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Unit D.2 Enforcement, Cohesion Policy & European Semester, Cluster 2

## **CALL FOR TENDERS**

**ENV.D.2/FRA/2016/0015**

FRAMEWORK CONTRACT ON

Co-operation with national judges in the field of environmental law

WITH ONE SINGLE OPERATOR

# **TENDER SPECIFICATIONS**

## TABLE OF CONTENTS

1.	INFORMATION ON TENDERING.....	4
1.1.	Participation and nature of the contract .....	4
1.2.	Contractual conditions .....	5
1.3.	Compliance with applicable law .....	5
1.4.	Joint tenders .....	5
1.5.	Subcontracting .....	5
1.6.	Content of the tender.....	6
1.7.	Identification of the tenderer: legal capacity and status.....	6
2.	EVALUATION AND AWARD.....	7
2.1.	Evaluation steps .....	7
2.2.	Verification of non-exclusion .....	7
2.3.	Selection criteria .....	8
2.3.1.	Declaration and evidence.....	8
2.3.2.	Legal and regulatory capacity criteria and evidence .....	9
2.3.3.	Economic and financial capacity criteria and evidence.....	9
2.3.4.	Technical and professional capacity criteria and evidence.....	9
2.4.	Compliance with the minimum requirements.....	11
2.5.	Award criteria .....	12
2.5.1.	Overall management of the framework contract (max. 40 points).....	12
2.5.2.	Illustrative tasks (max. 60 points) .....	12
2.6.	Ranking and Award .....	13
2.7.	Financial offer .....	14
2.8.	Payment schedule.....	14

3. TECHNICAL SPECIFICATIONS.....	14
3.1. General background and objectives .....	14
3.2. Description of tasks .....	17
3.3. Illustrative tasks.....	27
ANNEX 1 - ADMINISTRATIVE INFORMATION FORM .....	35
ANNEX 2 - QUESTIONNAIRE FOR JOINT BIDS AND SUBCONTRACTING .....	36
ANNEX 3 - FINANCIAL OFFER TEMPLATE.....	38
ANNEX 4 - LEGAL ENTITY AND FINANCIAL IDENTIFICATION FORMS....	39
ANNEX 5 - DECLARATION ON HONOUR ON EXCLUSION CRITERIA AND SELECTION CRITERIA .....	40
ANNEX 6 – BUDGETING THE ORGANISATION OF WORKSHOPS/CONFERENCES .....	45
ANNEX 7 - METHOD OF ORDERING SERVICES .....	46
ANNEX 8 - MODEL CONTRACT FOR THE FRAMEWORK CONTRACT .....	51
ANNEX 9 - ACKNOWLEDGEMENT OF RECEIPT .....	52

# **1. INFORMATION ON TENDERING**

## **1.1. Participation and nature of the contract**

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

It is also open to all natural and legal persons established in a third country which has a special agreement with the Union in the field of public procurement on the conditions laid down in that agreement. Where the plurilateral Agreement on Government Procurement<sup>1</sup> concluded within the World Trade Organisation applies, the participation to this procedure is also open to all natural and legal persons established in the countries that have ratified this Agreement, on the conditions it lays down.

The Commission intends to award a framework contract with one economic operator.

Tenderers' attention is drawn to the fact that the framework contract does not constitute placement of an order, but is merely designed to set the legal, financial, technical and administrative terms governing relations between the contracting parties during the contract term. Orders can only be placed using the model contained in Annex 7 to these tender specifications. Following the placement of an order, a specific contract shall be drawn up for that work. A model specific contract corresponding to the model contract is provided in Annex 8.

Signature of the framework contract does not give the contractor any exclusive rights to the services covered by the framework contract. In any case, the Commission reserves the right, at any time during the framework contract, to cease placing orders without the contractor having the right to any compensation.

DG Environment will be the overall manager for the Framework contract defined in these tender specifications. It will be the only administrative contact point as regards the framework contract.

The aggregated maximum annual amount for which specific contracts can be awarded will not exceed 300.000 € (three hundred thousand euros) (i.e. 1.200.000 € (one million, two hundred thousand euros) for the total maximum duration of the framework contract). The indicative price of the specific contracts is envisaged to range between 70.000 -150.000 € (seventy thousand to one hundred and fifty thousand euros), however it is not excluded that specific contracts be issued outside of this range.

The Framework contract will run for a period of 12 months and shall be renewed automatically 3 times (maximum total 48 months) on **identical terms** provided that the contractor's work is satisfactory in all respects and depending on budget availability, unless written notification to the contrary is sent by one of the contracting parties and received by

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<sup>1</sup> See [http://www.wto.org/english/tratop E/gproc e/gp\\_gpa\\_e.htm](http://www.wto.org/english/tratop E/gproc e/gp_gpa_e.htm)

the other party two months before expiry of the contract. The framework contract shall continue to apply to specific contracts after its expiry, but for no more than 6 months. The framework contract specifies the basic conditions applicable to any assignment placed under its terms. Signature of the contract does not place the Commission under any obligation to place an assignment. The execution of tasks/assignments may not start before a specific contract has been signed.

## **1.2. Contractual conditions**

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

## **1.3. Compliance with applicable law**

The tender must comply with applicable environmental, social and labour law obligations established by Union law, national legislation, collective agreements or the international environmental, social and labour conventions listed in Annex X to Directive 2014/24/EU<sup>2</sup>.

## **1.4. Joint tenders**

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

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

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

## **1.5. Subcontracting**

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

Tenderers are required to identify all subcontractors. (See Annex 2, questionnaire for joint bids and subcontracting.) In case a tenderer relies on subcontractors to meet the required level

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

under selection criteria, the subcontractor(s) concerned must provide the relevant supporting documents to that effect with their tender (see section 2.3).

During contract performance, the change of any subcontractor identified in the tender or additional subcontracting will be subject to prior written approval of the Contracting Authority. Change of experts should be kept to a minimum and must be duly motivated and in line with the selection criteria applicable to this framework contract.

### **1.6. Content of the tender**

The tenders must be presented as follows:

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

Part B: Non-exclusion (see section 2.2)

Part C: Selection (see section 2.3)

Part D: Technical offer (see section 3)

Part E: Financial offer containing a pricelist for all services including all categories of personnel (see section 2.7)

### **1.7. Identification of the tenderer: legal capacity and status**

The tender must include a cover letter signed by an authorised representative presenting the name of the tenderer (including all entities in case of joint offer) and identified subcontractors if applicable, and the name of the single contact point (leader) in relation to this procedure. Coherence must be ensured between the information in the cover letter and in Annex 1.

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

The tenderer (and each member of the group in case of joint tender) must declare whether it is a Small or Medium Size Enterprise in accordance with [Commission Recommendation 2003/361/EC](#). This information is used for statistical purposes only.

All tenderers (including all members of the group in case of joint tender) must provide a signed Legal Entity Form with its supporting evidence. The form is available on: [http://ec.europa.eu/budget/contracts\\_grants/info\\_contracts/legal\\_entities/legal\\_entities\\_en.cfm](http://ec.europa.eu/budget/contracts_grants/info_contracts/legal_entities/legal_entities_en.cfm)

Tenderers that are already registered in the Contracting Authority's accounting system (i.e. they have already been direct contractors) must provide the form but are not obliged to provide the supporting evidence.

The tenderer (or the leader in case of joint tender) must provide a Financial Identification Form and supporting documents. Only one form per tender should be submitted. No form is needed for subcontractors and other members of the group in case of joint tender. The form is available on: [http://ec.europa.eu/budget/contracts\\_grants/info\\_contracts/index\\_en.cfm](http://ec.europa.eu/budget/contracts_grants/info_contracts/index_en.cfm)

## **2. EVALUATION AND AWARD**

### **2.1. Evaluation steps**

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

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

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

The tenders will be assessed in the order indicated above. Only tenders meeting the requirements of one step will pass on to the next step.

### **2.2. Verification of non-exclusion**

All tenderers must provide a declaration on honour (see Annex 5), signed and dated by an authorised representative, stating that they are not in one of the situations of exclusion listed in that declaration on honour.

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

In case of subcontracting, subcontractors whose capacity is necessary to fulfil the selection criteria must provide a declaration on honour signed by an authorised representative.

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

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

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

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

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

### **2.3. Selection criteria**

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

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

#### **2.3.1. Declaration and evidence**

The tenderers (and each member of the group in case of joint tender) and subcontractors whose capacity is necessary to fulfil the selection criteria must provide the declaration on honour (see Annex 5), signed and dated by an authorised representative, stating that they fulfil the selection criteria applicable to them individually. In case of joint tender or subcontracting, the criteria applicable to the tenderer as a whole will be verified by combining the various declarations for a consolidated assessment.

