honour with respect to the Exclusion Criteria and absence of conflict of interest

The undersigned [*name of the signatory of this form, to be completed*]:

☐ in his/her own name (*if the economic operator is a natural person or in case of own declaration of a director or person with powers of representation, decision making or control over the economic operator⁷*)

or

☐ representing (*if the economic operator is a legal person*)

official name in full (*only for legal person*):

official legal form (*only for legal person*):

official address in full:

VAT registration number:

declares that the company or organisation that he/she represents / he/she:

- a) is not bankrupt or being wound up, is not having its affairs administered by the courts, has not entered into an arrangement with creditors, has not suspended business activities, is not the subject of proceedings concerning those matters, and is not in any analogous situation arising from a similar procedure provided for in national legislation or regulations;
- b) has not been convicted of an offence concerning professional conduct by a judgment which has the force of *res judicata*;
- c) has not been guilty of grave professional misconduct proven by any means which the contracting authorities can justify;
- d) has fulfilled all its obligations relating to the payment of social security contributions and the payment of taxes in accordance with the legal provisions of the country in which it is established, with those of the country of the contracting authority and those of the country where the contract is to be carried out;
- e) has not been the subject of a judgement which has the force of *res judicata* for fraud, corruption, involvement in a criminal organisation or any other illegal activity detrimental to the Union's financial interests;
- f) is not a subject of the administrative penalty for being guilty of misrepresentation in supplying the information required by the contracting authority as a condition of participation

⁷ To be used depending on the national legislation of the country in which the candidate or tenderer is established and where considered necessary by the contracting authority (see art. 134(4) of the Implementing Rules).

in the procurement procedure or failing to supply an information, or being declared to be in serious breach of his obligation under contract covered by the budget.

In addition, the undersigned declares on their honour:

- g) they have no conflict of interest in connection with the contract; a conflict of interest could arise in particular as a result of economic interests, political or national affinities, family or emotional ties or any other relevant connection or shared interest;
- h) they will inform the contracting authority, without delay, of any situation considered a conflict of interest or which could give rise to a conflict of interest;
- i) they have not made and will not make any offer of any type whatsoever from which an advantage can be derived under the contract;
- j) they have not granted and will not grant, have not sought and will not seek, have not attempted and will not attempt to obtain, and have not accepted and will not accept any advantage, financial or in kind, to or from any party whatsoever, constituting an illegal practice or involving corruption, either directly or indirectly, as an incentive or reward relating to award of the contract;
- k) that the information provided to the Commission within the context of this invitation to tender is accurate, sincere and complete;
- l) that in case of award of contract, they shall provide upon request the evidence that they are not in any of the situations described in points a, b, d, e above.

For situations described in (a), (b) and (e), production of a recent extract from the judicial record is required or, failing that, a recent equivalent document issued by a judicial or administrative authority in the country of origin or provenance showing that those requirements are satisfied. Where the Tenderer is a legal person and the national legislation of the country in which the Tenderer is established does not allow the provision of such documents for legal persons, the documents should be provided for natural persons, such as the company directors or any person with powers of representation, decision making or control in relation to the Tenderer.

For the situation described in point (d) above, recent certificates or letters 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 Tenderer is liable, including for example, VAT, income tax (natural persons only), company tax (legal persons only) and social security contributions.

For any of the situations (a), (b), (d) or (e), where any document described in two paragraphs above is not issued in the country concerned, it may be replaced by a sworn or, failing that, a solemn statement made by the interested party before a judicial or administrative authority, a notary or a qualified professional body in his country of origin or provenance.]

By signing this form, the undersigned acknowledges that they have been acquainted with the administrative and financial penalties described under art 133 and 134 b of the Implementing Rules (Commission Regulation 2342/2002 of 23/12/02), which may be applied if any of the declarations or information provided prove to be false.

