



EUROPEAN COMMISSION
EUROSTAT

Directorate G: Global business statistics
Unit G2: Structural business statistics and global value chains

ORIGINAL EN

Unit G2: Structural business statistics and global value chains

Invitation to tender for the supply of statistical services

Development work (pilot studies) for Foreign Direct Investment (FDI) statistics based on the ultimate ownership concept and FDI statistics distinguishing greenfield FDI transactions from FDI resulting in takeovers.

(ESTAT/G/2017/002)

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SECTION 1 INTRODUCTION

1.1 Presentation of Eurostat

Eurostat is a Directorate-General of the European Commission (“Commission”). Its mission is to provide the European Union with a high quality statistical information service.

Together with the national statistical offices, Eurostat is responsible for the European statistical system: see Regulation (EC) No 223/2009 of the European Parliament and of the Council of 11 March 2009 on European statistics (OJ L 87/164, 31.3.2009). Eurostat implements standards, methods and classifications for the production of comparable, reliable and relevant data. Users of Eurostat’s output include the Commission and other institutions of the European Union, national governments of the Member States, international organisations, businesses, universities and a wide range of other users. Eurostat also supports non-member countries, including the candidate countries, in adapting their statistical systems.

More information can be found on the Eurostat's website:

<http://ec.europa.eu/eurostat>

Eurostat carries out some of its activities by awarding contracts for the provision of services relating to the various fields of the European statistical programme.

1.2 Subject of the contract

This invitation to tender covers:

Development work (pilot studies) for Foreign Direct Investment (FDI) statistics based on the ultimate ownership concept and FDI statistics distinguishing greenfield FDI transactions from FDI resulting in takeovers. The analysis should cover data from all EU Member States and Iceland, Norway and Switzerland.



1.3 Glossary

BD4	OECD's 4th edition of the Benchmark Definition of Foreign Direct Investment
BEA	US Bureau of Economic Analysis
BPM6	International Monetary Fund's Balance of Payments and International Investment Position Manual 6th edition
FDI	Foreign Direct Investment
M&A	Mergers and acquisitions
MNE	Multinational Enterprise
SPE	Special Purpose Entity
UHC	Ultimate Host Country
UIC	Ultimate Investing Country



SECTION 2 TECHNICAL INFORMATION

2.1 General information and objectives

The importance of FDI statistics

Foreign Direct Investment (FDI) is a key element in the rapidly evolving international economic integration, also referred to as globalisation. FDI provides a means for creating direct, stable and long-lasting links between economies. Large multinational enterprises (MNEs) are traditionally the dominant players in such cross-border transactions, but in recent years, it is believed that small and medium-size enterprises have also become increasingly involved in FDI.

Statistical challenges

The removal of legal and regulatory restrictions on cross-border business operations in many countries has complicated the task of statistical systems that historically depended largely on data reported by national financial institutions and enterprises. As economic activities have become more global, investors may establish more complex structures to obtain optimal benefits from their investments and for efficient management of the funds and related activities (e.g. Special Purpose Entities – 'SPEs'). These developments have had an adverse impact on the ability of statistics gathered through traditional methods to respond to user needs for adequate analytical information on FDI.

Standards and EU legislation

The OECD adopted in 2008 the [4th edition of the Benchmark Definition of Foreign Direct Investment](#) (BD4) which sets the world standard for FDI statistics. It is fully compatible with the underlying concepts and definitions of the [International Monetary Fund's \(IMF\) Balance of Payments and International Investment Position Manual 6th edition](#) (BPM6).

The EU adopted in 2005 its [Regulation on statistics concerning balance of payments, international trade in services and foreign direct investment](#). It was [amended in June 2016](#) obliging Member States in the future to annually collect FDI statistics on the ultimate ownership concept and FDI statistics distinguishing greenfield FDI transactions from takeovers.

The Ultimate Ownership concept: Ultimate Investing Country and Ultimate Host Country

BD4 defines two possible ways to identify the home country of the direct investor for inward FDI and the host country of the direct investment enterprise for outward FDI:

- i) by immediate investing country/host country
- ii) by ultimate investing country (UIC)/host country (UHC)

BD4 also states that the identification of the immediate investing country /host country is generally straightforward while the identification of the UIC is more complex and that of the UHC even more so. As a consequence, the standard presentation according to the directional



principle¹ is based on the immediate investing country/host country. Further the OECD recommends compiling FDI positions according to the UIC. This information is requested by geographical allocation and by industry classification.

At the moment, EU FDI statistics are only collected according to the [immediate counterpart country, either host country \(inward FDI\) or investing country \(outward FDI\)](#). This follows the approach for the compilation of balance of payments statistics. However, it is frequent, particularly when looking into the structure of MNEs, that, for instance, the direct investor resident in the immediate investing country is simply a direct investment enterprise (e.g. a SPE) of another direct investor resident in a third country and so on. In addition, the attractiveness of certain countries for setting up SPEs as conduits for channelling funds may provoke that FDI statistics defer substantially when being broken down by immediate or ultimate investing country.

Apart from the currently published FDI statistics, European policy makers and Eurostat's data users also request FDI data according to ultimate investing/ultimate host country, but at the moment no such data are generally available. A typical example is EU inward FDI positions and transactions from China which are reported at relatively low levels compared with the figures attributed to Hong Kong, used as territory to channel Chinese investment into the EU.

Some EU Member States have disseminated FDI data according to the UIC, for example:

- France (Banque de France) has published [inward FDI stocks by UIC](#)
- Austria (Oesterreichische Nationalbank) regularly publishes [inward FDI positions at the end of the year according to UIC](#)
- Finland (Bank of Finland) has published a study about the impact “[Effects of the new statistical standards on Finland's FDI positions](#)” that includes an analysis of inward and outward FDI positions by UIC
- Further, the US Bureau of Economic Analysis (BEA) also publishes [FDI data by ultimate beneficiary owner](#), a similar concept to UIC

One of the main difficulties of compiling statistics showing UIC is the identification of the ultimate controlling entity and where it resides. For instance, in inward FDI, the resident direct investment enterprise is not aware in many cases of its ultimate controlling entity and/or its country of residency. For this reason, the availability and/or quality of this key element may sometimes prevent the production of this information. The identification of the UIC may be even more complicated due to the fact that it is necessary to trace the transaction itself to find out where it ends up.

Greenfield FDI transactions vs. FDI resulting in takeovers

FDI statistics encompass mainly four types of operations that qualify as FDI:

¹ See BD4 p.29 - 31



1. purchase/sale of existing equity in the form of mergers and acquisitions (M&A);
2. greenfield investments;
3. extension of capital (additional new investments); and
4. financial restructuring.

According to BD4 M&A transactions imply the purchase or sale of existing equity while greenfield investments refer to altogether new investments (ex nihilo investments). Extension of capital relates to additional new investments as an expansion of an established business; conceptually and in terms of economic impact, it is similar to greenfield investments. Financial restructuring refers to investment for debt repayment or loss reduction. Direct investment will have, all other aspects being equal, a different impact, in particular, on the “host” economy depending on the type of FDI. It is generally considered that cross-border investments in the form of M&As will not involve significant changes in the performance of economic variables such as production, employment, turnover, etc., unless the acquired enterprise is subject to significant restructuring. On the other hand, new investments, greenfield investments and extension of capital, are likely to add new dimensions to the economic performance of the host economy and to the earnings of the direct investor.

A separation of those flows that occur as a result of cross-border M&As would serve to distinguish between FDI in which ownership of existing enterprises is transferred and FDI in which new enterprises are established by direct investors – often termed “greenfield” investments – or in which existing direct investment enterprises are expanded. This distinction would allow insights to be gained into, not only the amount of FDI, but also into its likely economic effects. For the time being no such data are collected in the EU.