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

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

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

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

### **2.3.2. Legal and regulatory capacity criteria and evidence**

Tenderers must prove that they are allowed to pursue the professional activity necessary to carry out the work subject to this call for tenders. The tenderer (including each member of the group in case of joint tender) must provide the following information in its tender if it has not been provided with the Legal Entity Form:

- For legal persons, a legible copy of the notice of appointment of the persons authorised to represent the tenderer in dealings with third parties and in legal proceedings, or a copy of the publication of such appointment if the legislation applicable to the legal person requires such publication. Any delegation of this authorisation to another representative not indicated in the official appointment must be evidenced.
- For natural persons, if required under applicable law, a proof of registration on a professional or trade register or any other official document showing the registration number.

### **2.3.3. Economic and financial capacity criteria and evidence**

The tenderer must have the necessary economic and financial capacity to perform this contract until its end. The tenderer must comply with the following selection criteria:

Annual turnover of the last two financial years above EUR 300.000 (three hundred thousand euros); this criterion applies to the tenderer as a whole, i.e. the combined capacity of all members of a group in case of a joint tender.

**In order to prove their capacity, the tenderer must submit the following evidence with the tender:**

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

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

### **2.3.4. Technical and professional capacity criteria and evidence**

#### **a. Criteria and evidence relating to tenderers**

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

The project references indicated below consist of a list of relevant services provided in the past three years, with the sums, dates and clients, public or private, accompanied by statements issued by the clients.

- **Criterion A1:** The tenderer must prove experience in a) the field of EU environmental legislation and policy as described in section 3, as well as b) drafting of training materials and organising and providing trainings, applying survey techniques, data collection and ability to draft recommendations (with a view to performing the tasks described in section 3 of this tender).

**Evidence A1:**

a) As regards experience in the field of EU environmental legislation and policy the tenderer must provide references for at least 5 projects delivered in the last 3 years with a minimum value for each project of € 75.000 explaining EU environmental legislation and policy to a legal audience.

b) As regards drafting training materials, organising and providing of trainings, applying survey techniques, data collection and drafting recommendations, the tenderer must provide references for at least 5 projects delivered in the last 3 years with a minimum value for each project of € 75.000. Projects listed under a) may also be listed under b).

- **Criterion A2:** The tenderer must prove capacity to draft training materials and provide trainings in English as the main language, as well as in French and German (with a view to performing the tasks described in section 3 of this tender).

**Evidence A2:** the tenderer must provide references for 5 projects delivered in the last three years showing use of English and, if available projects in French and German. Where no projects were implemented in French or German, proof of capacity to carry out the work as specified under part 3 in these languages should be provided.

- **Criterion A3:** The tenderer must prove capacity to draft reports in English on the activities carried out.

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

- **Criterion A4:** The tenderer must prove its capacity to work in all EU countries or implement projects for the benefit of participants and users of the training material coming from all EU countries.

**Evidence A4:** the tenderer must provide references of 5 projects delivered in the last 3 years in at least 3 different Member States or for an audience with a minimum of 20 participants coming from at least 3 Member States.

The combination of projects must cover the required EU wide geographical scope. In the event that not all EU countries have been covered by previous projects, the tenderer must prove that it has contacts in those EU countries not covered by its project experience in order to ensure the required geographical coverage; for this purpose, the tenderer must provide letters of intent from the contact points, such as national training centres for judges.

**In order to prove their capacity, the tenderer must submit with its tender the evidence listed above.**

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

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

- **Criterion B1 - Project Manager**: At least 10 years' professional experience of which 7 years' experience in project management, including overseeing project delivery, quality control of delivered service, client orientation and conflict resolution experience in projects of a similar size (at least € 50.000) and coverage (at least 3 countries covered), with experience in management of teams of at least 8 people.

**Evidence B1:** CV

- **Criterion B2 - Language quality check**: at least 3 members of the team should have at least C1 level in the Common European Framework for Reference for Languages<sup>3</sup> in English. In addition, at least one team member should also have C1 level in French and one team member C1 level in German.

**Evidence B2:** a language certificate or past relevant experience.

- **Criterion B3 - Expert(s) in developing training materials, including on-line learning techniques, and in organising and providing trainings**: at least 7 years' professional experience of which at least 3 years' experience in implementing such tasks.

**Evidence B3:** CV

**In order to prove their capacity, the tenderer must submit with its tender the evidence listed above. Furthermore, a consolidated table of the proposed staff clearly indicating name, profile (B1, B2 and/or B3) and categorisation of personnel in line with annex 3 must be included in the offer.**

#### **2.4. Compliance with the minimum requirements**

The technical offer must cover all aspects including the illustrative tasks required in the technical specifications and provide all the information needed to apply the award criteria. Offers deviating from the requirements or not covering all requirements may be excluded on the basis of non-conformity with the tender specifications and will not be evaluated (see point 3 – Technical Specifications).

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<sup>3</sup> See [http://www.coe.int/t/dg4/linguistic/Cadre1\\_en.asp](http://www.coe.int/t/dg4/linguistic/Cadre1_en.asp)

## 2.5. Award criteria

The contract will be awarded to the most economically advantageous tenders, according to the 'best price-quality ratio' award method. The quality of the tenders will be evaluated based on the following criteria. The maximum total quality score is 100 points divided into: maximum 40 points for the overall management of the framework contract and maximum 60 points for the illustrative tasks.

Tenders scoring less than 60 in the overall points total or less than 50% in the points awarded for a single criterion will be excluded from the rest of the assessment procedure. Assessment of the tenders will focus on the quality of the proposed services, therefore tenderers should elaborate on all points addressed by these specifications in order to score as many points as possible. The mere repetition of mandatory requirements set out in these specifications, without going into details or without giving any added value, will only result in a very low score. In addition, if certain essential points of these specifications are not expressly covered by the tender, the Commission may decide to give a zero mark for the relevant qualitative award criteria.

### 2.5.1. Overall management of the framework contract (max. 40 points)

A maximum of 30 points will be attributed to criterion 1, and a maximum of 10 points will be attributed to criterion 2. 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 15 and 5 points under criteria 1 and 2 respectively, with a minimum total of 24 points.

#### 1 Organisation of the work (30 points – minimum threshold 50%)

This criterion will assess how the roles and responsibilities of the proposed team and of the economic operators (in case of joint tenders, including subcontractors if applicable) will be distributed. It also assesses the global allocation of time and resources to the global management of the framework contract.

#### 2 Quality control measures (10 points – minimum threshold 50%)

This criterion will assess the quality control system applied to the management of the framework contract concerning the quality of the deliverables, the language quality check, and continuity of the service in case of absence of a member of the team. It should be noted that a generic quality control system will result in a low score.

### 2.5.2. Illustrative tasks (max. 60 points)

A maximum of 30 points will be attributed to criterion 1, a maximum of 20 points will be attributed to criterion 2, and a maximum of 10 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 15, 10 and 5 points under criteria 1, 2 and 3 respectively, with a minimum total of 36 points.

## **1 Quality of the proposed methodology** (30 points – minimum threshold 50%)

This criterion assesses the suitability and strength of the proposal as measured against the requirements of the illustrative tasks in terms of the technical content, completeness, originality of ideas (*where appropriate*) and proposed effort. The degree to which the methodology shows the capacity to resolve the questions underlying in the service request in a realistic and well-structured way, as well as whether the methods proposed are suited to the needs set out by the Commission.

## **2 Organisation of the work** (20 points – minimum threshold 50%)

This criterion will assess how the roles and responsibilities of the proposed team and of the economic operators (in case of joint tenders, including subcontractors if applicable) are distributed for each illustrative task. It also assesses the global allocation of time and resources to the project and to each task or deliverable, and whether this allocation is adequate for the work. The tender should provide details on the allocation of time and resources and the rationale behind the choice of this allocation.

## **3 Quality control measures** (10 points – minimum threshold 50%)

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

## **2.6. Ranking and Award**

Having examined the tenders from a technical point of view, the evaluation committee will proceed considering which is the economically most advantageous offer taking into account **only those tenders that have obtained at least 60 out of the 100 points that are available for the technical quality of the bid**. The evaluation committee will then proceed with the financial comparison of the tenders retained for further consideration according to the ranking procedure below.

The highest ranked bid offering the best price-quality ratio will be chosen, provided that the minimum number of points cited above is achieved. Best price-quality ratio 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 threshold levels set for the overall management and organisation and the illustrative tasks and score 60 or higher are deemed to be technically sufficient.
- Price will be calculated using the template found in Annex 3. All bids will therefore be assessed using a price based on the assumption of 100 man-days of which 30 are senior, 40 are expert, and 30 are support/junior staff, and on the maximum daily rates that will be used during the execution of the actual framework contract.

- The price is then divided by the total number of points awarded to obtain the price-quality ratio.
- The award of the contract will be made to the tenderer with the lowest ratio.

