



## **CALL FOR TENDERS**

**The identification of measures to protect by-catch species in  
mixed-fisheries management plans**

**EASME/EMFF/2017/022**

**TENDER SPECIFICATIONS**

***Open Procedure***

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## The identification of measures to protect by-catch species in mixed-fisheries management plans

### 1. TECHNICAL SPECIFICATIONS

#### 1.1. INTRODUCTION

The Executive Agency for Small and Medium-sized Enterprises (henceforth "EASME" or "the Contracting Authority")<sup>1</sup>, acting under the powers delegated by the European Commission, is launching this invitation to tender for a study to **identify measures to protect by-catch species in mixed-fisheries management plans**.

The call for tenders is based on Regulation (EU) No 508/2014 of the European Parliament and of the Council<sup>2</sup> and on the Commission Implementing Decision C(2016) 8422 final (Action 1.3.2.5)<sup>3</sup>.

#### 1.2. BACKGROUND INFORMATION AND CONTEXT

Under the reformed Common Fisheries Policy<sup>4</sup> (CFP), the new generation of multi-annual plans (MAPs) shall take into account, among other characteristics and where relevant, mixed-fishery considerations. Mixed fisheries are fisheries in which several species are likely to be caught in the same fishing operation (i.e. using the same vessel and gear). This characteristic of mixed fisheries offers a challenge to fisheries managers used to managing single stock fisheries, because the assumption that vessels will stop catching a given species once their quota for that species is exhausted is much less likely to hold true for complex, multi-species, multi-gear fisheries, where fleets are given a set of different fishing opportunities for the various stocks.

Additionally, the new generation of MAPs includes a number of species and stocks fished within a particular region (e.g. the Baltic Sea) to be managed according to the target of fishing at Maximum Sustainable Yield (MSY) and a deadline for achieving this target. In addition, they provide biomass safeguards below which fishing mortality must be reduced. The new MAPs also introduce the concept of regionalisation, where EU countries with a direct management interest may agree to submit joint recommendations for achieving the objectives of a particular plan or other management measure.

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<sup>1</sup> EASME was set up by Commission Implementing Decision (2013/771/EU) of 17 December 2013 establishing the "Executive Agency for Small and Medium-sized enterprises" and repealing Decisions 2004/20/EC and 2007/372/EC (OJ L 341 of 18.12.2013). EASME replaces and supersedes former Executive Agency for Competitiveness and Innovation (EACI).

<sup>2</sup> Regulation (EU) No 508/2014 of the European Parliament and of the Council of 15 May 2014 on the European Maritime and Fisheries Fund (EMFF) and repealing Council Regulations (EC) No 2328/2003, (EC) No 861/2006, (EC) No 1198/2006 and (EC) No 791/2007 and Regulation (EU) No 1255/2011 of the European Parliament and of the Council.

<sup>3</sup> Commission Implementing Decision of 15/12/2016 concerning the adoption of the work programme for 2017 and the financing decision for the implementation of the European Maritime and Fisheries Fund, C(2016) 8422 final.

<sup>4</sup> Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC.

A mixed-fishery multi-annual plan for demersal<sup>5</sup> fish stocks based on management by quota or total allowable catch (TAC) has been proposed for the North Sea, and similar MAPs are in preparation for the western waters; a MAP is already in place for the Baltic Sea. The main management tools for the important target species are ranges of fishing mortality  $F$  (around the point estimate of  $F_{MSY}$ ) and their respective biomass safeguards, together with regionalised management measures. The assumption behind these MAPs is that by focusing on the target species and managing those sustainably, any MAP would be expected to deliver on the conservation objectives for the by-catch species as well. It has also been envisaged that in some circumstances single TACs for by-catch species could be combined in order to minimise the risk of choke scenarios due to single-species TAC limitations under the landing obligation, or alternatively TACs could be removed completely for by-catch species.