In the [November 2015 release of the new investment statistics](#) BEA for the first time presented statistics on greenfield investments in the U.S. BEA combines expenditures to expand an existing foreign-owned U.S. business with expenditures to establish new U.S. businesses to provide a measure of greenfield investments. [Greenfield investment expenditures totalled \\$12.6 billion in 2015](#). Total planned greenfield expenditures for investment initiated in 2015, which include both first-year expenditures and planned spending in other years, totalled \$31.2 billion.

Further the United Nations Conference on Trade And Development reports on greenfield investment projects data of announced projects in its [World Investment Report of 2016](#). The value of such a project indicates the capital expenditure planned by the investor at the time of the announcement. Data can differ substantially from the official FDI data as companies can raise capital locally and phase their investments over time, and a project may be cancelled or may not start in the year when it is announced.

2.2 Volume of the contract

The total volume of the work for the entire contract period is **estimated** to 375 person days.

The **estimated** total value is EUR 300.000 for the entire duration of the contract (24 months).



2.3 Tasks and expected results

The aim of the development work (pilot studies) is to

- establish the conditions, including the methodological framework to introduce new data collections on
 - Ultimate Investing Country (inward FDI)
 - Ultimate Host Country (outward FDI)
 - Greenfield FDI transactions vs. FDI resulting in takeovers (both inward and outward FDI);
- assess the costs of the related data collections;
- assess the quality of the statistics;
- assess the cross-country comparability.

Task 1- Preparing the pilot studies

In the instructions for pilot studies, among other things, the following should be considered:

- detailed methodology for the pilot data collections bearing in mind the existing and potential FDI data sources (registers, surveys, bank data, administrative data, etc.) in the countries covered by this project: EU Member States, Iceland, Norway and Switzerland. If deemed relevant, the selected contractor should evaluate which parts of the methodology should be generic and which parts should be country (or country group) specific ;
- FDI statistics are currently presented in two main groups: FDI flows and FDI positions. As far as possible the new data collections should, besides the two main groups, respect the specifications outlined in Annex I of the EU [Regulation on statistics concerning balance of payments, international trade in services and foreign direct investment](#)² and its recent amendment³. The selected contractor should evaluate which parts of the current detailed data breakdowns are reasonable to be piloted and ultimately to be included into the Commission's proposal for extended FDI data collection;
- proposing ways how to integrate the new data collections from the pilot studies into the existing regular FDI data collections with the aim to reduce the burden of reporting entities. The alternative would be to use stand-alone surveys/studies;
- defining the reference period(s) to be covered by the pilot studies; these should be harmonised across the countries covered by this project;

² Regulation (EC) 184/2005

³ Regulation (EU) 2016/1013



- providing a framework for possible bilateral cooperation between the participating countries during the pilot studies and outline how the selected contractor can provide technical assistance to individual countries during the pilot studies;
- setting up a methodology how the costs, quality and cross-country comparability of the anticipated extended FDI data collection could be meaningfully assessed.

The methodological framework should be in line with the standards, concepts and definitions developed by the OECD, IMF and the UN. It is therefore a prerequisite that the contractor has in-depth knowledge of these standards, concepts and definitions. The contractor should also have in-depth knowledge of the complexities of MNEs and in particular concepts to identify the ultimate controlling entity in an MNE.

The expected results for this task are well-prepared, high quality instructions how to carry out the pilot studies (written in English by a member of the team with at least level C according to the Common European Framework of Reference for Languages, and peer-reviewed by an other person with identical level) that participating countries can immediately start implementing in M⁴+10.

The selected contractor should participate in the Task Force meeting with Member States and international organisations (currently scheduled for M+6 in Luxembourg), where the draft pilot studies will be reviewed.⁵ The instructions for the pilot studies (the version available) will be annexed to the call for proposals addressed to Member States, Iceland, Norway and Switzerland that Eurostat is expected to be launch in M+7.

Deliverables:

- D1: Draft instructions for the pilot studies (M+5)
- D2: Final instructions for the pilot studies (M+9)
- D3: Template for participating countries to report their findings from their pilot studies (M+18)

Task 2- Ongoing assistance to participating countries during the pilot study phase

The aim of this task is to assist participating countries in implementing the pilot studies.

The expected result for this task is that participating countries get timely and high quality answers to their questions related to implementing the pilot studies and the subsequent reporting on their findings (in English). This is planned to be done via Eurostat's IT-platform CIRCABC, where the questions/answers will be accessible for all participating countries. Further the selected contractor should participate in two Task Force meetings (currently scheduled for M+10 and M+20 in Luxembourg) as well as the FDI working group meeting (currently scheduled for M+12 in Luxembourg).⁶

⁴ M being the starting month of the execution of the tasks.

⁵ Timing and location may be prone to changing.

⁶ Timing and location of Task Force and working group meetings may be prone to changing.

**Deliverables:**

- D4: On-going assistance to participating countries (of a maximum of 10 questions per month) during pilot studies phase (M+10 – M+22)

Task 3- Evaluation of the pilot studies

The aim of this task is to draft the report on the findings of the pilot studies which will, after Eurostat's review, be forwarded to the European Parliament and to the Council. The draft report should also, if appropriate, identify the remaining conditions which need to be fulfilled in order to develop the methodological framework referred to in Task 1. The report should be drafted based on the participating countries' evaluation reports of their pilot studies.

The expected result for this task is a high quality evaluation report (written in English by a member of the team with at least level C according to the Common European Framework of Reference for Languages, and peer-reviewed by an other person with identical level) that can be easily reviewed by Eurostat before transmission to the European Parliament and the Council. The report should be sent to Eurostat in paper format as well as in electronic format. The selected contractor should be available for Eurostat's questions during the review phase. The contractor should also present the main results of the pilot studies in the FDI working group meeting currently scheduled for M+24 in Luxembourg.⁷

Deliverables:

- D5: Draft report on the findings of the pilot studies (M+24)
- D6: Presentation of the findings of the pilot studies in the FDI working group meeting (M+24)

2.4 Meetings and missions

Besides the meetings mentioned under item 2.3 a kick-off meeting will be organised in Luxembourg with Eurostat staff soon after the entry into force of the contract. Furthermore the contractor should prepare quarterly progress reports (max two pages in English in electronic format). The contractor should also prepare input to the agenda of the Task Force meetings when relevant as well as draft the relevant parts of the minutes of each Task Force meeting and send them to Eurostat in electronic format at the latest seven days after the meeting for approval (max 4 pages).

Travel expenses for the meetings should be included in the financial proposal of the tender: kick-off meeting and five Task Force / FDI Working Group meetings.

2.5 Duration and timetable

The contract is expected to be signed in the 3rd quarter of 2017.

⁷ Timing and location may be prone to changing.



Execution of the tasks is to start on the date of entry into force of the contract. The maximal overall duration of the work will be 24 months.

The overall indicative timetable is the following:

Time schedule:

Task	M1	M2	M3	M4	M5	M6	M7	M8	M9	M10	M11	M12	M13	M14	M15	M16	M17	M18	M19	M20	M21	M22	M23	M24	M24- M26
Task 1	x	x	x	x	x	x	x	x	x									x							
					D1				D2									D3							
Task 2										x	x	x	x	x	x	x	x	x	x	x	x	x			
										D4	D4	D4	D4	D4											
Task 3																							x	x	
																							D5	D6	
Meetings	KO					TF				TF		WG								TF				WG	
Reports									FTIR									STIR							FITIR

Note: KO=Kick-off, TF=Task Force, WG=working group, FTIR=First interim technical implementation report, STIR= Second interim technical implementation report, FITIR=Final technical implementation report

Legend:

- M – month of project lifetime
- x – task's lifetime
- D – deliverables (expected results, see item 2.3 above)

A detailed timetable should be provided by the tenderer in the offer.