## **2.7. Financial offer**

Tenders shall specify a maximum daily rate per defined profile. These rates must be flat rate and include all costs<sup>4</sup> relating both to the overall management of the framework contract and to the implementation of specific contracts (administrative costs, overheads, global and project management, quality control, support resources, insurance, etc.). The maximum daily rate(s) quoted shall be valid for any services offered under a specific contract and cannot be exceeded. For guidance purposes see Annex 3.

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

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

## **2.8. Payment schedule**

Payments under this contract will cover, **on a lump-sum** basis, fees, as well as travel expenses and any other costs where appropriate.

The payment schedule throughout the specific contracts will depend on the delivery of final reports or deliverables in response to the specific agreements made under the framework contract.

Only 1 payment will be made for contracts of a value up to and including €100.000. For contracts above €100.000 it will be possible to make an interim payment and a final payment.

## **3. TECHNICAL SPECIFICATIONS**

### **3.1. General background and objectives**

The role of national judges in ensuring full implementation of EU law is crucial. This is particularly true in the domain of the environment where thousands of decisions having a potential impact on the environment are taken every year in Europe. The capacity of national

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<sup>4</sup> For instance fixed percentages on top of the daily rates to cover administrative overheads will not be allowed

courts to guarantee correct and efficient application of EU environmental law is an essential factor for addressing the legitimate expectations of EU citizens in this domain. National courts have wide investigation powers, they can adopt injunctive measures and, if necessary, they can decide to make good the loss of individuals whose rights stemming from EU law have been breached. National judges can refer preliminary questions to the Court of Justice of the European Union. Moreover, national judges are highly qualified legal professionals who enjoy a status of full independence which is constitutionally guaranteed in all Member States.

The Commission recognises the crucial importance of the national courts' work for the enforcement of EU environmental acquis. In its Communication - [A Europe of Results - Applying Community Law](#) – COM (2007) 502 final<sup>5</sup>) and the [Communication on implementing European Community Environmental Law](#) (COM (2008) 773 final<sup>6</sup>) the Commission highlighted the crucial role of national courts and national judges. With the Communication "[Building Trust in EU-wide Justice: a New Dimension to European Judicial Training](#)" – COM (2011) 551 final<sup>7</sup>, the Commission addressed the ambitious objectives set by the 2010 Stockholm Programme to increase the number of European Judicial Training activities and their quality in partnership with the Member States, the judicial training providers and the legal professions themselves. It stressed the need for a more practice orientated European judicial training and identified policy areas, which should be considered as priorities for judicial training. Environmental law and policy take a prominent place among them.

Following dialogue with the relevant professional associations of judges and other legal professionals and having recognised the need for an enhanced partnership with judges dealing with environment related cases, in 2008 DG Environment launched a programme for co-operation with national judges in the field of environmental law. Under the first framework contract the Commission contracted the European Institute of Public Administration (EIPA) with a view to developing training modules on various topics of EU environmental law as well as to organising workshops on the implementation of EU environmental law. This contract ran between 2008 and 2012. In 2012 a second framework contract was concluded with the European Law Academy (ERA). That second contract ran between 2012 and 2016. In 2016 the Commission has decided to pursue the activities and to launch a call for tender leading to a third framework contract.

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<sup>5</sup> <http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:52007DC0502&from=EN>

<sup>6</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2008:0773:FIN:EN:PDF>

<sup>7</sup> <http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:52011DC0551&qid=1459254128418&from=EN>

The main purpose of the programme has been so far and remains to increase awareness of EU environmental law (and policy) as the source of the national implementing legislation, to assist the national judges (and other relevant actors, such as prosecutors) in applying that law in practice and to provide a forum for exchange of knowledge and experience between judges originating from different Member States.

The programme has been designed from the start in close cooperation with individual judges (via the needs assessment requests) and national judicial training centres. Judges' professional associations like the Association of European Administrative Judges, the Association of Council of States and the EU Forum of Judges for Environment were represented in the programme's Steering Committee and in a Plenary Assembly. These consultative bodies contributed to the substance of the training modules as well as to organisational issues.

The main goal of the proposed third framework contract is to continue and further develop the programme for co-operation with national judges in the field of environment law established during the last eight years by building on the results achieved so far, by enriching the programme with new elements, and by extending its scope. Detailed information about the work done under the previous two framework contracts is available in the dedicated webpage under the link: <http://ec.europa.eu/environment/legal/law/judges.htm>

However, under the proposed third framework contract the Commission also intends to further explore options ensuring that maximal use is made of available training materials at the national level.

The overall aim of the proposed third framework contract remains to ensure support for the Commission services in carrying out specific activities aiming at developing cooperation with national judges (and others actors where required, such as prosecutors) in the field of EU environmental law and enhancing the partnership with the national judicial training centres. Ultimately the objective is to improve knowledge of environmental law (as the source of the national implementing legislation) among the targeted audience and to set up, with the help of the training structures across the EU, a system capable of providing national judges (and other actors where required, such as prosecutors) with updated information on the developments relating to EU environmental legislation and case-law of the Court of Justice of the EU. In turn this would contribute to improving the implementation of EU law in a consistent manner across the EU.

To that end the third framework contract will require the contractor to establish and make available to the Commission a pool of experts able to cope with the tasks described below and who are able to respond to and execute to a high standard the specific requests which will be launched under this framework contract.

The contractor should develop contacts with national judges, including members of professional associations representing judges, the EU Forum of Judges for the Environment, the European Judicial Training Network (EJTN), experts from NGOs and academic experts or with any other relevant actors, such as prosecutors. Specific service requests will include detailed technical requirements for each assignment.

The contractor shall continuously seek and use the most efficient means, including IT based ones, to disseminate the materials developed under the project to relevant target groups.

## 3.2. Description of tasks

### 3.2.1. Exploring ways for ensuring that training materials are used at national level

#### *Objective*

When the programme was started in 2008 it was assumed that the provision of training workshops via a Contractor might stop at one stage and that the national training structures (national training institutes, national trainers or any equivalent) would use the modules for provision of their own trainings. In order to facilitate such use at national level train-the-trainers workshops were organised under the previous framework contracts.

The second framework contract also foresaw the possibility of providing technical support to the national training structures in order to allow them to make use of the materials developed within the Framework of the programme.

Experience suggests that the training materials developed within the programme and which focus on EU environmental law are rarely used as such at national level. In order to allow the Commission to decide on the orientation of future service requests the Contractor will therefore inter alia be asked to identify what use is made of the training materials at national level, identify any obstacles to the use of the training materials at the national level and propose a realistic **strategy** ensuring that the training modules (including e-learning) can be used at national level.

To that end the Contractor will contact the national training structures, the EJTN and relevant professional judges associations, as well as prosecutors' associations and networks.

The Contractor will be asked to analyse the use of existing training materials at national level, identify why so far training materials do not seem to have been taken up at national level, identify possible alternative approaches to the organisation of workshops (see task 3.2.3) and train-the-trainer workshops (3.2.5) and develop a realistic **strategy** to maximise the use of the training materials at the national level, with a view to complementing the provision of workshops and train-the-trainers at the EU level as done so far.

This task may include organisation of one or more events with national training structures and other relevant actors (EJTN and relevant professional judges or prosecutors associations) for discussion of method and result.

The exploration of ways to enhance the use of the materials by national trainers of existing training materials should also include practical issues such as language regimes and adaptation of existing training materials to specific needs at national level in addition to the EU law elements, as well as an estimation of the costs of such an alternative approach.

The service request may require that -inter alia- the following possible alternative approaches shall be explored:

- a) The Contractor may assist national training institutes in drafting national training materials and/or in merging existing national training materials with the materials on EU environmental law. This approach assumes that national judges need first and foremost training on their national law and that national training logically focuses on national law. These judges need to be made aware that a (large) part of the national legislation on environmental issues originates from European law. The national judge must therefore still be able to recognise the origin and the need to follow case law of the Court of justice of the EU. Adding materials explaining, where useful, the European origin and context of the obligations laid down in national law may also be useful.

The assistance by the Contractor may also concern updating the EU dimension of existing national training materials.

The assistance may include translation of the training materials on EU environmental legislation.

This alternative approach could also include provision of (parts of) the training to national judges.

However, any assistance would only be provided following a commitment of the national training structure that the training materials will actually be used within a reasonable time frame (such as through introduction of training on environmental law in the national training programme).

- b) The Contractor will support the setting up of a pool of trainers that can be used by national training structures to provide trainings at national level on EU legislation or general principles. This pool of trainers could consist of trainers available on behalf of the Contractor and/or trainers coming from one or more Member States. Setting up a pool of trainers which can cover the relevant fields of European environmental *acquis* and/or relevant parts of national legislation could be useful for the planning by training structures of their own training programmes.
- c) Explore the possibility of cooperation with the EJTN both as regards the identification of training needs and the organisation of training workshops.
- d) Explore the best ways to integrate the (planning of) trainings provided by the Contractor and training provided by the national training structures (or by the EJTN or by professional judges or prosecutors associations).