The Scientific, Technical and Economic Committee for Fisheries (STECF) set up by the European Commission evaluated the MAPs for both the North Sea demersal stocks (STECF-15-04)<sup>6</sup> and western-waters demersal stocks (STECF-15-08)<sup>7</sup> prior to their review by the European Commission. STECF tested the assumption that by-catch species could be protected through the management of the main target species listed in each proposed MAP. In addition, STECF concluded that the management of the exploitation rates of by-catch species is unlikely to occur as an automatic consequence of TAC management of the targeted stocks considered in the MAP. STECF, however, noted that analyses performed at the fleet level showed some correlations (between TAC management of targeted stock and the exploitation rates of by-catch species) and suggested that fleet-related management measures could be used to some extent for the target species as a way of managing sustainably some of the by-catch species.

The application of  $F_{MSY}$  ranges together with combined species' TACs or the removal of TACs<sup>8</sup> could be a means enabling fisheries managers to determine whether the application of ranges in combination with multi-species TACs/TAC removal would be consistent with the objectives of the Common Fisheries Policy (CFP), and if such approaches would provide pragmatic solutions to complex multi-species fisheries management.

However, if TAC management of target species alone is deemed insufficient to offer adequate protection for by-catch species, this study will firstly propose candidate triggers (e.g. indices of biomass or abundance) that will be used to elicit a management response to promote the protection of the various by-catch species. Secondly, this study will propose plausible flanking measures for the protection of the associated by-catch species (e.g. spatial, gear-related and other technical measures) and assess their efficacy. This study will use a common framework to enable tie-in with the existing research in this area and dovetail with existing modelling developments.

### 1.3. GENERAL AND SPECIFIC OBJECTIVES

EASME wishes to enter into a service contract for developing a modelling framework and a support tool to assist fisheries managers and stakeholders (European Commission, regional groups of Member States and the Advisory Councils) in managing by-catch stocks at the fleet or

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<sup>5</sup> Demersal fisheries are defined as fisheries that use fishing gear appropriate for the capture of demersal fish stocks, i.e. those occurring close to the sea bed.

<sup>6</sup> Report on Evaluation of management plans: Evaluation of the multi-annual plan for the North Sea demersal stocks (STECF-15-04).

<sup>7</sup> Multiannual management plans SWW and NWW (STECF-15-08).

<sup>8</sup> As elements of joint recommendations submitted by Member States.

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metier level<sup>9</sup> within the different geographical areas covered by the new generation of MAPs (see point 1.4.1.). This tool will be used to assess whether proposals for regionalised management measures under mixed-fisheries plans are in accordance with the objectives of the CFP.

Specifically, this support tool will help in:

(i) where MAPs which have already identified target and by-catch species exist, by - identifying where TAC management of the target species is sufficient to provide sustainable exploitation of by-catch species and where this is found not to be the case, by identifying candidate measures, including single or grouped TACs and other technical measures that will lead to sustainable exploitation of the by-catch stocks;

(ii) in areas where MAPs have not yet identified the target and by-catch stocks, by - developing methods and tools that would enable the appropriate classification of individual stocks as either target or by-catch. Such tools could also be used to amend existing plans where necessary;

(iii) where by-catches are managed via TACs applied to the target species, by - developing methods, candidate indicators and thresholds that would be used by managers to adopt additional management interventions.

The outcomes of this study will provide a tangible output as a tool for managers (and reviewers) to assess specific joint recommendations and their accordance with the CFP to support regional management.

#### **1.4. TASKS AND GEOGRAPHICAL SCOPE**

##### **1.4.1. Geographical scope**

The services to be delivered will cover fish stocks in the northeast Atlantic Ocean: in the North Sea (ICES Subarea 4 and Division 3a), north-western waters<sup>10</sup> and south-western waters<sup>11</sup>.

##### **1.4.2. Tasks**

- Task 1: Identification of target and by-catch species

The contractor shall determine catches and catch compositions in the different mixed fisheries and gears (metiers), where necessary by sub-area, for each of the sea basins (see Section 1.4.1.) within the study. Robust statistical analyses using different variables (e.g. catch volume and value) shall be performed to determine:

- i) target species and their associated by-catch species;
- ii) the relative contribution by weight and/or value and fishing mortality made by the target species in each fishery within each sea basin (or sub-area).

In addition, the contractor shall identify important stocks that could be classified as both target and by-catch, depending on the metier in which they are taken.

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<sup>9</sup> Fleet level of fishing, i.e. country and gear combination; metier level, i.e. country, gear and target assemblage combination.