2.6 Minimum requirements

Offers deviating from the requirements or not covering all minimum requirements described below may be rejected on the basis of non-compliance with the tender specifications and will not be further evaluated.

- Maximal duration of the execution of the tasks cannot exceed 24 months
- The analysis will cover data from all EU Member States and Iceland, Norway and Switzerland

Furthermore, the offer shall comply with applicable environmental, social and labour legislation established under Union legislation, national legislation, collective agreements or the applicable international social and environmental conventions listed in Annex X to Directive 2014/24/EU⁸.

2.7 Technical implementation reports

⁸ OJ L 94 of 28.03.2014, p. 65



The work carried out by the contractor under the contract will be the subject of the following technical implementation reports, which must be sent to Eurostat by the contractor both in hard copy and electronic format.

- Nine months after the starting date of the execution of the tasks referred to in Article 1.3 of the contract, the contractor shall provide, in view of the progress of the tasks referred to in 2.3 of this tender specification and as soon as possible after this date, a first interim technical implementation report relating to the execution of the contract describing the results obtained and the means which were implemented for the execution of the contract.

- Eighteen months after the starting date of the execution of the tasks referred to in Article 1.3 of the contract, the contractor shall provide, in view of the progress of the tasks referred to in 2.3 of this tender specification and as soon as possible after this date, a second interim technical implementation report relating to the execution of the contract describing the results obtained and the means which were implemented for the execution of the contract.

- Twenty-four months after the starting date of the execution of the tasks referred to in Article 1.3 of the contract, the contractor shall provide, as soon as possible and within sixty days of completion of the tasks referred to in 2.3 of this tender specification, a final technical implementation report relating to the execution of the contract describing the results obtained and the means which were implemented for the execution of the contract.

These technical implementation reports shall accompany the corresponding invoice.

2.8 Assessment of results

Evaluation of the results will be based on the following criteria:

Timeliness

- Compliance with deadlines outlined in the contract and tender specifications both for deliverables, progress reports and draft minutes;

Quality

- the validity, feasibility and analytical coherence of the proposed pilot studies;
- the completeness of the provided deliverables;
- the usefulness and level of detail of the provided deliverables;
- the quality of the draft report on the findings of the pilot studies.
- the clarity of presentation of the pilot studies and draft reports;

the level of participation in Task Force and Working Group meetings

2.9 Specific conditions

- Resources made available by Eurostat

Eurostat will provide access to documentation and reporting relevant to this contract as deemed necessary. Eurostat will set-up meetings with key Eurostat staff.

- Specific conditions for the execution of the contract

None



SECTION 3 INFORMATION ON THE CONTRACT

3.1 General information

The submission of the tender implies acceptance of all the terms and conditions set out in the procurement documents (contract notice, invitation to tender, tender specifications, draft contract) and, where appropriate, waiver of the tenderer's own general or specific terms and conditions. **The submitted tender is binding on the tenderer to whom the contract is awarded for the duration of the contract.**

If the tenderer is not in a situation to accept some of the terms of Article I.10 – "Exploitation of the results of the contract" of Special conditions of the draft contract (Annex 9), adaptations to this article may be proposed to the Commission. The Commission shall decide if these proposals are acceptable or not⁹.

Once the Commission has opened the tender, the document shall become the property of the Commission and it shall be treated confidentially.

The Contractor is to carry out the tasks in accordance with:

1. the contract;
2. the technical specifications;
3. the tender.

In the event of conflict between these three documents, their provisions will apply in descending order.

No variants are allowed in relation to the services or the price schedule proposed in accordance with this tender specification

The place of the work will be the Contractor's usual workplace, unless stated otherwise in section 2.9

3.2 Payments

Contracts will be expressed in euro. All payments under these contracts will also be made in euro.

Payments under the contract will be made in accordance with Articles I.5 and II.21 of the draft contract in Annex 9.

3.3 Replacement of persons assigned to carry out the work

The Commission expects the contract to be executed by those persons identified in the tender. Whenever a replacement is necessary, the Contractor must ensure a high degree of stability of the services and an effective transfer of information.

⁹ Paragraph to be added for specific cases.



Any replacement must be submitted to the Commission for written approval. The Contractor shall provide a timely replacement with at least equivalent qualifications and experience if:

- for duly justified reasons, a person is unable to continue providing the services;
- any person specified in the contract is found by the Commission to be incompetent in discharging or unsuitable for the performance of his/her duties under the contract or if carrying out his tasks under the contract prejudices the good and timely performance of the contract. Unless otherwise stated, if the Commission requests a replacement in writing, the Contractor must propose a replacement within one month of the receipt of the Commission's request. Failure to make such a proposal within this period will be considered a breach of contract.

Such a replacement will not oblige the Commission to pay any remuneration, fees or costs additional to those laid down in the initial contract. The Contractor must bear any additional costs arising from or incidental to such replacement. Such costs will include the costs of the return journey of the replaced member of staff and his family, the costs of the replacement's training and, if necessary, the expenses arising from the need to maintain simultaneously at the place of work the member of staff to be replaced and his replacement.

3.4 Personal data and intellectual property rights

3.4.1 Personal data

If processing your reply to the invitation to tender involves the recording and processing of personal data (such as your name, address and CV), such data will be processed pursuant to Regulation (EC) No 45/2001 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data. Unless indicated otherwise, your replies to the questions and any personal data requested are required to evaluate your tender in accordance with the specifications of the invitation to tender and will be processed solely for that purpose by the unit involved. Details concerning the processing of your personal data are available at:

http://ec.europa.eu/dataprotectionofficer/privacystatement_publicprocurement_en.pdf

All personal data may be registered in the Early Detection and Exclusion System (EDES) if you are in one of the situations mentioned in Article 106 of the Financial Regulation¹⁰. For more information, see the Privacy Statement on

http://ec.europa.eu/budget/explained/management/protecting/protect_en.cfm#BDCE

¹⁰ Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002 (OJ L 298 of 26.10.2012, p. 1) as amended 28 October 2015



3.4.2 Intellectual property rights

Your attention is drawn on Article I.10 of the contract's special conditions which contains specific provisions on intellectual property rights related to the results of the contract and their use.

3.5 E-prior

The execution of the contract between the Commission and the contractors could be automated by the use of the following application: e-Invoicing, e-Catalogue, e-Ordering, e-Request based on an electronic exchange platform (e-Prior). Information on the technical and functional characteristics of the above-mentioned system can be found at:

http://ec.europa.eu/dgs/informatics/supplier_portal/documentation/documentation_en.htm

At the request of the Commission, the use of the above applications could be mandatory for contractors during the lifetime of the contract.

The e-Invoicing application may be used for this contract (the decision to use this application can be taken at the start of the contract or during the lifetime of the contract (through an amendment)). Further information on this application are available in the general conditions of the draft contract (Annex 9) in Art II.1 and II.5 and through the link above-mentioned.

If provided for in the special conditions of the contract, the exchange of electronic documents (e-documents) such as invoices between the parties is automated through the use of the *e-PRIOR* platform. This platform provides two possibilities for such exchanges: either through web services (machine-to-machine connection) or through a web application (the *supplier portal*).

Other applications as e-Sourcing and e-Fulfilment, which are currently under development may be implemented on a voluntary basis during the contract execution.