One way to do this is by inviting national training structures to propose the theme of a workshop after which the Contractor may organise workshops in close cooperation with the national training structure(s). Such a theme can be specific to one Member State or a group of Member States. The Contractor would focus on the EU legal Framework whereas the national training structures would provide for training on the national law (thus no merging of training materials but merely co-existence).

Another possibility to explore is whether it is useful to promote that training is fully or largely provided by national training structures themselves, by using the training modules developed under this programme (be it or not adapted and/or translated)

under the guidance and assistance of the Contractor. In such a case the training itself is provided by the national training structure, but the training will be tailor-made to the Member State(s) with the help of the Contractor which might also ensure during the workshop a backup function (the Contractor being present at the workshop, using where needed interpretation to follow the training provided in the national language and being able to reply to any question the national trainer or participants may have).

In such a scenario the Contractor may take care of certain practicalities (such as travel costs and accommodation) as well.

### **3.2.2. Development of new training modules and update of existing training modules**

#### *Objective*

The Contractor may be asked to develop new training materials or to update existing training materials to various fields of EU environmental law and propose an appropriate methodology to that end. These training materials are the basis for the organisation of workshops under task 3.2.3.

#### *Choice of topics*

The Contractor may be asked, as part of a specific contract, to consult the relevant judges associations or the EJTN on the choice of topics (be it or not via a needs assessment survey).

#### *Possible content of training modules*

As regards the content of the training modules to be developed, the Contractor will on request by the Commission, need to develop several separate training modules. The topics and the format of the training modules will be defined by the Commission in the service request, be it or not after consultation of the Programme Steering Committee or of any relevant other stakeholder, or via a needs assessment survey amongst the target group.

The policy fields of European environmental law have been largely covered by training modules developed under the previous framework contracts already. Detailed information about the training modules developed under the first and second framework contracts and the results thereby obtained is retrievable at <http://ec.europa.eu/environment/legal/law/judges.htm>.

Nevertheless, these modules may need updating and/or further adaption to training needs. These needs can be common to all the Member States or specific to one or more Member States.

The training materials to be developed under a specific contract to that end may:

- a) cover specific sectors of EU environmental law, such as waste, nature protection, water, industrial emissions, or
- b) provide for general introductions covering several policy areas at once, or
- c) provide for an in-depth training on one legal instrument or policy areas, or
- d) cover general, horizontal issues, such as access to justice, environmental liability, environmental crime, environmental impact assessment, etc.,

e) be tailor made to circumstances specific to one or more Member States.

The training modules will, where appropriate, also contain explanation and practical examples of the preliminary ruling procedure.

#### *Design and structure of training modules*

The training materials shall be designed in a way which allows their re-use and rapid adaptation for different contexts. To this end the Commission shall specify in the service request the type of deliveries expected, such as:

- a) guidance and manuals in MS-Word format (presently, the Commission is using MS-Office 2010) on how to use the different elements of the training materials;
- b) MS-Office power-point presentations including notes explaining the main elements covered by each slide;
- c) recording of workshops for on-line publication (front-teaching presentations);
- d) guidance on how to organise simulation exercises (role play) during the workshops;
- e) self-evaluation tools for end-users.

The structure of the training modules will be such as that information is most effectively passed on to the participants at the workshops. To achieve this, a well-designed and structured training module is of paramount importance. The content of the module must reflect a high level of awareness of the information needs of the participants, such as the questions on EU law (or its national pendant) which a judge or prosecutor is likely faced with in his/her daily work or where he/she can find relevant information.

As a rule the training materials shall include case studies. These case studies must promote interactivity and active participation in the training sessions as well as allow for discussions between participants. The usefulness of group or individual exercises, discussions on case studies, ex-ante preparations by participants (before the training sessions) shall be considered and organised. Use of some e-learning tools in the context of blended learning methodologies is encouraged.

Modifications of the contents of training modules might have to be made upon evaluation of the results of training workshops.

The Contractor shall develop specific means for evaluation and up-date of the training materials developed in implementation of the framework contract aiming at their further improvement and user-friendly design.

The training material will include as appropriate power-point presentations (version 2010), audiovisual materials, reference documents in MS-Word (version 2010) and/or in pdf format, lectures, explanations and other pedagogical materials in a format that can be used with freely available tools and free-to-host on the internet and, particularly on the Europa web site. (Development of the e-learning training materials is a separate task described under section 3.2.4).

The set of training materials (user's pack) will be developed in English or, in individual cases upon request by the Commission, in French or German. The Contractor will ensure their high linguistic quality.

The training materials must also contain copies of the European Union's instruments in the environmental law and policy area relevant to the contents of the training module as well as relevant case law of the Court of Justice of the European Union and, where appropriate, national case law.

The electronic version of the training packs shall be provided to the end users/training participants on a USB stick when implementing the tasks described under 3.2.3, 3.2.4 and 3.2.5.

A general bibliography containing publication in various EU languages shall be developed for each of the legal instruments covered by individual training modules.

Modules may also need to be developed for the purposes of blended training, for instance by combining e.g. e-learning techniques and presential training and by developing self-testing (ex-ante and ex-post) tools for the participants, e.g. in the form of multiple choice questionnaires, evaluation instruments, etc.

As a rule for each training module a factsheet (maximum 6000 characters not taking into consideration spaces) explaining the objective of the training module, the structure and methodology used, and listing the available documents will be drafted in English. The objective of that factsheet is to allow users to analyse whether the available module answers to their needs and to promote uptake of the training modules by national training structures.

**3.2.3. Organisation and management of training workshops with participation of judges (and, where appropriate, also prosecutors, officials from national environmental inspection or enforcement authorities, lawyers and NGOs representatives) either from one EU Member State alone or from several Member States**

This task consists of the preparation and organisation of training workshops for judges interested in environmental law and, where useful, also for other legal practitioners dealing with environmental enforcement either from an individual Member State or from several Member States.

The topics to be covered and the format of the workshops will be specified in the service request.

*Objective*

The main objectives of the workshops will be to test the quality of training modules (see section 3.2.2), to raise awareness and develop knowledge of EU environmental law as well as to provide a forum for exchange of good practices and case law between participants.

The contractor shall use tools and techniques that allow free development of the modules and their free hosting on the Europa web site.

The set-up of the workshop must allow time for discussion between the trainers and the participants who have had professional experience of the implementation of a specific legal instrument.

A balance should be found between exhaustiveness of content and length of the training sessions for end users (maximum 3 days).

### *Participants*

As a rule the workshops are open to participants from all EU Member States. If a workshop is organised for participants across the EU, the contractor shall endeavour that at least 5 Member States are represented to ensure exchanges and comparisons of national practices.

The Commission may require in the service request that a workshop is organised for participants from less than 5 Member States, in which case the Commission shall indicate the Member States concerned.

The number of participants will be limited in order to allow for intense discussions and debates. Therefore, as a rule, a minimum of 20 participants per workshop and a maximum of 30 shall be ensured. Where the contractor cannot find sufficient participants it shall contact the Commission who shall then decide on the course of action as soon as possible.

### *Role of the contractor*

The contractor will organise the workshops regarding their content, dissemination of information, selection of participants, selection of trainers, etc. The contractor shall keep the Commission informed and will highlight any issue in due time so that the Commission can take a timely decision where needed.

The training workshops shall be organised in cooperation with the national judicial training structures (or others, such as the EJTN and EU level associations or networks of judges and prosecutors, to be specified in the specific contract) to benefit as much as possible from the existing infrastructure and lower costs. The contractor will organise all logistics regarding participants and trainers and speakers. As regards travel and hotel arrangements for participants, annex 7 will be applicable.

The contractor is expected to liaise with the national authorities and/or judicial training structures in charge of training of judges to find the adequate location for each requested activity.

The offer responding to each service request shall include information on the proposed venue and linguistic regime of the workshop(s). Simultaneous interpretation can be requested in specific circumstances. The Contractor is expected to work with the relevant national judicial training structure to ensure that simultaneous interpretation is possible, organise the hiring of interpreters and pay for the interpretation services.

When a service request foresees organisation of training workshops, the respective offer shall include criteria and the procedure for selection of participants (for instance linguistic skills, experience and/or knowledge level on the topics of the respective workshop, etc.). The selection of participants will be done according to these criteria.

The Contractor will be expected to select experienced and knowledgeable trainers and speakers, to provide and pay for all necessary logistical services regarding the organisation of the workshops, including invitations, venue (in case the national judicial training centre in the host country does not provide a venue for free), travel arrangements and hotel reservations (in accordance with annex 7), etc., to ensure follow-up by preparing of summaries of the workshops discussions and activity reports as well as getting feedback from the participants.