<sup>10</sup> North-western waters consist of ICES Subareas 5, 6 and 7 (but excluding Division 5.a and only including Union waters of Division 5.b).

<sup>11</sup> South-western waters consist of ICES Subareas 8, 9 and 10 (waters around Azores), and CECAF zones 34.1.1, 34.1.2 and 34.2.0 (waters around Madeira and the Canary Islands).

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- Task 2: Analysis to assess whether the management through TACs of those target species defined in Task 1 offers sufficient protection for their associated by-catch species

Develop modelling approaches to undertake an assessment of whether management through TACs of the target species by area identified in Task 1 is sufficient to enable the adequate protection/sustainable management of its associated by-catch species.

- Task 3: Identification of by-catch species where target stock TAC management is insufficient

For those by-catch species found not to be protected under the TAC of their associated target species in Task 2, the contractor shall identify the appropriate level of fleet or metier that will require additional management measures to offer the necessary levels of protection.

- Task 4: Identification of appropriate management measures for by-catch stocks

The contractor shall use the information determined in Task 3 for each of the target species and each of its associated by-catch species and identify fleet- and/or metier-related management measures that will enable sustainable management of all of the by-catch species identified. As part of this exercise, the contractor shall determine if it would be appropriate to cluster certain by-catch species under a single TAC to enable by-catch protection and, if so, which species. Where no measures can be identified, the contractor shall advise on which by-catches should continue to be managed under conventional single-species TACs.

- Task 5: Identification of candidate indicators and appropriate trigger values.

Candidate triggers to promote the protection of the various by-catch species must be proposed for each fishery/fleet or metier. Such triggers can be appropriate biomass or abundance thresholds, below which protective measures would need to be introduced.

- Task 6: Development of a management tool

The contractor must compile a framework for the evaluation of measures that would be needed to protect by-catch species in each of the areas subject to this study. It will act as an operational tool for managers in the evaluation of future management measures under regionalisation.

It is important that this framework should enable tie-in with existing research in this area<sup>12</sup> through the development of a compatible software package.

Given the evolving nature of the landing obligation, it is appropriate for the contractor to determine any changes in behaviour at the fleet and metier level to enable the tool developed to be adaptive to those changes.

## 1.5. INPUT BY THE CONTRACTING AUTHORITY

Not applicable.

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<sup>12</sup> Such examples are the FLBEIA framework: Bio-Economic Impact Assessment using FLR (<http://flbeia.azti.es/>) and the DAMARA project: Developing a decision support tool for mixed fisheries management in the Celtic Sea ([https://ec.europa.eu/fisheries/damara-project-scientific-decision-support-tool-development-management-plan-celtic-sea\\_en](https://ec.europa.eu/fisheries/damara-project-scientific-decision-support-tool-development-management-plan-celtic-sea_en))

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#### **1.6. GENERAL GUIDANCE ON THE METHODS**

This will be a desk study. The contractor is expected to perform the tasks in the order presented in Section 1.4.2. of the tender specifications.

The analyses carried out need to be either simple or multinomial analyses depending on whether the by-catch species associated with a target species are single species or species assemblages such as for herring or anglerfish respectively as target species.

##### **Data**

The work must be based on robust statistical analysis of appropriate European databases (such as the ones of ICES, STECF and the JRC) which provide a detailed image of the catches and catch composition of the different fleets and gears operating in the relevant areas.

##### ***Collaboration with stakeholders and the European Commission's scientific advisory body***

The development of the support tool requires close collaboration with the following entities:

###### ***- DG MARE and stakeholders***

It is envisaged that a stakeholder consultation group will be set up to support the implementation of the study. The contractor shall ensure a close collaboration with DG MARE, the JRC and stakeholders, in particular with national administrations (regional groups of Member States' national administrations) and relevant Advisory Councils, in order to receive the necessary input for the achievement of the appropriate tasks.

Consultations should take place before the final analyses are developed. Consultations will be done via meetings (indicated in the timetable, Section 1.10.3. Meetings can be organised in association with Advisory Council meetings, as well as, by electronic means.

###### ***- The European Commission's scientific advisory body (STECF)***

The contractor shall ensure that the STECF is informed and consulted in the course of this study. The level and nature of its involvement will be discussed during the kick-off meeting.