SECTION 4 INFORMATION ON THE TENDER PROCEDURE

4.1 General information

The legal basis for EU procurement consists of the relevant articles of the Financial Regulation and its Rules of Application (“RAP”), i.e.:

- Financial Regulation – Regulation (EU, Euratom) No 966/2012 of the European Parliament and the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union¹, Part One, Title V (Procurement) (Articles 101 to 120), as amended by Regulation (EU, Euratom) No 2015/1929 of the European Parliament and the Council of 28 October 2015.
- Rules of Application – Commission Delegated Regulation (EU, Euratom) No 1268/2012 of 29 October 2012², Part One, Title V (Procurement) (Articles 121 to 172), amended by Commission Delegated Regulation (EU) C(2015)7555 of 30 October 2015.
- Judgments, mainly of the General Court in procurement cases.

The Financial Regulation and the Rules of Application incorporate the rules from Directive 2014/24/EU¹¹, hereinafter referred to as “the Directive” and Directive 2014/23/EU on concessions¹².

This invitation to tender is intended to be competitive. Any attempt by a tenderer to obtain confidential information, enter into unlawful agreements, collude or make arrangements with competitors, canvass or solicit Commission staff or influence the evaluation committee or its individual members in any way during the tendering process will render his or her tender invalid.

The tender must be clear and concise, with continuous page numbering, and assembled so as to constitute a coherent whole (e.g. bound or stapled, etc.). Since tenderers will be judged on the content of their written offers, these must clearly state that the tenderer is able to meet the requirements of the specifications and is capable of carrying out the work.

Tenders must be written in one of the official languages of the European Union. They must include all the information and documents required by the Commission for the evaluation of tenders on the basis of the exclusion, selection and award criteria, in accordance with these specifications, in the absence of which the Commission may decide to exclude the tender from the award procedure for the contract. For details, see item 4.4 “Structure of the tender”.

4.2 Who may participate in this invitation to tender

Participation in this invitation to tender (including each member of a group of economic operators if applicable) is open on equal terms to all natural and legal persons coming within the scope of the Treaties, as well as to international organisations.

¹¹ OJ L 94, 28.03.2014, p. 65, see <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32014L0024&from=EN>

¹² OJ L 94, 28.03.2014, p. 1, see <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32014L0023&from=EN>



It is also open to all natural and legal persons established in a third country which:

- has a special agreement with the European Union in the field of public procurement on the conditions laid down in that agreement or,
- has ratified the plurilateral Agreement on Government Procurement (GPA) concluded within the World Trade Organisation (WTO), under the terms of that Agreement.

A service provider may consider submitting a tender as a single entity or decide to collaborate with other service providers to present an offer: either by submitting a joint tender (via a group of economic operators) or through subcontracting. These two approaches may be combined.

In all cases the tender must clearly specify whether the providers involved in the tender are acting as members of the group of economic operators (joint tender) or as subcontractors (this also applies where the companies involved belong to the same group or where one of these companies is the parent company of the others).

A joint tender is a situation where an offer is submitted by a group of economic operators (natural or legal persons). Joint tender 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 liabilities towards the Contracting Authority for the performance of the contract as a whole, i.e. both financial and operational liability.

Group members in joint tenders may submit only one tender for a single contract. The tender must indicate which member ("the leader") will represent the group of economic operators in dealing with the Contracting Authority. The tender must describe the form the cooperation is to take in order to achieve the desired results and how technical, administrative and financial aspects will be organised.

If the tender does not mention that all members are jointly and severally liable, all other parties included in the tender than the party signing the tender (tenderer) will be considered subcontractors.

The Contracting Authority will not request consortia to have a given legal form in order to be allowed to submit a tender, but reserves the right to require a grouping to adopt a given legal form **before the contract is signed** if this change is necessary for proper performance of the contract. This can take the form of an entity with or without legal personality but offering sufficient protection of the Commission's contractual interests (depending on the Member State concerned, this may be, for example, a consortium or a temporary association).

The documents required and listed in the present specifications must be supplied by every member of the grouping (see 4.4); the checklist in Annex 11 will help verifying the level of information to be provided according to the role of each entity in the tender.

To this end all members of the grouping should sign a **power of attorney** (see models in annex 6). This document must be scanned and included in the offer ("Qualification" -> "Identification of the tenderer" under "Documents"). For groupings not having formed a common legal entity, model 1 should be used, and for groupings with a legal entity in place model 2.



The Tender Preparation Report has to be signed by the joint tender leader (hand or electronic signature, as explained in point 1.5 of the Annex 10 to Tender Specifications: e-Submission application).

Partners in a joint offer assume joint and several liability towards the Commission for the performance of the contract as a whole.

Statements, saying for instance: “that one of the partners of the joint offer will be responsible for part of the contract and another one for the rest”, or “that more than one contract should be signed if the joint offer is successful”, are thus incompatible with the principle of joint and several liability. The Commission will disregard any such statement contained in a joint offer, and reserves the right to reject such offers without further evaluation, on the grounds that they do not comply with the tendering specifications.

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.

Subcontracting is the situation where a contract has been or is to be concluded between the Commission and a contractor and where the contractor, in order to carry out the contract, enters into legal commitments with other legal or natural persons for performing part of the service (in particular, any work performed by an expert who is not an employee of the tenderer will be considered as subcontracted). The Commission has no direct legal relationship with the subcontractor(s).

If certain tasks provided for in the contract are entrusted to subcontractors, the Contractor shall remain bound by its contractual obligations to the Commission under the Contract and shall be solely responsible for the performance of the contract (see Article II. 10 of the draft contract in Annex 9).

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.

Tenderers are required to identify all subcontractors.

See Section 4, item 4.4 which information must be provided in case of group of economic operators and subcontracting.

4.3 How to send a tender

4.3.1 General Information

If you are interested in this contract, you should submit a tender (see structure below described in item 4.4) for each lot concerned.

Your tender must be submitted through the electronic submission system (e-Submission application) at: (<https://etendering.ted.europa.eu/cft/cft-display.html?cftId=2156>)

The tender must be received no later than 17:00 Luxembourg time on 05/05/2017.

Receipt after the deadline will lead to the non-admissibility of the tender and its rejection from the award procedure for this contract.



Details on the electronic submission system are provided in annex 10 "e-Submission application".

All costs incurred for the preparation and submission of tenders are to be borne by the tenderers and will not be reimbursed.

The technical assessment of the tender may also include interviews of the person or persons proposed in the tender. The contracting authority reserves the right to invite tenderers for interview, at a date and a place to be notified. All travel costs in attending the interviews are to be borne by the tenderers. These interviews could also be organised by video conference. The results of these interviews will be integrated into the technical assessment of the tenders, without modifying either the composition or the weighting of the award criteria.

4.3.2 Date and place of opening of the tenders

Tenders will be opened on **10/05/2017** at **11 a.m.** at the following address:

Eurostat
Room B4/444
Joseph Bech Building
rue Alphonse Weicker, 5
L-2721 Luxembourg (Kirchberg)

An authorised representative of each tenderer may attend the opening session of the bids. Companies wishing to attend are requested to notify their intention by sending an e-mail to ESTAT-DIRECTORATE-G-CALL-FOR-TENDERS@ec.europa.eu at least 48 hours in advance. This notification must be signed by an authorised officer of the tenderer and specify the name of the person who will attend the opening of the bids on the tenderer's behalf. **On the day of opening the representatives of tenderers should present the tender receipt confirmation sent by e-Submission application in order to be allowed to the opening meeting.**

The economic operators who submitted an offer and whose representative was not present at the opening meeting may send an information request to ESTAT-DIRECTORATE-G-CALL-FOR-TENDERS@ec.europa.eu. They will be informed per e-mail if their offer was admissible as well as of the identity of the other tenderers.