#### *Trainers, speakers, moderators*

As a rule the delivery of the training at a workshop will be done by a team. The team delivering the workshop training will consist of at least two trainers. Trainers are those who have both the required expertise on the content of the training module and the required didactical skills as regards adult education. At least two trainers must therefore be involved in the delivery of the workshop training. Delivering all the training modules by a single person for the whole period of the duration of a workshop will not be accepted.

The team may in addition allow for speakers who have expertise on a specific topic and/or moderators who ensure the proper conduct of the training event.

The workshops may also include the involvement of relevant representatives of NGOs active in the field of protection of the environment as speakers as well as the organisation of relevant site visits, depending on the subject area.

The contractor will ensure that all the team members involved in the delivery of the training workshop are given appropriate and timely steering on the needs of the audience, in other words that the contents of the training workshop is tailored to the actual needs of participants (judges, prosecutors etc.).

The choice of the team for implementation of each specific contract shall be made by using the list of experts which is to be provided by the contractor with the offer responding to this call for tender.

Where the contractor organises the workshop(s) and delivers the training(s) (as opposed to a situation where workshops are organised in any form of close cooperation with a single national training institute, see point 3.2.1), the contractor will provide the European Commission with the following information about the moderators, trainers and speakers proposed:

- CVs
- Knowledge on the relevant topics
- Overall capacity to deliver in the workshop's working language(s).

The Commission reserves the right to refuse some of the moderators, trainers and speakers proposed by the contractor.

The contractor shall organise an evaluation of each workshop. The respective evaluation report shall be sent to the Commission within 30 calendar days of the event.

When a service request includes organisation of training workshops, the final report will include the following items:

- Participants' list
- Synthesis of participants' evaluation of the workshop
- Summary of substantial discussions during the workshop
- Evaluation of the training material and the workshop by the trainers/speakers
- Succinct report on the organisation and management of the workshop, including difficulties met and how they were solved
- Recommendations for improving the process.

#### *Strategy for planning of workshops*

When proposing workshops, the contractor will take into account the need to achieve the best balance between nationalities, languages and legal systems of participants, and the most useful locations in order to ensure the requested number of participants (usually between 20 and 30). The proposals will be discussed with the Commission, which will decide accordingly.

#### *Alternative division of tasks and responsibilities in organising workshops*

Where following task 3.2.1. the contractor is asked to support a national training structure in organising a workshop under the lead and responsibility of that national training structure, the specific contract will provide for the necessary alternative arrangements compared to the provisions described in the subsection 3.2.3 for workshops organised under the lead and responsibility of the contractor.

#### **3.2.4. Transformation into e-learning modules of the training materials, including those prepared under the first and second framework contracts**

The Commission may request that the contractor creates on the basis of one or several training modules independent e-learning modules in order to allow the use of the training materials for distance training.

#### **3.2.5. Organisation of train-the-trainers workshops targeting judges, prosecutors and other legal experts acting as trainers in their respective countries, provision of technical support**

##### *Train-the-trainers workshops*

Taking into account the outcome of the exploration of ways to enhance ownership of the training materials (task 3.2.1 in particular point b), the contractor may be asked to organise workshops targeting national judges and prosecutors and legal practitioners acting as trainers in their respective countries or at EU level and preparation of respective learning materials. In such cases the workshops shall provide training both on substantial environmental law and on presentation techniques. The Contractor shall propose relevant methodology.

As one of the objectives of this programme is to achieve dissemination and re-use of the training modules, a trainer's pack will need to be developed under this task should the Commission require so. The service request shall specify whether or not it includes:

- a trainer manual in MS-Word format detailing the methodology as well as the structure and the content (e.g. presentations and speakers notes) of the specific training module which will be used for respective the train-the-trainers workshop,
- a template of a participants' list (to obtain the same level of information)
- an initial assessment questionnaire (to assess the level of knowledge of the prospective participants)
- an evaluation form to be distributed to participants for medium-term assessment and feedback on the training workshop.

The electronic version of the trainer's pack shall be provided to the participants of the "train-the-trainers" activities on a USB stick. In the offer related to a service request where tasks of development of training modules are included, the contractor will present which learning and training methodologies are the most appropriate. It also includes a proposal on the number of training modules and the best way to structure the training materials on the relevant legal instruments.

All materials shall be drafted and provided to the Commission in English. The contractor should be able to provide or to organise the translation of the training materials for the train-the-trainers workshops, and if requested by the Commission, into German and French. In its offer for a specific contract, the tenderer shall indicate the cost of translation (cost per page). A service request including translation tasks will indicate the target language(s).

The legal instruments have already been translated into all European Union languages and will constitute the terminology base for any translation task. It is important that the terminology is consistent with legal texts of the European Union. To this purpose, if translation tasks are requested, the contractor should provide the legal texts (directives, regulations and eventually case law of the Court of Justice of the European Union) both in English and in the target language to the persons tasked with translation in order to ensure maximum consistency of terminology.

If a service request includes translation tasks, the offer should include the CV of each person dealing with translation and the timescale of translation tasks. The draft final report for such a specific contract includes the material translated.

The working language of the train-the-trainers workshops shall be English, unless the Commission requests the organisation of such workshops in French or German, or where duly justified by the Commission in the service request, into any other official language of the EU (in particular where this is needed in order to organise a training-of-trainers originating from one Member State only).

Participants willing to participate in "train-the-trainers" workshops should be able to demonstrate that they will have the opportunity to re-use the training modules and the ability to adapt them to their own training activities. Specific questions should be asked beforehand (questionnaire to candidates for participation in the workshop) in order to ensure a

quantifiable multiplier effect. The service request may require commitment of participants to use the training materials within a given time frame.

The contractor will be expected to select experienced and knowledgeable trainers and speakers for the train-the-trainers workshop, to provide all necessary logistical services regarding the organisation of the workshops, including invitations, travel arrangements (see annex 6), venue and hotel reservations, etc., to ensure follow-up by preparing of summaries of the workshops discussions and getting feedback from the participants.

The Contractor can be asked to involve in the execution of this task the national training structures and/or the EJTN.

#### *Providing technical support*

The Contractor may also be requested to provide technical support needed to maximise the use of the training materials developed within the programme.

#### **3.2.6. Facilitation of the co-operation of the Commission with professional judges associations as well as with judicial training structures in the Member States**

This task includes development of close relationships and co-operation with professional judges associations as well as with judicial training structures in the Member States. This should allow an enhanced dialogue between them and the Commission as regards implementation of and training on EU environmental law and enhance, in the long term, the benefits of this EU programme.

A Steering Committee consisting of representatives of professional judges associations, the European Commission and the previous contractor was established as a consultative body during the previous phases of the programme. The new Contractor shall maintain and further develop the role and functioning of the Steering Committee. The task will therefore also include organisation of meetings of the Steering Committee.

#### **3.2.7. Establishment of a network of the participants who attended the workshops within the framework of this programme**

This task includes actions aimed at ensuring sustainability of the programme and the creation of a network of the participants who took part in the events within the Framework of the programme able to exchange further experience and updated information. For instance, a newsletter could be developed to be sent regularly to the programme participants with the view of improving the networking between them.

Establishment of a web-based platform for further exchange could also be considered. That platform may contain, for instance, a web-based forum to share and discuss methodologies and experience and shall be moderated by the contractor and/or the Commission. The contractor shall exclusively reuse free-to-host communication tools, available for the Europa site, to develop the platform.

The information shared between the collaborators of the platform may be subject to confidentiality rules and the contractor may be requested to define a specific security scheme for the management and the dissemination of the information, as well as to sign a

confidentiality clause in order to guarantee to treat in the strictest confidence and not make use of or divulge to third parties any information which is linked to performance of the Contract. The use of several communication tools, available for Europa, may also require the contractor to sign a security convention. This process lasts about 6 to 8 weeks.

In the event that the Commission will establish the platform itself, the contractor will only be requested to contribute to the management of its content.

***- Performance and quality requirements for the overall management of the framework contract***

The contractor shall perform the framework contract to the highest professional standards and is expected to maintain the technical sufficiency levels demonstrated in the bidding process during the whole execution of the framework contract.

***- Deliverables and final output expected per specific contract***

The deliverables will be specified in every service request based on the tasks described under 3.2.1 - 3.2.7 and may therefore vary in nature from request to request.

Final reports shall be provided electronically in MS-Word format and should be written in clear English. A pdf version of the final report shall also be made available.

All deliverables involving the MS-Office suite shall be delivered in a version of MS-Office available at the Commission at the time of the delivery (presently, the Commission is using MS-Office 2010).

***- Delivery time and maximum number of meetings foreseen with the Contracting Authority per specific contract if any***

The Commission will specify the duration of each specific contract. As a rule however, the duration of a contract will be between 6 and 12 months.

As a rule every new specific contract will require that the contractor organises a kick off meeting in the Commission's premises in Brussels within two weeks after its signature.

***- Intellectual property rights***

The provisions applicable as regards intellectual property rights are defined in the contract clauses I.10 and II.13 of the framework contract.