Given that the study will be carried out during the implementation of the landing obligation, the contractor must keep in mind and report on the kind of follow-up assessments that will be necessary to monitor the relationships determined during the course of the study and any changes that may occur as the effects of the landing obligation on fishers' behaviour stabilise.

#### **1.7. PERFORMANCE AND QUALITY REQUIREMENTS**

This study will be deemed successful if the contractor manages to provide a support tool for managers, complete with indicators to give clear instruction when action must be taken, based on candidate thresholds determined for each of the by-catches associated with each target species, along with the appropriate management actions in each of these cases.

This study has to provide analyses for the target species and their associated by-catches in all of the sea-basins mentioned in Section 1.4.1.

#### **1.8. STARTING DATE OF THE CONTRACT AND DURATION**

It is expected that the contract is signed approximately in autumn 2017.

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The contract shall enter into force on the date on which it is signed by the last contracting party. The duration of the tasks shall not exceed 36 months from that date. The execution of the tasks shall not start before the contract has been signed. Work will follow the timetable detailed below.

#### **1.9. VOLUME OF THE MARKET**

The maximum amount for the execution of all the tasks referred to in this call for tenders is EUR 1.000.000 including all charges and expenses. No contract offer above this amount will be considered.

#### **1.10. PLANNING, OUTPUTS AND DELIVERABLES**

The contractor must provide the required deliverables in accordance with the conditions of the draft service contract. When requested in the contract, the reports and documents will accompany the invoices for payments.

Each report/document shall be submitted in electronic format compatible with Microsoft® Word in English.

- Data tables shall be provided in electronic format compatible with Microsoft® Excel or Access.
- Presentations shall be compatible with Microsoft® PowerPoint.

##### **1.10.1. *Intermediate outputs and deliverables***

The intermediate deliverables shall include:

1. Presentation of the work to be done (kick-off meeting).
2. Presentation of the inception report.
3. Inception report. The inception report must include a detailed roadmap of the work, based on the tender specifications, the contractor's offer and the information received from the Contracting Authority during the kick-off meeting. It must contain an overview of the activities and methods and a schedule including an explanation of possible deviations and adaptations.
4. First interim report (year 1). The first interim report will be linked to a first interim payment. It shall:
  - a. provide a list with the target and by-catch species in each sea-basin;
  - b. describe the métiers operating in each sea basin and identify the relative level of reliance on each of the main stocks in both quantity, value and partial fishing mortality;
  - c. explore candidate approaches for identifying target and by-catch species by métier and potential approaches to dealing with stocks that are both target and by-catch depending on métiers;

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- d. without pre-judging the final outcomes of the project, provide a synthesis of potential modelling approaches and how candidate models dovetail with existing modelling frameworks;
  - e. describe stakeholder groups and identify plausible management interventions for by-catch species.
5. Second interim report (year 2). The second interim report will be linked to a second interim payment. It shall contain the following:
- a. a synthesis of the chosen modelling approach; identification of advantages and limitations; model architecture,
  - b. a production of the beta version of the model showing its proof of concept,
  - c. an analysis and description of candidate indicators for triggering management actions and relationship with fishing mortality and biomass reference points.

EASME will comment on all submitted intermediate documents within 30 calendar days.

The contractor must also provide minutes for each meeting (inception, interim, stakeholder consultation, etc.) within 5 working days after the meeting.

**1.10.2. Final outputs and deliverables**

The final report shall include all tasks specified in Section "1.4.2 Tasks". The final report must include an in-depth analysis of how the results were obtained (see also Section 2.1.1. "Final study report").

EASME will comment on the submitted document within 60 calendar days.

**1.10.3. Timetable**

The following table indicates the timing of the meetings foreseen with EASME and the European Commission, as well as the timing of all deliverables and reports foreseen under the contract. All meetings with EASME and the Commission will be held in Brussels.