4.3.3 Contact with Eurostat

In principle, no contact is permitted between the Commission and the tenderer during the procedure. However, contact may exceptionally be permitted before the final date for the receipt of offers:

- **On the tenderers' initiative:** in order (and only then) to clarify the nature of the contract. Such requests for additional information should be in writing only and indicate the section(s) and paragraph(s) to which they refer and shall be made through the "Question&answers" section in e-Tendering website (<https://etendering.ted.europa.eu/cft/cft-display.html?cftId=2156>)



- The Contracting Authority is not bound to reply to requests for additional information made less than six working days before the deadline for receipt of tenders. Provided it has been requested in good time, such additional information will be supplied simultaneously to all economic operators through the e-Tendering website (<https://etendering.ted.europa.eu/cft/cft-display.html?cftId=2156>) no later than six days before the deadline for the receipt of tenders.

The website will be updated regularly and it is your responsibility to check for updates and modifications during the submission period.

- **On the initiative of the Contracting Authority**: in order to inform all interested parties of the existence of an error, a lack of precision, an omission or any other type of defect in the documents relating to the invitation to tender by supplying information on the e-Tendering website address:

<https://etendering.ted.europa.eu/cft/cft-display.html?cftId=2156>

After the tenders have been opened, contact may be permitted only on the initiative of the Contracting Authority, where some clarification is required in connection with a tender, or if obvious clerical errors in the tender must be corrected, provided this does not lead to substantial changes to the terms of the submitted tender.

In any event, such contact must not lead to any amendment of the terms of the tender.

In exceptional case (unavailability of e-Tendering, other reason...), and under the conditions described above, further information can be obtained by sending an **e-mail or letter** to:

ESTAT DIRECTORATE G CALL FOR TENDERS

For the attention of Eurostat - Office B4/313

Bâtiment Ariane 00/B063 Tri central

Route D'Esch 400

L-2920 Luxembourg

E-mail: ESTAT-DIRECTORATE-G-CALL-FOR-TENDERS@ec.europa.eu

4.3.4 Period of validity of the tender

Tenders must be firm and not be subject to revision for the duration of the work. The tender must remain valid for a period as indicated under point IV.2.6 of the contract notice following the closing date for receipt of the tenders. Where the initial contract is stated to be renewable, the offer will remain valid for such renewals. Upon renewals of contracts, the Commission reserves the right to request updated forms for exclusion and selection criteria (see item 4.4 below). The contract(s) will be signed within the validity period, during which the tenderer must continue to meet all the requirements set in the exclusion, selection and award criteria. If the situation concerning these requirements has been altered in the period that has elapsed since the tender in question was submitted, any changes must be reported immediately and at the tenderer's own initiative to the Commission.



4.4 Structure of the tender

Tenders must be presented and structured in the same order of paragraphs as described below (five section) with page numbering. The tender must include all the requested information and be perfectly legible so that there can be no doubt as to words and figures:

Section One: Administrative information

Section Two: Exclusion criteria

Section Three: Selection criteria

Section Four: Technical offer

Section Five: Financial offer

Section	Where to insert in e-Submission
Section one: Administrative information, including Declaration on Honour	" Qualification " → "Identification of the Tenderer" → "[Party Name]" → tab 'documents'.
Section two: Evidence relating to the exclusion criteria	' Qualification → 'Exclusion criteria' → '[Party name]'
Section three: Evidence relating to the selection criteria	" Qualification " → "Selection Criteria" -> "Financial and Economic Capacity" -> "[Party name]" " Qualification " → "Selection Criteria" -> "Technical and Professional Capacity" -> "[Party name]"
Section four: Technical Offer – Addressing technical specifications and award criteria	" Tender " → "[name of Call for Tender/ Lot name]"
Section five: Financial Offer	" Tender " → "[name of Call for Tender/ Lot name]"

Tenders shall include the information and documents requested by the Commission in order to assess the tender. In order to help tenderers presenting a complete tender, a checklist of the documents to be submitted is provided in annex 11. This checklist does not need to be included in the tender, but it is encouraged to use it in order to ease the assessment of the tenders

The Commission reserves the right to request any other additional information in relation to the tender submitted, for evaluation or verification purposes within a time-limit mentioned in its request.



4.4.1 Section One: Administrative information

Tenderers may choose between presenting a **joint bid** (see 4.2) and introducing a bid as a **sole economic operator**, in both cases with the possibility of having one or several subcontractors (see 4.2).

Whichever type of bid is chosen, the tender shall stipulate the legal status and role of each legal entity in the tender proposed and the monitoring arrangements that exist between them and, failing this, the arrangement they foresee to establish if they are awarded the contract.

- A. In the e-Submission application, tab "Qualification" -> "Identification of the Tenderer", the tenderers should fill out the required information (Identification info, Registration info, Fiscal info, Contact info, Power of representation), according to the type of bid. The information has to be completed for all entities participating in the bid, including subcontractor.
- B- The following annexes (see below the different cases) shall be duly filled in and signed by a representative of the tenderer authorised to sign contracts with third parties. It should be uploaded under "Documents" in the section "Qualification" -> "Identification of the Tenderer" -> "[Party Name]" -> tab 'documents'.

Case 1: Submission by one tenderer

The completed "Administrative information form" (**Annex 1**) accompanied by 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, (if it is not included in the document requested in Annex 2), or a copy of the publication of such appointment if the legislation which applies to the legal entity concerned requires such publication. If they are necessary in order to show the authorisation to represent the tenderer, the instrument of incorporation or constitution of the legal entity and/or a copy of the statutes have to be submitted. If the person(s) signing the tender or the person designated to sign the contract is/are entitled to represent the economic operator by a power of attorney from the abovementioned authorised persons, the power of attorney must also be submitted;

The "Legal entity form" (**Annex 2**) completed and signed by an authorised representative of the tenderer accompanied by all the requested supporting evidences:

- For legal persons, a **proof of registration**, as prescribed in their country of establishment, on one of the professional or trade registers or any other official document showing the registration number, a copy of the **VAT registration document**, where applicable.
- For public entities: a **proof of registration** number in the national register of the entity, a copy of the **VAT registration document**, where applicable, a copy the **official legal act establishing the entity** (a law, a decree, etc.).
- For natural person: a legible photocopy of the identity documents, a **proof of registration**, as prescribed in their country of establishment, on one of the professional or trade registers or any other official document showing the registration number, a copy of the **VAT registration document**, where applicable.



A standard form for individuals, private entities and public entities in each Member State language is available at the following Internet address:

http://ec.europa.eu/budget/contracts_grants/info_contracts/legal_entities/legal_entities_en.cfm

The "Financial identification form" (**Annex 3**) filled in and signed by an authorised representative of the tenderer and stamped by a bank representative. A specific form for each Member State language is available at:

http://ec.europa.eu/budget/contracts_grants/info_contracts/financial_id/financial_id_en.cfm

The questionnaire for joint offers and/or subcontracting signed by a legal representative of the tenderer (**Annex 4**).

Case 2: Submission in case of the tenderer with subcontractor(s)

If the tenderer wishes to subcontract all or part of the services, in addition to the documents to be provided in case 1, the following information must be provided in the tender:

The "Legal entity form" (**Annex 2**) completed and signed by the authorised representative of each subcontractor, accompanied by all the requested supporting evidence:

- For legal persons, a **proof of registration**, as prescribed in their country of establishment, on one of the professional or trade registers or any other official document showing the registration number, a copy of the **VAT registration document**, where applicable.
- For public entities: a **proof of registration** number in the national register of the entity, a copy of the **VAT registration document**, where applicable, a copy the **official legal act establishing the entity** (a law, a decree, etc.).
- For natural person: a legible photocopy of the identity documents, a **proof of registration**, as prescribed in their country of establishment, on one of the professional or trade registers or any other official document showing the registration number, a copy of the **VAT registration document**, where applicable.