### **3.3. Illustrative tasks**

For the purpose of the evaluation of tenders, offers shall address the illustrative tasks indicated below. The tenderer shall treat them as **fictitious** specific requests and provide detailed bids for each. These tasks are chosen as examples of services that could be asked for under the framework contract.

These bids should be of sufficient detail to allow the Commission to assess whether tenderers are able to put together a convincing methodology, an appropriate team and suitable quality control measures to undertake the services effectively. The bids are expected to be in the range of 10-15 pages per illustrative task on their technical content, plus possible annexes (such as organisation planning and CVs of the proposed team). The bids for the illustrative tasks will form part of the basis for the award process as set out in paragraph 2.5. The illustrative bids shall be written in English.

Tenderers' attention is drawn to the fact that the sole objective of each illustrative task is to provide a fair, non-discriminatory basis for evaluating the offers. They can in no case be considered to represent a commitment on the part of the Commission to make orders for the services and quantities indicated. They can therefore give rise to no expectation or legitimate right on the part of the contractor.

### **3.3.1 Illustrative task 1: Updating of the training module and organisation of a workshop on nature legislation (related to general task 3.2.2)**

#### *General background and objectives*

This service request concerns the updating of training materials and organisation of one workshop on EU law on nature protection legislation for judges from different EU Member States. The materials will be developed in two versions – one to be used at traditional workshops with direct participation and one adapted for e-learning. The respective methodologies shall include different training techniques, e.g. front-teaching, role-playing games, IT-based tools, etc.

The contractor shall propose and use tools and techniques that allow free development of the e-learning materials (mentioned in the tasks described below) and their free hosting on the Europa web site.

#### **Tasks to be performed:**

##### *1. Updating of the existing training module on EU nature law (related to general task 3.2.2)*

The tenderer shall propose an appropriate methodology for updating the training module consisting of materials for several training sessions covering areas of nature law (Birds<sup>8</sup> and Habitats<sup>9</sup> Directives) particularly relevant for the work of national judges (and prosecutors). Two versions of the updated training materials shall be developed – one designed for use during traditional workshops and one as an e-learning tool to be used for distance learning.

The tenderer shall update the structure of one training module where useful and explain this. It should also be explained which methodology and elements of a "training material pack"

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<sup>8</sup> Directive 2009/147/EC

<sup>9</sup> Directive 92/43/EEC

would need to be modified for the self-contained traditional workshop on nature law in a European context and for a distance workshop on the same topic but based on e-learning tools. The structure and content of both versions of the updated training module shall be elaborated. The methodology to be used for their preparation and the IT tools to be applied to the e-learning version shall be explained. Relevant legislation and case law to be covered by the learning materials should also be indicated in the offer.

The tenderer shall also provide information on the approach regarding the organisation of management and development team, a time plan and a final proposal with final costs. The instruments for ensuring high quality of the product shall be indicated.

The tenderer must demonstrate its capacity to integrate different (newly adopted) legislations and sources of information in a coherent way, with an underlying subject, as well as to use adequate training methodology. The tenderer will explain its choices in its proposal. The proposed update to the "training material pack" to be used for traditional workshops with present participants should be usable in the Framework of a 2,5 day workshop in a European context but should also be reusable during workshops run at national level. The tenderer must keep in mind that the content and methodology of the updated training module should be reusable by other trainers.

The tenderer shall propose and develop the pedagogic features of the updated training module. The updated training materials should include detailed notes to all parts of each presentation in order to facilitate their re-use. The contractor shall also develop guidance on how to use the e-learning version of the training module.

## *2. Organisation and implementation of a 2,5-day workshop on EU law on nature legislation (related to general task 3.2.3)*

In order to evaluate the quality of the offer for this illustrative task, it is presumed that the content and structure of the updated learning materials of the training module on EU nature law have been finalised and accepted. The task will consist in preparation of a concept and programme as well as management of one 2,5 day training workshop, organised in such a way as to build synergies, to reach the target group, to have a maximum return on investment. The tenderer will present the outlines of the management process necessary to organise a training workshop on EU nature law for end-users.

The illustrative task includes development of draft workshop programme and simulation of organising a training workshop in Brussels on EU nature law for judges from Sweden, the Slovak Republic, France, Germany, Malta and Spain. The workshop is to be given in English for 25 participants.

Relevant elements of the e-learning version of the training module on EU nature law shall be used as tools for preparation for and evaluation of the workshop.

The tenderer will have to select experienced and knowledgeable trainers and speakers, to provide all necessary logistical services regarding the organisation of the workshops, including invitations, venue and hotel reservations, travel arrangements, catering etc., to ensure follow-up by preparing of summaries of the workshops discussions and activity reports as well as getting feedback from the participants.

In its offer, the tenderer shall indicate as a minimum:

- the planned step by step timetable including list of all activities
- a risk list with possible remedial actions
- the logistics issues to be managed by the tenderer and the way to deal with them, such as, for instance, where to organise the training activity and why, how to organise the invitation and selection procedure, etc.
- the criteria and procedure regarding selection of participants
- the outline of the training team's composition, including the type of skills which will be needed and criteria for selection of trainers and other speakers
- the workshop programme
- materials to be included in the workshop map
- co-operation with which organisations, structures, networks would be envisaged to achieve the stated objectives

### **General time line and progress meetings foreseen with the Contracting Authority**

A kick-off meeting shall be held within two weeks of the start of the project. The meeting will be half day meeting taking place in the Commission's premises in Brussels.

### **Deliverables and final output**

A detailed report on the implementation of the tasks within the specific contract will be submitted to the Commission no later than 7 months from contract signature.

### **Duration of the tasks**

The tasks should be completed within 7 months of the signature of the specific contract. The execution of the tasks may not start before the specific contract has been signed.

#### **3.3.2. Illustrative Task 2: A training workshop on EU nature law for trainers in their respective countries ("train-the-trainers" workshop) (related to general task 3.2.5)**

The Commission services would like the tenderer to organise a training workshop on EU nature law for trainers (based on the updated training materials), in particular judges, in charge of training of national judges in their respective countries. The workshop will be delivered several times to groups of trainers from various Member States.

For the purposes of the assessment the tenderer shall present a concept for the organisation of a one day workshop in Brussels for at least 10 and maximum 12 judges and other legal experts, acting or willing to act as trainers in their countries, coming from Czech Republic, France, Germany, Spain and Sweden. Participants willing to participate in this "train-the-trainers" workshop should be able to demonstrate that they will have the opportunity to re-use the training materials and the ability to adapt them to their own training activities in their countries.

### **Tasks to be performed:**

The tenderer shall act as main organiser of the workshop. The tenderer is expected to liaise with the national training structure. The tenderer will define the exact content of the training, prepare the learning materials and the workshop programme, select the team (trainers etc.) and the participants, and manage all logistics aspects of the event. The workshops shall provide tailor made training both in substantial EU nature law (based on the updated training materials) and in didactics. The tenderer shall propose relevant methodology.

For the purpose of the evaluation, the tenderer shall provide information on at least the following:

- the time plan for the organisation of the workshop, including list of all activities
- a risk list with possible actions to minimize the risks
- the logistics issues to be managed by the tenderer and the way to deal with them, e.g. where to organise the training activity and why, how to organise the invitation and selection procedure, etc.
- the criteria and procedure regarding selection of participants
- the outline training team's composition, including the type of skills which will be needed and criteria for selection of trainers and other workshop speakers
- which particular methodology will be used and knowledge on which presentation techniques will be provided to the participants
- the workshop programme, indicating the elements related to the substantial EU waste law (policy areas and legal instruments to be covered) and to the teaching methods and presentation techniques to be focussed on
- materials to be included in the workshop map
- co-operation with which organisations, structures, networks would be envisaged to achieve the stated objectives

### **General time line and progress meetings foreseen with the Contracting Authority**

A kick-off meeting shall be held within two weeks of the start of the project. The meeting will be half day meeting taking place in the Commission's premises in Brussels.

### **Deliverables and final output**

A detailed report on the implementation of the tasks within the specific contract will be submitted to the Commission no later than 7 months after contract signature.

### **Duration of the tasks**

The tasks should be completed within 7 months of the signature of the specific contract. The execution of the tasks may not start before the specific contract has been signed.

### **3.3.3. Illustrative Task 3: Exploring ways for ensuring that training materials can be used at national level (related to general task 3.2.1)**

As explained under part 3.2.1 the Commission would like the successful contractor to analyse the current use of the training materials at national level and to explore alternative approaches

with the aim of maximising their use at national level. To that end it requests the tenderer to develop a realistic strategy for doing so.

Part of that strategy is to explore the possibility of merging the existing EU training materials with existing training materials at national level and to organise trainings in close cooperation with a national training structure.