<b>Timetable</b>	<b>Meetings</b>	<b>Actions/Deliverables</b>
<i>Reference date (T0)</i>		Start date of the contract (Signature of the contract)
<i>T0 + 15 days</i>	Kick-off meeting	<i>Discussion on the implementation requirements and the expected deliverables</i>
<i>Month A (T0 + 1 month)</i>		<i>Submission of the inception report</i>
<i>Month A + 15 days</i>	Inception meeting	<i>Presentation and discussion of the inception report</i>
<i>Within 6 months from T0</i>	1 <sup>st</sup> stakeholder	1 <sup>st</sup> consultation with stakeholders

	consultation meeting	
<i>Month B (T0 + 11 months)</i>		<i>Submission of the draft 1<sup>st</sup> Interim report</i>
<i>Month B + 1 month</i>	1 <sup>st</sup> interim meeting	<i>Presentation and discussion of the draft 1<sup>st</sup> Interim report, achievements and next steps</i>
<i>1<sup>st</sup> progress meeting + 1 week</i>		<i>Submission of the final 1<sup>st</sup> Interim Report and of the invoice for the 1<sup>st</sup> interim payment</i>
<i>Within 13 and 20 months from T0</i>	2 <sup>nd</sup> stakeholder consultation meeting	2 <sup>nd</sup> consultation with stakeholders
<i>Month C (T0 + 23 months)</i>		<i>Submission of the draft 2<sup>nd</sup> Interim Report</i>
<i>Month C + 1 month</i>	2 <sup>nd</sup> interim meeting	<i>Presentation and discussion of the draft 2<sup>nd</sup> Interim Report, achievements and next steps</i>
<i>2<sup>nd</sup> interim meeting + 1 week</i>		<i>Submission of the final 2<sup>nd</sup> Interim Report and of the invoice for the 2<sup>nd</sup> interim payment</i>
<i>Within 26 and 32 months from T0</i>	3 <sup>rd</sup> stakeholder consultation meeting	3 <sup>rd</sup> consultation with stakeholders
<i>Month D (T0 + 33 months)</i>		<i>Submission of the draft Final Report</i>
<i>Month D + 15 days</i>	Lunchtime conference at DG MARE	<i>Presentation of the draft Final Report to DG MARE staff</i>
<i>Month F (T0 + 36 months)</i>		<i>Submission of the Final Report and of the invoice for the final payment</i>

#### 1.11. INTELLECTUAL PROPERTY RIGHTS

The intellectual property rights related to the services/studies to be provided are foreseen in the draft service contract (Annex 1 to these tender specifications).

##### ***Parts of results pre-existing the contract***

If the results are not fully created for the purpose of the contract this should be clearly pointed out in the tender. Information should be provided about the scope of pre-existing materials, their source and when and how the rights to these materials have been or will be acquired.

##### ***Plagiarism in the tender***

In the tender all quotations or information originating from other sources and to which third parties may claim rights have to be clearly marked (source publication including date and place, creator, number, full title etc.) in a way allowing easy identification.

## 2. CONTENT, STRUCTURE AND GRAPHIC REQUIREMENTS OF THE DELIVERABLES

The contractor must deliver the study as indicated below.

### 2.1. CONTENT

#### 2.1.1. *Final study report*

The final study report must include:

- ✓ an abstract of no more than 200 words and an executive summary of maximum 6 pages, both in English and French;
- ✓ specific identifiers which must be incorporated on the cover page provided by the Contracting Authority;
- ✓ the following disclaimer:

*“The information and views set out in this study are those of the author(s) and do not necessarily reflect the official opinion of EASME or of the Commission. Neither EASME, nor the Commission can guarantee the accuracy of the data included in this study. Neither EASME, nor the Commission or any person acting on their behalf may be held responsible for the use which may be made of the information contained therein.”*

#### 2.1.2. *Publishable executive summary*

The publishable executive summary must be provided in both in English and French and must include:

- ✓ specific identifiers which must be incorporated on the cover page provided by the Contracting Authority;
- ✓ the following disclaimer:

*“The information and views set out in this study are those of the author(s) and do not necessarily reflect the official opinion of EASME or of the Commission. Neither EASME, nor the Commission can guarantee the accuracy of the data included in this study. Neither EASME, nor the Commission or any person acting on their behalf may be held responsible for the use which may be made of the information contained therein.”*

#### 2.1.3. *Requirements for publication on Internet*

EASME is committed to making online information as accessible as possible to the largest possible number of users including those with visual, auditory, cognitive or physical disabilities, and those not having the latest technologies. EASME supports the Web Content Accessibility Guidelines 2.0 of the W3C.