Full name

Date

Signature

ANNEX 6

Explanation – please read carefully before completing the financial capacity form (in a separate excel table)

How to complete Annex 6

Simplified balance sheet and profit and loss account

Annex 6 has to be completed by all private tenderers (and their partners in case of a consortium). Tenderers considered as public bodies or international organisations shall not complete this form. Private tenderers shall indicate if they are profit making or non profit making companies/organisations.

The purpose of this form is to collect financial data based on your company's/organisation's balance sheets. Please find below a correspondence table giving an explanation on the regrouping of different accounts with respect to the 4th Accounting Directive.

You should carefully complete this form. Given its complexity, we advise you to have the form completed by a professional accountant or an auditor. The data reported will be used to evaluate the financial viability of the company/organisation. Therefore it is very important that data reported are accurate. The Commission may wish to cross check the data with those reported in the official certified accounts.

The amounts have to be filled in Euros (for financial statements established in other currencies please refer to EC InforEuro exchange rates available on <http://ec.europa.eu/budget/inforeuro/index.cfm?fuseaction=home&SearchField=&Period=2003-9&Delim=,&Language=en> according to the closing date of the statement)

Abbreviation t-1 and t0

The abbreviation *t0* represents the last certified historical balance sheet and profit and loss account; *t-1* is the balance sheet prior to the last certified one. Consequently, the *closing date t0* is the closing date of the last certified historical balance sheet; the *closing date t-1* is the closing date of the balance sheet prior to the last one. *Duration t0* is the number of months covered by the last historical balance sheet. *Duration t-1* is the number of months covered by the previous certified historical balance sheet.

Results

The data submitted will be used to calculate the following ratios:

- 1) *Quick Ratio = Current assets - Stocks - Debtors > 1 year / Short term debt (bank and non bank)*
indicates if the tenderer could face his short terms obligations
- 2) *GOP Ratio = Interest / GOP*
compares the interest paid with the gross operation profit (Autonomy)
- 3) *Profitability (1) = GOP / Turnover*
measures the risk of the company in its business cycle (proportion of the economic surplus generated by the business activity)
- 4) *Profitability (2) = NOP (i.e. GOP - depreciation) / Turnover*
measures the risk of the company in its business cycle (after depreciation)
- 5) *Solvency = Total debt / Equity*
shows the proportion of external financing of the company (independence of the tenderer from external financing)

**** Activity ratio :** *contract amount by year / turnover*

Determines the importance of the market for the tenderer and its ability to manage the complementary volume of activity.

The financial data will be used to assess the applicant's liquidity, solvency, financial profitability, and the ability to meet obligations and manage the complementary volume of activity. Financial capacity assessment shall guarantee a selection of tenderers with sound and sufficient financial resources allowing them to run their activities over the period of implementation of the contract. In cases where the financial performance of the applicant is not stable, the Commission may seek to safeguard the interest of the European Union by asking for a guarantee from a bank or financial institution equal to the amount of the pre-financing payment.

BALANCE SHEET	
ASSETS	
1. Subscribed capital unpaid	
2. Fixed assets	
2.1. Intangible fixed assets	
2.2. Tangible fixed assets	
2.3. Financial assets	
3. Current assets	
3.1. Stocks	
3.2.1. Debtors due after one Year	
3.2.2. Debtors due within one year	
3.3. Cash at bank and in hand	
3.4. Other current assets	