A standard form for individuals, private entities and public entities in each Member State language is available at the following Internet address:

http://ec.europa.eu/budget/contracts_grants/info_contracts/legal_entities/legal_entities_en.cfm

A letter of availability signed by an authorised representative of the subcontractor stating their willingness to provide the services presented in the tender and in line with the present tender specifications if the tenderer is awarded the contract (**Annex 5**).

Case 3: Submission of joint tender

Each entity involved (all members of the group of economic operators included the lead partner) must provide following documents:

The completed "Administrative information form" as provided in **Annex 1**;



The "Legal entity form" (**Annex 2**) completed and signed by an authorised representative of the tenderer, accompanied by all the requested supporting evidence:

- For legal persons, a **proof of registration**, as prescribed in their country of establishment, on one of the professional or trade registers or any other official document showing the registration number, a copy of the **VAT registration document**, where applicable.
- For public entities: a **proof of registration** number in the national register of the entity, a copy of the **VAT registration document**, where applicable, a copy the **official legal act establishing the entity** (a law, a decree, etc.).
- For natural person: a legible photocopy of the identity documents, a **proof of registration**, as prescribed in their country of establishment, on one of the professional or trade registers or any other official document showing the registration number, a copy of the **VAT registration document**, where applicable.

A standard form for individuals, private entities and public entities in each Member State language is available at the following Internet address:

http://ec.europa.eu/budget/contracts_grants/info_contracts/legal_entities/legal_entities_en.cfm

A letter signed by each member of the group of economic operators, except the lead partner, giving the authorisation to the lead partner to submit the tender on its behalf.

In addition, the following documents must be provided by the lead partner:

The "Financial identification form" (**Annex 3**) filled in and signed by an authorised representative of the tenderer and stamped by the signed by a bank representative. A specific form for each Member State language is available at:

http://ec.europa.eu/budget/contracts_grants/info_contracts/financial_id/financial_id_en.cfm

The questionnaire for joint offers and/or subcontracting signed by a legal representative of the lead partner (**Annex 4**).

After the award of the contract, the following document must be provided by the lead partner only before the signature of the contract and on the request of the Commission:

"Power of attorney" filled in and signed by an authorised representative of each partner (Annex 6).

4.4.2 Section Two: Exclusion criteria

Article 106 of the Financial Regulation¹³ defines situations when the tenderers shall be excluded from participating in procurement procedures.

¹³ <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=OJ:L:2015:286:TOC>



Declaration:

The tenderer(s) including each partner in case of joint tender and each subcontractor¹⁴ must provide the "Declaration on honour on exclusion criteria and selection criteria" (Annex 7) attesting that they are not in one of the exclusion situations detailed in the Declaration on honour.

The declaration(s) shall be signed by an authorised representative either with advanced electronic signature based on qualified certificates or by scanning and uploading a hand signed copy. The declaration(s) must be uploaded under "Qualification" → "Identification of the Tenderer" → "<Party Name>" → Tab "Documents".

If the declaration on honour is signed by hand, the original declaration must also be sent by post immediately after electronic submission of the tender (Details on the electronic submission system are provided in annex 10 "e-Submission application").

Evidence:

Only on request of the Contracting Authority, and for contracts with a value higher than EUR 135.000, the successful tenderer must provide the documents mentioned as supporting evidence in the declaration on honour (Annex 7) 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 Contracting Authority reserves the right to require these documents for the other subcontractors.

4.4.3 Section Three: Selection criteria

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

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

The tender must include the proportion of the contract that the tenderer intends to subcontract (see Annex 4).

The tenderer (and each member of the group of economic operators 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.

¹⁴ The Contracting Authority shall require that a candidate or tenderer replaces a subcontractor or an entity on whose capacity the candidate or tenderer intends to rely, which is in an exclusion situation.

**Declaration:**

The tenderers (and each member of the group of economic operators in case of joint tender) and subcontractors whose capacity is necessary to fulfil the selection criteria must provide the declaration on honour (see Annex 4), signed and dated by an authorised representative, stating that they fulfil the selection criteria applicable to them.

In case of joint tender or subcontracting, the criteria applicable to the tenderer as a whole will be verified by combining the various declarations for a consolidated assessment.

This declaration is part of the declaration used for exclusion criteria (see section 4.4.2) so only one declaration covering both aspects should be provided by each concerned entity.

Evidences:

Tenderers will be required to provide the evidence mentioned below (see 4.4.3 a, 4.4.3 b) in the offer. 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

a- Economic and financial capacity:

Tenderer(s), in case of joint tender each partner, must provide and enclose the full set of annual accounts (balance sheet, profit and loss account and notes on the accounts) for the last two years.

The Contracting Authority reserves the right to ask these documents for the declared subcontractors.

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

b- Technical and professional capacity:

The following documents must be provided by the tenderer(s) as an evidence of the educational and professional qualifications:

Tenderers must enclose a CV of all personnel to be involved directly in performing the contract (including those working for any subcontractors) indicating educational and professional qualifications and experiences in areas relevant to the subject of this tender.

In the CV the language competence must be mentioned, bearing in mind that the main working languages in the Commission are English, French and German.

Tenderers must indicate whether or not the proposed staffs are currently working for the tenderer on the date of submission of the offer. The tender will clearly indicate if the proposed expert is an employee or not of the tenderer. If the proposed expert is not an employee, he/she will be considered as a subcontractor. Any person who is engaged on another project, where the input from his/her position in that contract will not have ended



before the expected start of his/her activities under this contract, and where this commitment restricts his/her intended role under this contract must not be proposed for this contract.

A letter of availability signed by an authorised representative of the subcontractor stating their willingness to provide the services presented in the tender and in line with the present tender specifications if the tenderer is awarded the contract (Annex 5).

In addition, the tenderer shall provide a list of the principal services provided in the past three years, with the amounts, dates and recipients (public or private) and any relevant evidence proving the requirements of the selection criteria (refer to section 4.5.1 b)).

4.4.4 Section Four: Technical offer

The technical proposal needs to be uploaded in the section "Tender → <name of Call for Tender' / 'Lot name'>" in the e-Submission application.

The tenderer must select the "Technical Tender" from the dropdown box ("Financial Tender or Technical Tender"). The e-Submission application allows attachment of as many documents as necessary.

The technical offer is the core of the tender and it is essential that it conforms perfectly to all requirements listed in the technical specifications.

Tenders must be clear and concise. Since tenderers will be judged on the content of their written tenders, the tenders must clearly show how the tenderers are able to meet the requirements of the specifications.

If it is intended to subcontract part of the service, this should be indicated and quantified (the identity of and resources provided by the subcontractor).

The technical offer must cover all aspects and tasks required in the technical specifications and provide all the information needed to apply the award criteria.

Offers deviating from the requirements or not covering all minimum requirements described in section 2 point 2.6 (Technical specifications) may be rejected on the basis of non-compliance with the tender specifications and **will not be evaluated**.

The offer shall comply with applicable environmental, social and labour legislation established under Union legislation, national legislation, collective agreements or the applicable international social and environmental conventions listed in Annex X to Directive 2014/24/EU¹⁵.

The Commission envisages applying the EMAS environmental management system ('the EMAS system') provided for by Regulation (EC) No 1221/2009 of the European Parliament and the Council of 25 November 2009 on the voluntary participation by organisations in a Community eco-management and audit scheme (EMAS), repealing Regulation (EC) No 761/2001 and Commission Decisions 2001/681/EC and 2006/193/EC (OJ L 342 of 22.12.2009, p. 1).

¹⁵ OJ L 94 of 28.03.2014, p. 65



During the execution of the contract, the successful tenderer, group member(s) and/or any subcontractor(s), if relevant, may be requested by the Contracting Authority to implement the EMAS scheme, inter alia by providing information relating to the contract field required for the drafting and updating of the documents provided for by Regulation No 1221/2009 and the periodic evaluation of the system.