For full details on the Commission policy on accessibility for information providers, see:

[http://ec.europa.eu/ipg/standards/accessibility/index\\_en.htm](http://ec.europa.eu/ipg/standards/accessibility/index_en.htm)

For the publishable versions of the study, abstract and executive summary, the contractor must respect the W3C guidelines for accessible pdf documents as provided at: <http://www.w3.org/WAI/>.

#### **2.1.4. Graphic requirements**

The contractor must deliver the study and all publishable deliverables in full compliance with the corporate visual identity of the European Commission, by applying the graphic rules set out in the European Commission's Visual Identity Manual, including its logo. The graphic rules, the Manual and further information are available at:

[http://ec.europa.eu/dgs/communication/services/visual\\_identity/index\\_en.htm](http://ec.europa.eu/dgs/communication/services/visual_identity/index_en.htm)

### **3. INFORMATION ON TENDERING**

#### **3.1. PARTICIPATION**

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

It is also open to all natural and legal persons established in a third country which has a special agreement with the Union in the field of public procurement on the conditions laid down in that agreement.

States covered by the Public Procurement Agreement concluded within the World Trade Organisation are not included in this call for tenders as the Executive Agencies are not signatories of the Agreement.

#### **3.2. 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.

#### **3.3. 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>13</sup>.

#### **3.4. 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.

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<sup>13</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).

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.

### **3.5. SUB-CONTRACTING**

Subcontracting is the situation where a contract has been or is to be established between the contracting authority and a contractor/tenderer only and where the contractor or tenderer, in order to carry out that contract, enters into legal commitments with other entities for performing parts of the contract. The contracting authority has no direct legal commitment with the subcontractor(s). In practice, any third party involved in the contract implementation which has no legal link with the contracting authority but with the contractor will be considered as subcontractor (e.g. any other company which does not participate in the contract execution but provides financial capacity).

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

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

### **3.6. COSTS**

Tenderers themselves will bear the costs of drawing up their tenders and EASME will not be liable to pay any compensation if a tender is rejected or if it decides not to select any tender.

### **3.7. CONTENT OF THE TENDER**

- The tenders must be presented as follows:
- Part A: Identification of the tenderer (see Section 3.8)
- Part B: Non-exclusion (see Section 4.2)
- Part C: Selection (see Section 4.3)
- Part D: Technical offer (including Annex 6)

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

For the appraisal, the written submission shall include a clear and detailed description of the organisation, human and technical resources and methods proposed. The tenderers will provide a practical and detailed description of the resources and services proposed to achieve the objectives and results set out in Sections 1.3, 1.4, 1.6 and 1.7 above.

- Part E: Financial offer (Annex 7)

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

Prices must be quoted free of all duties, taxes and other charges, including VAT, as the European Union is exempt from such charges under Articles 3 and 4 of the Protocol on the

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privileges and immunities of the European Union. The amount of VAT may be shown separately.

- The quoted price must be a fixed amount which includes all charges (including travel and subsistence). Travel and subsistence expenses are not refundable separately.

### **3.8. IDENTIFICATION OF THE TENDERER: LEGAL CAPACITY AND STATUS**

The tender must include a cover letter (letter of submission of tender - Annex 2) 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 point of contact (leader) in relation to this procedure.

In case of joint tender, the cover letter must be signed either by an authorised representative for each member, or by the leader authorised by the other members with powers of attorney (Annex 4). 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 (Annex 5) signed by an authorised representative stating their willingness to provide the services presented in the tender and in line with the present tender specifications.

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 with its 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).

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<sup>14</sup>. This information is used for statistical purposes only.

## **4. EVALUATION AND AWARD**

### **4.1. 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 minimum requirements set out in these tender specifications

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<sup>14</sup> OJ L 124/36, 20.5.2003

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- ✓ Evaluation of tenders on the basis of the award criteria

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

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

#### **4.2. VERIFICATION OF NON-EXCLUSION**

All tenderers must provide a declaration on honour (Annex 3), 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 share of the contract is above 20 % or 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 of honour.