CORRESPONDANCE 4th ACCOUNTING DIRECTIVE	
ASSETS / 4th ACCOUNTING DIRECTIVE (Article 9)	
A. Subscribed capital unpaid	A. Subscribed capital unpaid (including called capital)
C. Fixed Assets	
B. Formation expenses as defined by national law	B. Formation expenses as defined by national law
C. I. Intangible fixed assets	C.I.1. Cost of research and development C.I.2. Concessions, patents, licences, trade marks and similar rights and assets, if they were: (a) acquired for valuable consideration and need not be shown under C (I) (3); or (b) created by the undertaking itself C.I.3. Goodwill, to the extent that it was acquired for valuable consideration C.I.4. Payments on account
C.II. Tangible fixed assets	C.II.1. Land and buildings C.II.2. Plant and machinery C.II.3. Other fixtures and fittings, tools and equipment C.II.4. Payment on account and tangible assets in course of construction
C.III. Financial assets	C.III.1. Shares in affiliated undertakings C.III.2. Loans to affiliated undertakings C.III.3. Participating interests C.III.4. Loans to undertakings with which the company is linked by virtue of participating interest C.III.5. Investments held as fixed assets C.III. 6. Other loans C.III.7. Own shares (with an indication of their nominal value or, in the absence of a nominal value, their accounting par value)
D. Currents assets	
D.I. Stocks	D.I.1. Raw materials and consumables D.I.2. Work in progress D.I.3. Finished products and goods for resale D.I.4. Payment on account
D.II. Debtors, due and payable after more than one year	D.II.1. Trade debtors D.II.2. Amounts owed by affiliated undertakings D.II.3. Amounts owed by undertakings with which the company is linked by virtue of participating interest D.II.4. Others debtors D.II.6. Prepayments and accrued income
D.II. Debtors due and payable within a year	D.II.1. Trade debtors D.II.2. Amounts owed by affiliated undertakings D.II.3. Amounts owed by undertakings with which the company is linked by virtue of participating interest D.II.4. Others debtors D.II.6. Prepayments and accrued income
D.IV. Cash at bank and in hand	D.IV. Cash at bank and in hand
D.III Investments	D.III.1. Shares in affiliated undertakings D.III.2. Own shares (with an indication of their nominal value or, in the absence of a nominal value, their accounting par value) D.III.3. Other investments

Total assets

Total assets	
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LIABILITIES
4. Capital and reserves
4.1. Subscribed capital
4.2. Reserves
4.3. Profit and loss brought forward from the previous years
4.4. Profit and loss for the Financial year
5. Creditors
5.1.1 Long term non-bank debt
5.2.1. Long term bank debt
5.1.2. Short term non-bank debt
5.2.2. Short term bank debt
Total liabilities

LIABILITIES / 4th ACCOUNTING DIRECTIVE (Article 9)	
A. Capital and reserves	
A.I. Subscribed capital	A.I. Subscribed capital
A.II. Share premium account	A.II. Share premium account
A.III. Revaluation reserve	A.III. Revaluation reserve
A.IV. Reserves	A.IV.1. Legal reserve, in so far as national law requires such a reserve A.IV.2. Reserve for own shares A.IV.3. Reserves provided for by the articles of association A.IV.4. Other reserves
A.V Profit and loss brought forward from the previous years	A.V Profit and loss brought forward from the previous years
A.VI. Profit or loss for the financial year	A.VI. Profit or loss for the financial year
C. Creditors	
B. Provisions for liabilities and charges (> one year)	B.1. Provisions for pensions and similar obligations B.2. Provisions for taxation B.3. Other provisions
C. Creditors (> one year)	C.1. Debenture loans, showing convertible loans separately C.3. Payments received on account of orders in so far as they are not shown separately as deductions from stocks C.4. Trade creditors C.6. Amounts owed to affiliated undertakings C.7. Amounts owed to undertakings with which the company is linked by virtue of participating interests C.8. Other creditors including tax and social security C.9. Accruals and deferred income
C. Creditors "credit institutions" (> one year)	C.2. Amounts owed to credit institutions C.5. Bills of exchange payable
B. Provisions for liabilities and charges (= one year)	B.1. Provisions for pensions and similar obligations B.2. Provisions for taxation B.3. Other provisions
C. Creditors (= one year)	C.1. Debenture loans, showing convertible loans separately C.3. Payments received on account of orders in so far as they are not shown separately as deductions from stocks C.4. Trade creditors C.6. Amounts owed to affiliated undertakings C.7. Amounts owed to undertakings with which the company is linked by virtue of participating interests C.8. Other creditors including tax and social security C.9. Accruals and deferred income
C. Creditors "credit institutions" (= one year)	C.2. Amounts owed to credit institutions C.5. Bills of exchange payable
Total liabilities	