The training materials and workshop(s) may cover several environmental policy fields or be targeted on specific themes where the national training structure has identified a need for further training. For the purpose of this illustrative task it is assumed that the training structure of Member State X is willing to develop such merged training modules and to host one training session. However, in Member State X the administrative judges competent to hear environmental cases are exposed for the moment to only a few such cases, whereas they are burdened by other administrative cases. This difficulty should be taken into account in the strategy proposed.

It is assumed that, according to the Commission, the policy area which would merit emphasis in the training module is the Water Framework Directive 2000/60/EC (WFD).

It is assumed that Member State X is a country where hydro power is wide spread and that the legislation upon which the construction and operation of hydro power is based largely predates the WFD. New projects of hydro power are still being considered regularly.

It is assumed that there are indications that the assessment to be carried out under Article 4(1) and 4(7) WFD as regards hydro power construction and operation is flawed. As regards existing hydro power installations, the national legal framework may not allow the updating of authorisations (notably their conditions) issued prior to the coming into force of the WFD (thus potentially putting in danger the achievement of the objectives under that Directive). As regards new projects on hydro power the application of the Directive may be flawed in that the authorities fail to correctly apply the concept of deterioration under Article 4(1) WFD, as interpreted by the CJEU in case C-461/13. A thorough explanation of the WFD (and its Annex V) must be given to the participants in this regard. Moreover, even where the authorities conclude that a project leads to deterioration of the status of the water body concerned as defined in Art 4(1) WFD, the underpinning of the authorisation granted by invoking of exceptions under Article 4(7) is assumed to be flawed (notably where it comes to invoking excessive costs and overriding public interest). Therefore participants will need a thorough explanation of Article 4 WFD as a whole.

It is assumed that the national training structure developed training modules on national water law but doesn't refer to the EU context, and the WFD in particular. National law does not allow authorisations predating the WFD to be modified for the purpose of meeting the objectives of the WFD and does not pay attention at all to the case law of the European Court of Justice as regards the assessment of new projects under that Directive.

### **Tasks to be performed:**

The tenderer will describe in its proposal the approach it will take (steps and timing) and the different challenges it will likely face in securing effective cooperation with a national training structure (who does what, coordination of work, etc.).

The tenderer shall describe how it will organise cooperation with the national training structure in developing merged training materials (merged in the meaning of complementing existing national training materials with the EU dimension and EU case law). All or some of the alternative approaches suggested under task 3.2.1 should be considered.

The tenderer shall describe how it will identify whether merged training modules likely need different pedagogic features compared to the existing training modules and whether development of an e-learning version of the merged training module is useful and if so whether it needs specific adaptation.

The tenderer will demonstrate its capacity to integrate different European legislations and sources of information in a coherent way in existing national training modules as well as to use adequate training methodology.

The structure and methodology (including the use of IT and translation) shall be elaborated in the offer. The offer does not need to detail the content of the training modules but must indicate the topics to be addressed in order to provide the national judges with a clear and complete understanding of the EU legal context and the requirements deriving from that context for the national legal context.

It is assumed that there will be one workshop attended by 25 participants from Member State X. There will be simultaneous translation between EN and their national language of presentations and case studies and discussions. Training materials shall be in the language of the Member State X. Participants will be selected by the national training structure of Member State X.

For the purpose of the evaluation of this illustrative task, the tenderer shall provide information on at least the following:

- a time plan for the organisation of the workshop, including list of all activities,
- a division of tasks between the tenderer and the national training structure which the tenderer considers ideal, on any logistical issues (selection of venue, selection and invitation of participants, provision of translation),
- the outline training team's composition, including the type of skills which will be needed and criteria for selection of trainers and other workshop speakers; which particular methodology will be used and knowledge on which presentation techniques will be provided to the participants;
- the workshop programme, indicating the elements related to the substantial EU water law (legal instruments to be covered) and to the teaching methods and presentation techniques to be focussed on, and
- the materials to be included in the workshop map,
- a risk list with possible actions to minimize the risks.

### **General time line and progress meetings foreseen with the Contracting Authority**

A kick-off meeting shall be held within two weeks of the start of the project. The meeting will be half day meeting taking place in the Commission's premises in Brussels.

### **Deliverables and final output**

A detailed report on the implementation of the tasks within the specific contract will be submitted to the Commission no later than 7 months after contract signature.

### **Duration of the tasks**

The tasks should be completed within 7 months of the signature of the specific contract. The execution of the tasks may not start before the specific contract has been signed.

### **4. Place of performance**

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

**ANNEX 1 - ADMINISTRATIVE INFORMATION FORM**

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

**Organisation or individual:**

**NAME:** .....

**ADDRESS:** .....

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

.....

**PERSON AUTHORISED TO SIGN CONTRACT:**

**Name and position:** .....

**PERSON FOR ROUTINE CONTACT:**

**Name and position:** .....

**ADDRESS:** .....

**Telephone and E-mail:** .....

**Signature of Tenderer:**

**Date:**

**ANNEX 2 - QUESTIONNAIRE FOR JOINT BIDS AND SUBCONTRACTING**

*(To be completed and signed by the lead tenderer)*

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

**Joint bid (refer to paragraph 1.3)**

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 paragraph 1.4)**

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:

.....

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

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

### MAXIMUM DAILY RATES APPLICABLE TO THE FRAMEWORK CONTRACT

**The daily rates to be applied to all subsequent specific contracts awarded under this framework contract cannot exceed the prices below**

For each member of the core team, the bid should indicate whether they are deemed to be Manager/Senior expert Staff, Expert staff, Support/Junior Staff for the duration of the framework contract. **Please note that additional categories of staff will not be accepted and will result in the exclusion of the offer.** The category should be determined in accordance with the level of qualifications as follows:

Categories of personnel	Level of qualification:	Price per man-day (in EURO)	Days assumed for calculation of price	Price
Project Manager /Senior expert	Highly qualified expert having assumed important responsibilities in his/her profession, recruited for his/her management/supervisory (e.g. relating to project management of specific study projects), conceptual and creative skills in the exercise of his/her profession.  He/she must have at least 10 years' professional experience of which at least 7 must be connected with the professional sector concerned and the type of tasks to be performed.		30	
Expert staff	Certified expert having received high-level training in his/her profession, recruited for his/her conceptual and creative skills in the exercise of his/her profession.  He/she must have at least 7 years' professional experience of which at least 3 must be connected with the professional sector concerned and the type of tasks to be performed.		40	
Junior expert/ Support staff	Certified expert having received high-level training in his/her profession, recruited for his/her conceptual and creative skills in the exercise of his/her profession. Support staff may include staff offering specialised services, like data collection, surveys, administrative support, language editing, etc.		30	
Total price of the bid				

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

*(To be signed by the tenderer and all members of the group in the case of joint tender (not necessary for subcontractors))*

[http://ec.europa.eu/budget/contracts\\_grants/info\\_contracts/financial\\_id/financial\\_id\\_en.cfm](http://ec.europa.eu/budget/contracts_grants/info_contracts/financial_id/financial_id_en.cfm) (financial identification form)

*(One form per offer to be signed by the tenderer or lead tender in the case the of joint tender)*

**ANNEX 5 - DECLARATION ON HONOUR ON  
EXCLUSION CRITERIA AND SELECTION CRITERIA**

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

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

**I – SITUATION OF EXCLUSION CONCERNING THE PERSON**

1. declares that the above-mentioned person is in one of the following situations:	YES	NO
a) it is bankrupt, subject to insolvency or winding up procedures, its assets are being administered by a liquidator or by a court, it is in an arrangement with creditors, its business activities are suspended or it is in any analogous situation arising from a similar procedure provided for under national legislation or regulations;	<input type="checkbox"/>	<input type="checkbox"/>
b) it has been established by a final judgement or a final administrative decision that the person is in breach of its obligations relating to the payment of taxes or social security contributions in accordance with the law of the country in which it is established, with those of the country in which the contracting authority is located or those of the country of the performance of the contract;	<input type="checkbox"/>	<input type="checkbox"/>
c) it has been established by a final judgement or a final administrative decision that the person is guilty of grave professional misconduct by having violated applicable laws or regulations or ethical standards of the profession to which the person belongs, or by having engaged in any wrongful conduct which has an impact on its professional credibility where such conduct denotes wrongful intent or gross negligence, including, in particular, any of the following:		
(i) fraudulently or negligently misrepresenting information required for the verification of the absence of grounds for exclusion or the fulfilment of selection criteria or in the performance of a contract;	<input type="checkbox"/>	<input type="checkbox"/>
(ii) entering into agreement with other persons with the aim of distorting competition;	<input type="checkbox"/>	<input type="checkbox"/>
(iii) violating intellectual property rights;	<input type="checkbox"/>	<input type="checkbox"/>
(iv) attempting to influence the decision-making process of the contracting authority during the award procedure;	<input type="checkbox"/>	<input type="checkbox"/>
(v) attempting to obtain confidential information that may confer upon it undue advantages in the award procedure;	<input type="checkbox"/>	<input type="checkbox"/>