The successful tenderer must provide the documents mentioned as supporting evidence in the declaration on honour before signature of the contract and within a deadline given by the contracting authority. This requirement applies to each member of the group in case of joint tender and to subcontractors whose share of the contract is above 20% or 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.

#### **4.3. 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.

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

#### **4.3.1. 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 3), 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 4.2) 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 declarations on honour (Annex 3) and the information included in the tables in Annex 2.1. and Annex 2.2. fully completed, and the evidence where requested.** Nevertheless, it **reserves the right to require (additional) evidence** of the legal and regulatory, financial and economic and technical and professional capacity of the tenderers **at any time during the procurement procedure and contract performance.** In such case the tenderer must provide the requested evidence without delay. The Contracting Authority may reject the tender if the requested evidence is not provided in due time.

After contract award, the successful tenderer will be required to provide the necessary evidence 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.

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.

#### **4.3.2. 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) 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 or 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.

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- 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.

#### **4.3.3. Economic and financial capacity criteria**

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

Its average annual turnover for the last two years for which the accounts have been closed<sup>15</sup> shall amount to at least one and a half times the volume of the market as specified in point II.1.5 of the contract notice; 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.

To this effect **tenderers are requested to submit a Statement of Turnover in accordance with Annex 2.1** of these tender specifications completed with the information requested.

**The following evidence (only in electronic version or link to website) will also be provided with the tender:**

- ✓ Copy of the Profit and Loss accounts for the last two years for which the accounts have been closed from each concerned legal entity;  
Failing that,
- ✓ Appropriate statements from banks;  
or
- ✓ 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, 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 Contracting Authority reserves the right to request any other document enabling it to verify the tenderer's economic and financial capacity.

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

**Tenders must provide in their tender the table in Annex 2.2** of these tender specifications, exhaustively completed with all the necessary information.

**The evidence mentioned below must be provided only on request, except for evidence B1, B2, B3 (CVs), which should be part of the submitted offer.**

##### A. Criteria relating to tenderers:

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

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<sup>15</sup> In the case of joint tender or identified sub-contractors, the turnover must be provided for the same two years for all the partners/subcontractors.

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

Criteria	Evidence
<p><i>Criterion A1: The tenderer must prove experience in the fields of:</i></p> <ul style="list-style-type: none"> <li>○ <i>Applied fisheries research,</i></li> <li>○ <i>Fisheries data collection and processing,</i></li> <li>○ <i>Modelling and analysis for fisheries scientific advice,</i></li> <li>○ <i>Management strategy evaluation,</i></li> <li>○ <i>Mixed fisheries evaluation,</i></li> <li>○ <i>Project management,</i></li> <li>○ <i>Fisheries management and in particular in stock assessment and by-catch and/or discards,</i></li> <li>○ <i>Stakeholder engagement.</i></li> </ul>	<p>Evidence A1: the tenderer must provide references for one project covering each of these fields and delivered since 2010, with a minimum value for each project being € 50,000 (i.e. one project may cover one or more fields, and the tenderer must prove experiences in all the mentioned fields).</p>
<p><i>Criterion A2: The tenderer must prove capacity to draft reports in English.</i></p>	<p>Evidence A2: the tenderer must provide one document of at least 10 pages (report, study, etc.) in this language drafted and published by the tenderer or delivered to a client in the last two years. The verification will be carried out on 5 pages of the document.</p>

Any tenderer with a professional conflict of interest will be rejected on the basis not fulfilling selection criteria for professional capacity.

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**B. Criteria relating to the team delivering the service:**

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

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

Criteria	Evidence
<p><i>B1 - Project Manager: At least one member of the team must have at least 5 years' experience in project management, including overseeing project delivery, quality control of delivered service, client orientation and conflict resolution experience in projects of at least EUR 500 000, and having managed a team of at least 10 people.</i></p>	<p>Evidence B1 - CV</p>
<p><i>B2 - Experts in fisheries science: At least two members of the team must <u>each</u> have at least 5 years of professional experience in the following areas: fisheries databases, fishing fleet dynamics, fisheries modelling, management strategy evaluation, mixed fisheries evaluation, fisheries economics and fish stock assessment (combined experience in the mentioned fields will be accepted).</i></p>	<p>Evidence B2 - CV</p>
<p><i>B3 - Experts in the provision of advice to policy makers: At least two members of the team must have proven expertise with at least 5 years in advising policy makers on management strategies and options for management measures relating to the Common Fisheries Policy, for decision-makers and stakeholder audiences.</i></p>	<p>Evidence B3 – CV</p>

**4.4. AWARD CRITERIA**

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

Tenders that receive less than 60% of the maximum possible mark for the whole quality evaluation or less than 50% for one of the quality criteria will be eliminated and their final score will not be calculated. Tenders that do not reach the minimum quality levels will be rejected and will not be ranked.