4.4.5 Section Five: Financial offer

A complete financial proposal, including the breakdown of the price as indicated in the tender specifications needs to be uploaded in section "Tender → <name of Call for Tender' / 'Lot name'>" in the e-Submission application. The tenderer will need to select the "Financial Tender" from the dropdown box ("Financial Tender or Technical Tender").

The total price needs also to be encoded directly in the e-Submission application (section "Tender → <name of Call for Tender' / 'Lot name'>").

The compulsory reply form (Annex 8) must be used.

Prices must be expressed in euro.

Prices should be quoted free of all duties, taxes and other charges, i.e. also **free of VAT**, as the European Commission is exempt from such charges pursuant to the provisions of Articles 3 and 4 of the Protocol on the Privileges and Immunities of the European Union (of 8 april 1965).

All costs associated with the completion of the work, including overheads such as infrastructure, administration, costs and travel should be included in the overall fixed price in the financial proposal (no reimbursable variable costs).

Consolidation of tender documents

Once all information and documents have been encoded and uploaded in the e-Submission application, and you consider that the tender is complete, the application requires to create the consolidated tender package. **A tender preparation report will be generated by the e-Submission application**

The tender preparation report shall be signed by an authorised representative either with advanced electronic signature based on qualified certificates or by scanning and uploading a hand signed copy.

If the tender preparation is signed by hand, the original declaration must also be sent by post immediately after electronic submission of the tender (Details on the electronic submission system are provided in annex 10 "e-Submission application").

4.5 Evaluation and award

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



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

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

The criteria for choosing the contractor are divided in three categories: exclusion, selection and award. Exclusion and selection criteria are related to the candidate or tenderer, whereas award criteria are related to the tender. Exclusion and selection criteria are verified on a pass/fail basis.

The Contracting Authority will inform candidates and tenderers, simultaneously and individually, by electronic means of decisions reached concerning the outcome of the procedure as soon as possible:

- After the opening phase for tenders received after the deadline or received already open;
- After the award decision, specifying in each case the grounds for the decision.

The information of the successful tenderer does not imply any commitment on the part of the Contracting Authority.

4.5.1 Exclusion and selection of tenderers

The assessment of tenderers will take place in 2 stages:

a- Exclusion of tenderers

Article 106 of the Financial Regulation¹⁶ defines situations when the tenderers shall be excluded from participating in procurement procedures (see Annex 7).

As indicated in point 4.4.2, the tenderer(s) including each partner in case of joint tender and each subcontractor must provide the "Declaration on honour on exclusion criteria and selection criteria" (Annex 7) attesting that they are not in one of the exclusion situations detailed in the Declaration on honour.

Only on request of the Contracting Authority, and for contracts with a value higher than EUR 135.000, the successful tenderer must provide the documents mentioned as supporting evidence in the declaration on honour (Annex 7) before signature of the

¹⁶ <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=OJ:L:2015:286:TOC>



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 Contracting Authority reserves the right to require these documents for the other subcontractors.

The Contracting Authority may waive the obligation of a tenderer to submit the documentary evidence referred to annex 7 in the following cases:

- (a) the candidate is an international organisation or;
- (b) such evidence has already been submitted for the purposes of another procurement procedure in 2017 and provided that the documents are not more than one year old starting from their issuing date and that they are still valid. In such a case, the tenderer shall declare on his honour that the documentary evidence has already been provided in a previous procurement procedure and confirm that no changes in his situation have occurred.

b- Selection criteria

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

Tenderers will be selected if they have the economic and financial capacity as well as the technical and professional capacity to perform the tasks required in this call for tender.

Legal and regulatory capacity

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) and sub-contractors must provide the requested information with the Legal Entity Form (See 4.4.1).

Economic and financial capacity criteria

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

The **economic and financial capacity** of the tenderer will be assessed on the basis of the last annual turnover which has to be at least two times the annual value of the contract to be awarded (equal to the annual value of the financial offer submitted).

In the case of joint tender (group of economic operators) or subcontracting, this turnover criteria shall be assessed in relation to the combined turnover of all the parties involved in the tender.



Tenderers will be required to provide the evidence mentioned below (see 4.4.3 a) in the offer. 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 Contracting Authority may waive the obligation of a tenderer to submit the documentary evidence referred in point 4.4.3 a) above, if such evidence has already been submitted for the purposes of another procurement procedure in 2017 and that they are still valid. In such a case, the tenderer shall declare on his honour that the documentary evidence has already been provided in a previous procurement procedure and confirm that no changes in his situation have occurred.

All the requirements have to be fulfilled at the deadline for the submission of the offer

- **Technical and professional capacity criteria**

The **technical and professional capacity** of tenderer(s) will be assessed from the qualifications of the staff/experts proposed, the principal services provided in the past three years and, if any, the specific requirements mentioned in the tender specifications. In the case of joint tender (group of economic operators) or subcontracting, the technical and professional capacity shall be assessed in relation to the combined capacity of all the parties involved in the tender.

The tenderer must meet the following criteria.

Criteria relating to the tenderer:

Criterion	Experience in the field of statistics, economics, accounting or similar expertise
Minimum requirement	Experience in the field of statistics, economics, accounting or similar expertise, with at least 3 projects delivered in this field in the last three years, with a minimum value for each project of € 30.000.
Documentary evidence	List of projects

criteria relating to the team delivering the service

Criterion	Educational and professional Qualification in the field of Balance of Payments / FDI statistics
Minimum requirement	At least one member of the proposed team should have minimum 3 years of relevant university studies and 5 years of relevant work experience in the field of standards, concepts and definitions developed by the



	OECD, IMF and the UN in the field of Balance of Payments/FDI statistics.
Documentary evidence	CVs of team members

Criterion	Educational and professional Qualification in the field of MNEs
Minimum requirement	At least one member of the proposed team should have minimum 3 years of relevant university studies and 5 years of relevant work experience in the field of MNE business structures and in particular regarding concepts to identify the ultimate controlling entity in an MNE.
Documentary evidence	CVs of team members

Criterion	Educational and professional Qualification in the field of the European Statistical System and M&A/greenfield investments
Minimum requirement	At least one member of the proposed team should have either minimum 3 years of relevant university studies or 5 years of relevant work experience in the field of: <ul style="list-style-type: none"> • the European Statistical System and • mergers & acquisitions and/or greenfield investments.
Documentary evidence	CVs of team members

Criterion	Educational and professional Qualification of the Project Manager
Minimum requirement	The Project Manager must have at least 10 years' work experience relevant for the topics of this tender (Balance of Payments/FDI statistics, MNEs and/or mergers & acquisitions /greenfield investments). The role of Project Manager can be performed by any team member provided s/he fulfils the related minimum requirement regarding experience.



Documentary evidence	CVs of team members
Criterion	Language capabilities
Minimum requirement	At least one member of the proposed team should have a very good knowledge of the English language, especially in terms of writing and speaking, as guaranteed by a certificate (at least level C according to the Common European Framework of Reference for Languages) or other relevant evidence.
Documentary evidence	CVs of team members

The assessment will be based on the tender and on tenderers' answers in the compulsory reply forms.

Tenderers who wish to be taken into consideration must submit all the necessary supporting documents (as indicated in section 4.4.3b)) and must use the forms provided in the annexes to this document.

Tenderers will be required to provide the evidence mentioned below (see 4.4.3 b) in the offer. 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

Incomplete tenders may be rejected. However, the Commission may request the submission of missing formal documents by electronic mail (normally to be submitted within 24 hours after the request).

In addition, the Commission reserves the right to use any other information from public or specialist sources.