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

infringement of Union or national competition law; or v. decisions of exclusion by an authorising officer of an EU institution, of a European office or of an EU agency or body.		
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**II – SITUATIONS OF EXCLUSION CONCERNING NATURAL PERSONS WITH POWER OF REPRESENTATION, DECISION-MAKING OR CONTROL OVER THE LEGAL PERSON**

*Not applicable to natural persons, Member States and local authorities*

2. declares that a natural person who is a member of the administrative, management or supervisory body of the above-mentioned legal person, or who has powers of representation, decision or control with regard to the above-mentioned legal person (this covers company directors, members of management or supervisory bodies, and cases where one natural person holds a majority of shares) is in one of the following situations:	YES	NO	N/A
Situation (c) above (grave professional misconduct)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Situation (d) above (fraud, corruption or other criminal offence)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Situation (e) above (significant deficiencies in performance of a contract )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Situation (f) above (irregularity)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**III – SITUATIONS OF EXCLUSION CONCERNING NATURAL OR LEGAL PERSONS ASSUMING UNLIMITED LIABILITY FOR THE DEBTS OF THE LEGAL PERSON**

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

**IV – GROUNDS FOR REJECTION FROM THIS PROCEDURE**

4. declares that the above-mentioned person:	YES	NO
h) has distorted competition by being previously involved in the preparation of procurement documents for this procurement procedure.	<input type="checkbox"/>	<input type="checkbox"/>

**V – REMEDIAL MEASURES**

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

## VI – EVIDENCE UPON REQUEST

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

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

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

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

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

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

## VII – SELECTION CRITERIA

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

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

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

**VIII – EVIDENCE FOR SELECTION**

The signatory declares that the above-mentioned person is able to provide the necessary supporting documents listed in the relevant sections of the tender specifications and which are not available electronically upon request and without delay.

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

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

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

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

Full name

Date

Signature

## **ANNEX 6 – BUDGETING THE ORGANISATION OF WORKSHOPS/CONFERENCES**

(Rules regarding travel and subsistence for the organisation of workshops/conferences if specified in the tender specifications)

Travel costs must be based on the following:

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

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

### Maximum rates for accommodation and subsistence.

DESTINATION	Daily subsistence allowance in euros	Hotel ceiling in euros
Austria	95	130
Belgium	92	140
Bulgaria	58	169
Croatia	60	120
Cyprus	93	145
Czech Republic	75	155
Denmark	120	150
Estonia	71	110
Finland	104	140
France	95	150
Germany	93	115
Greece	82	140
Hungary	72	150
Ireland	104	150
Italy	95	135
Latvia	66	145
Lithuania	68	115
Luxembourg	92	145
Malta	90	115
Netherlands	93	170
Poland	72	145
Portugal	84	120
Romania	52	170
Slovakia	80	125
Slovenia	70	110
Spain	87	125
Sweden	97	160
United Kingdom	101	175

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

## **ANNEX 7 - METHOD OF ORDERING SERVICES**

When the Commission wishes to procure services under the framework contract, it will send the contractor a request for services by post or E-mail. The request will set out the terms of reference for the service(s) required, including the price covering all expenses and the performance deadlines in keeping with the contract terms, and a deadline for making bids (usually 10-15 working days depending on the nature of the tasks being requested).

The contractor will provide the Commission with a written offer for the services required (electronic offers will not be accepted), including a team of experts whom he proposes to entrust with the work in question, an outline of the methodologies proposed, a work programme and a lump-sum price for the service(s), based on the maximum daily rates defined in Annex 3 to these tender specifications and including any other relevant costs in line with the requirements of these tender specifications. Moreover, the Contractor shall outline in his offer any other considerations he feels have a bearing on the provision of the service in question.

The Commission services concerned will examine the offer received. The evaluation will consist of an assessment of the quality of the offer. The specific contract will be awarded on the basis of the award criteria established below.

A maximum of 50 points will be attributed to criterion 1, a maximum of 34 points will be attributed to criterion 2, and a maximum of 16 points will be attributed to criterion 3. In addition a minimum threshold will be set up under this system of points:

- Technical sufficiency levels: The offer will have to obtain a minimum of 25, 17 and 8 points under criteria 1, 2 and 3 respectively, with a minimum total of 60 points.

An offer scoring less than 60 in the overall points total or less than 50% in the points awarded for a single criterion will be excluded from the rest of the assessment procedure. Assessment of the tenders will focus on the quality of the proposed services, therefore the contractor 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 the 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 the specifications are not expressly covered by the tender, the Commission may decide to give a zero mark for the relevant qualitative award criteria.

### **1 Quality of the proposed methodology (50 points - minimum threshold 50%)**

This criterion assesses the suitability and strength of the proposal as measured against the requirements of the service request in terms of the technical content, completeness, originality of ideas (*where appropriate*) and proposed effort. The degree to which the methodology shows the capacity to resolve the questions underlying in the service request in a realistic and well-structured way, as well as whether the methods proposed are suited to the needs set out by the Commission.

### **2 Organisation of the work (34 points - minimum threshold 50%)**

This criterion will assess how the roles and responsibilities of the proposed team and of the economic operators (in case of joint tenders, including subcontractors if applicable) are distributed for each task. It also assesses the global allocation of time and resources to the project and to each task or deliverable, and whether this allocation is adequate for the work. The tender should provide details on the allocation of time and resources and the rationale behind the choice of this allocation.

### **3 Quality control measures (16 points - minimum threshold 50%)**

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

The Commission will confirm its request by drawing up a specific contract.

Within 15 working days of a specific contract being sent by the Commission to the contractor, the Commission shall receive it back duly signed and dated.

The Commission reserves the right not to sign a specific contract if the amount tendered exceeds the budget envisaged for the particular piece of work or to reject the offer if it does not comply with the pre-agreed maximum rates in the framework contract.

**Specimen:        SERVICE REQUEST**

Under framework contract No .....  
between the Commission and .....

Pursuant to the above-mentioned framework contract, concluded between the Commission and your company, we request an offer for the service specified below:

1. Designation of service requested	
2. Requester (name and function)	
3. Specific terms of reference	See annex
4. Tasks under the framework contract to which this specific request refers	
5. Estimated duration of the work (calendar days) Proposed starting and completion dates	
6. Maximum budget available for the services	€
7. Expected result	
8. Requester's address (to which the offer is to be sent)	
9. Requester's signature	
10. Date of signing request	

Thank you in advance for responding rapidly to this request by submitting an offer in accordance with the provisions of the framework contract within 10 working days

**Annex:**        Specific terms of reference

**Specimen: SERVICE REQUEST – ANNEX “Specific Terms of Reference”**

- *General background and objectives*
- *Tasks*
- *Deliverables and final output*
- *Guidance on methodology*
- *Performance and quality requirements*
- *General time line and progress meetings foreseen with the Contracting Authority if any*
- *Duration of the tasks*
- *Intellectual property rights*

**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.

**Specimen: SPECIFIC REQUEST – FINANCIAL OFFER TEMPLATE**

SPECIFIC CONTRACT N° \_\_\_\_\_

**(FOR GUIDANCE PURPOSES ONLY)**

**PRICE AND ESTIMATED BUDGET BREAKDOWN**

**Calculation of the costs (incl. travel 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 %	Daily rate in € <sup>10</sup>	Costs in €
<b>Lead contractor</b>						
	.....	.....	.....	.....	.....	
	.....	.....	.....	.....	.....	
	<b>Sub-total</b>	.....		.....	.....	
<b>Sub-contractor 1</b>						
	.....	.....	.....	.....	.....	
	<b>Sub-total</b>	.....		.....	.....	
<b>Sub-contractor 2</b>						
	.....	.....	.....	.....	.....	
	<b>Sub-total</b>	.....		.....	.....	
<b>Sub-contractor 3</b>						
	.....	.....	.....	.....	.....	
	<b>Sub-total</b>	.....		.....	.....	
<b>Travel/other costs<sup>11</sup> (if applicable)</b>						
	<b>Total</b>	.....		.....	.....	

**Signature of Tenderer**

.....

**Date**

.....

\_\_\_\_\_

<sup>10</sup> Only the daily rates up to the maximum indicated in Annex 3 can be used.

<sup>11</sup> Will be reimbursed on a lump-sum basis.

**ANNEX 8 - MODEL CONTRACT FOR THE FRAMEWORK  
CONTRACT**

## **ANNEX 9 - ACKNOWLEDGEMENT OF RECEIPT**



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

*(Please fill in your address)*

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## **ACKNOWLEDGEMENT OF YOUR TENDER**

**Our reference:** ENV.D.2/FRA/2016/0015

**Your reference:**

We wish to confirm the receipt and opening of your offer<sup>1</sup>. 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.

Markets Team  
SRD.2

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<sup>1</sup> 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.