No	Award Criteria	Points	Minimum passing threshold
1.	<p><b>Quality of the proposed methods</b></p> <p><i>This criterion will assess the quality of the offer regarding the proposed methods to reach the aims of the study described under section 1.3, through the tasks and methods described under sections 1.4.2 and 1.6, respectively. The assessment will focus in particular on the description of the intended methods and on the description of the services proposed for the performance of the contract as listed below:</i></p> <p><b>Sub-criterion 1.1. Detailed definition of the envisaged process and of each step necessary to deliver the expected results</b></p> <p><i>This sub-criterion will assess the methods to be used and the statistical analyses to carry out the tasks.</i></p> <p><b>Sub-criterion 1.2. Data and their sources</b></p> <p><i>This sub-criterion will assess the sources, the number of sources and type of data that will be used, the collation or compilation and how these steps will be achieved.</i></p> <p><b>Sub-criterion 1.3. Stakeholder consultation</b></p> <p><i>This sub-criterion will assess the quality of the method regarding the stakeholder consultation.</i></p>	<p><b>60 points</b></p> <p>30 points</p> <p>10 points</p> <p>20 points</p>	<p><b>30 points</b></p> <p>15 points</p> <p>5 points</p> <p>10 points</p>
2	<p><b>Organisation of the work and resources</b></p> <p><i>This criterion will assess how the roles and responsibilities of the proposed team and of the different economic operators (in case of joint tenders, including subcontractors, if applicable) are distributed for each task. It will also assess the global allocation of time and resources to the project and to each task or deliverable, whether this allocation is adequate for the assignment, and how the allocation of time and human resources is explained (a Gantt Chart showing the progress of</i></p>	<p><b>30 points</b></p>	<p><b>15 points</b></p>

	<i>each task and a timetable of deliverables should be included).</i>		
<b>3</b>	<p><b>Quality control measures</b></p> <p><i>This criterion will assess the quality control system applied to the services requested in these tender specifications with respect to the quality of the deliverables and the language quality check.</i></p> <p><i>(The quality system should be detailed in the tender and specific to the tasks at hand; a generic quality system will result in a low score.)</i></p>	<b>10 points</b>	<b>5 points</b>

#### 4.5. RANKING OF TENDERS

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

score for tender X	=	$\frac{\text{cheapest price}}{\text{price of tender X}}$	*	100	*	price weighting (30%)	+	total quality score (out of 100) for all award criteria of tender X	*	quality criteria weighting (70%)
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The tender ranked first after applying the formula will be awarded the contract.

#### 4.6. INFORMATION TO TENDERERS ON THE FINAL EVALUATION

EASME will inform tenderers of decisions reached concerning the award of the contract, including the grounds for any decision not to award a contract or to recommence the procedure.

EASME will inform all rejected tenderers of the reasons for their rejection and all tenderers submitting an admissible tender of the characteristics and relative advantages of the selected tender and the name of the successful tenderer.

However, certain information may be withheld where its release would impede law enforcement or otherwise be contrary to the public interest, or would prejudice the legitimate commercial interests of economic operators, public or private, or might prejudice fair competition between them.

### 5. ANNEXES

The following documents are annexed to these specifications and form an integral part of them:

Annex 1: Draft contract (for information)

Annex 2: Letter of submission of tender (to be filled in and signed by the tenderer)

➤ Annex 2.1. – Statement of turnover

➤ Annex 2.2. – Technical capacity

Annex 3: Declaration on honour (exclusion and selection criteria)

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Annex 4: Power of attorney

Annex 5: Letter of intent for sub-contractors

Annex 6: Technical tender form

Annex 7: Financial offer (price and breakdown of costs)

Annex 8: Checklist for Submission