All the requirements have to be fulfilled at the deadline for the submission of the offer

4.5.2 Compliance with minimum requirements

Before proceeding to the evaluation of the award criteria, the evaluation committee will assess the compliance of the tender with the minimum requirements contained in section 2 point 2.6 of the present tender specifications.

Furthermore, the offer shall comply with applicable environmental, social and labour legislation established under Union legislation, national legislation, collective agreements or the applicable international social and environmental conventions listed in Annex X to Directive 2014/24/EU¹⁷.

Offers deviating from the requirements defined in the tender specifications or not covering all requirements may be excluded on the basis of non-conformity with the tender specifications and will not be evaluated

¹⁷ OJ L 94 of 28.03.2014, p. 65



4.5.3 Award of the contract

a- Evaluation of the technical quality of the offer

The evaluation (award) criteria will be assessed in relation to the tender as a whole.

The technical offer (including any subcontracted parts) must be sufficiently detailed to enable the offer to be assessed on the basis of all award criteria mentioned below. It should meet the technical specifications and address all matters laid down therein. The tender should provide all the information required to award the contract, including a description of the intended team structure and the respective role of each team member and (where applicable) models, examples and technical solutions to problems raised in the specifications.

Merely repeating the mandatory requirements set out in these specifications without going into detail or adding any value will result in a very low score. The degree to which the criteria are met will be measured by a points score for each criterion. The relative importance of criteria for the overall score is indicated by the weighting of the award criteria.

Before its dispatch, please check that your offer is well documented according to the award criteria.

The technical quality of the offer will be assessed on the basis of the following criteria:

1. Technical approach and methodology (50 points)

This criterion will help assess to which extent the practical implementation and methodology proposed for the project demonstrate efficiency and effectiveness and will be a key success factor for the project and its successful and timely completion.

The technical approach and methodology will be assessed on:

- The extent to which any particularities that are mentioned in the specific project have been considered.
- The practical implementation proposed for the project, for all tasks and expected results to be carried out and how does it demonstrate a solid understanding of all the issues involved.
- Specific examples of how the new data collections could be implemented in the current FDI data collections, for example surveys used by Member States.
- Description of the work and the clarity of practical application on how to achieve the project's goals and outputs considering, if possible, examples to demonstrate its successful completion.
- Presentation and description of expected and tangible results to be attained
Description of the **project management methodology** which will be applied to plan, monitor and control the execution of activities.

2. Work plan and timetable - overall planning (15 points)

This criterion will help assess the relevance and quality of the overall planning, of the proposed work plan and of the corresponding dedicated resource and how the project will meet the proposed deadlines.

The work plan and timetable will be assessed on:



- Detailed work plan and timetable to demonstrate that the project is achievable by the proposed deadline.
- Suitability between the work plan and the intended completion schedule.
- Clear work packages and divided responsibilities and work time amongst team members.
- Detailed implementation of the work plan to demonstrate successful achievement of the expected results, including rapid start-up, milestones and a realistic timeline taking into account the necessary time to involve expected participants and associated stakeholders and reports submitted on time
- Work plan making specific reference to mobilisation of the experts/team, appropriate evaluation points, submission of reports and documents, specific meetings and milestones.

3. Management arrangements - Organization of the work and resources (20 points)

This criterion will help assess the organisation of work, covering both implementation of the contract and how the Contractor will provide support for the management and administration of the contract and contact(s) with Commission services.

The management arrangements - Organization of the work and resources will be assessed on:

- Description of the proposed team (number / profiles) with their role and responsibilities and of the different economic operators (in case of joint tender, including subcontractor if applicable) distributed for each task and work package. Balance between profiles and breakdown of the tasks (which profile is going to do which task and how much time will be devoted to each task per profile).
- Description of how each of the proposed experts will be assigned to the various elements of the work
- Level of details provided on the allocation of time and human resources to the project and each task or deliverables and the rationale behind the choice of the proposed allocation.
- Suitability of the proposed organization for achieving the desired objectives of the project.
- Description given by the tenderer of the part of the project that he/she is able to implement autonomously.
- Estimate of how much and what kind of Eurostat involvement would be needed to ensure successful delivery and how cooperation with the Commission will be managed in practice.
- Description of the control the tenderer will exercise over those working on the project and how it will be a success factor for the project.
- Business continuity measures on how the tenderer will assure continuity if staff assigned to the project leave. A description of the back-up system to cover absences of key profiles (project manager, senior expert...)
- Detailed needs and justification for specific technical resources (software, informatics, resources, logistic, etc.).

**4. Quality arrangements - Quality control measure (15 points)**

This criterion will help assess the overall quality control system of the tenderer and how this will fit Eurostat requirements and help deliver the project in a quality and timely manner.

The quality arrangements - Quality control measure will be assessed on:

- Detailed quality control system applied to the service(s) foreseen in the tender specification concerning the quality of the deliverables and including continuity of the service in case of absence of a member of the team.

b- Method of selecting the economically most advantageous tender

Only tenderers whose offer has scored 50 % for each criterion and minimum 50 points in total or more on the technical evaluation according to the criteria and points set out under item 4.5.3.a may participate in the evaluation of the financial proposal. The contract will be awarded to the economically most advantageous tender, ie the tender offering the best price-quality ratio on the basis of the following method:

$$R = \left(\frac{P_{\min}}{P} * 100 \right) * 0.50 + Q * 0.50$$

where:

R	Price-quality ratio
Q	total quality score (out of 100) of tender in question
Pmin	Cheapest price
P	price of tender in question

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

c- Notification of tenderers of decisions taken by the Contracting Authority

You will be informed of the outcome of this procurement procedure by **e-mail only**. It is your responsibility to provide a valid e-mail address together with your contact details in your tender and to check this e-mail address regularly.

Eurostat will notify the successful tenderer of the award decision. This notification does not constitute a commitment on the part of Eurostat.

Simultaneously and individually, the Contracting Authority will inform all unsuccessful tenderers, by electronic means, that their application or tender has not been accepted, specifying in each case the reasons why the tender or application has not been accepted.



Unsuccessful tenderers may request additional information about the reasons for their rejection in writing by mail or email, and all tenderers who have put in an admissible tender (i.e. one that meets the exclusion and selection criteria) may obtain information about the characteristics and relative merits of the tender accepted and the name of the successful tenderer.

However, certain details need not be disclosed where disclosure would hinder application of the law, would be contrary to the public interest or would harm the legitimate business interests of public or private undertakings or could distort fair competition between those undertakings.

The Contracting Authority must reply within fifteen calendar days from receipt of the request.

The Contracting Authority may not sign the contract with the successful tenderer until 10 calendar days (“standstill period”). That period shall run from the day after the simultaneous dispatch of the notifications to successful and unsuccessful tenderers. However, if due to technical reasons the dispatch is made on paper, the standstill period is 15 days.

If only one tender has been received, there will not be a standstill period for signing the contract.

If necessary, the Contracting Authority may suspend signing of the contract for additional examination if justified by the requests or comments made by unsuccessful tenderers during the standstill period or any other relevant information received during that period. In that event, all the tenderers must be informed within three working days following the suspension decision.

Should it not be possible to conclude the contract with the successful tenderer or should they withdraw, Eurostat reserves the right to review its decision and to award the contract to another tenderer, to close or to cancel the procedure.

Any request for information and any reply will have neither the purpose nor the effect of suspending the deadline for lodging an appeal against the contract award decision, which must be done within two months of the notification.

d- No obligation to award the contract

Opening to competition or the launch of an invitation to tender in no way imposes on the Commission an obligation to award the contract. The Commission will not be liable for any compensation for tenderers whose tenders have not been accepted, nor will it be so liable if it decides to abandon the procurement or cancel the award procedure. This decision would be substantiated and notified to the tenderers.