PROFIT AND LOSS ACCOUNT
6. Turnover
7. Variation in stocks
8. Other operating income
9. Costs of material and consumables
10. Other operating charges
11. Staff costs
12. Gross operating profit
13. Depreciation and value adjustments on non financial assets
14. Net operating profit
15. Financial income and value adjustments on financial assets
16. Interest paid
17. Similar charges
18. Profit or loss on Ordinary activities
19. Extraordinary income and Charges
20. Taxes on profits
21. Profit or loss for the Financial year

PROFIT AND LOSS ACCOUNT / 4TH ACCOUNTING DIRECTIVE (Article 23)	
1. Net turnover	1. Net turnover
2. Variation in stock of finished goods and in work in progress	2. Variation in stocks of finished goods and in work in progress
3. Work performed by the undertaking for its own purposes and capitalized.	3. Work performed by the undertaking for its own purposes and capitalized
4. Other operating income	4. Other operating income
5. (a) Raw materials and consumables	5. (a) Raw materials and consumables
5. (b) Other external charges	5. (b) Other external charges
8. Other operating charges	8. Other operating charges
6. Staff costs	6. (a) Wages and salaries 6. (b) social security costs, with a separate indication of those relating to pensions
Gross operating profit	
7. Depreciation and value adjustments on non financial assets	7. (a) Value adjustments in respect of formation expenses and of tangible and intangible fixed assets 7. (b) Value adjustments in respect of current assets, to the extent that they exceed the amount of value adjustments which are normal in the undertaking concerned
Gross operating profit – Depreciation and value adjustments on non-financial assets	
Financial income and value adjustments on financial assets	9. Income from participating interests 10. Income from other investments and loans forming part of the fixed assets 11. Other interest receivable and similar income 12. Value adjustments in respect of financial assets and of investments held as current assets
Interest paid	13. Interest payable and similar charges
Similar Charges	
Profit or loss on ordinary activities	15. Profit or loss on ordinary activities after taxation
Extraordinary income and charges	16. Extraordinary income 17. Extraordinary charges
Taxes	14. Tax on profit or loss on ordinary activities 19. Tax on extraordinary profit or loss 20. Other taxes not shown under the above items
Profit or loss for the financial year	21. Profit or loss for the financial year

ANNEX 7



EUROPEAN COMMISSION
DIRECTORATES-GENERAL
ENVIRONMENT AND CLIMATE ACTION
SRD – Shared Resources Directorate
SRD.2 – Finance

(Please fill in your address)

ACKNOWLEDGEMENT OF YOUR TENDER

Our reference: CLIMA.B.3/SER/2012/0014

Your reference:

We wish to confirm the receipt and opening of your offer¹. Your offer will now be evaluated by the Commission and its experts. You will be informed of the result in due course.

We thank you for your interest.

MarketsTeam
SRD.2

¹ Your personal contact data has been recorded in a database used by the Markets Team of unit SRD.2 for the administrative management of offers. The Commission is bound by Regulation 45/2001 on the protection of individuals with regard to the processing of personal data by the Union institutions and bodies. For more information, and to exercise your rights to access and eventually correct data concerning you, please don't hesitate to contact us.

ANNEX 8

CHECK LIST

	Document / information	Page(s) in offer
1	Administrative information form filled in	
2	Financial offer duly signed	
3	Legal entity and financial identification forms completed and signed	
4	Declaration of the candidate's eligibility regarding exclusion criteria, completed, signed and dated (and supporting evidence, if relevant)	
5	Questionnaire for joint bids and sub-contracting	
6	Acknowledgement form with candidate's address	
7	Technical bid	
8	Possible annexes	
9	Tenders labelled and addressed correctly (Invitation to tender, pages 1-2)	

