

CALL FOR TENDERS

ENER/C3/2017-420-423

**"Technical assistance services to assess the energy savings potentials at
national and European level"**

TENDER SPECIFICATIONS

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1. INFORMATION ON TENDERING

1.1 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. Where the multilateral Agreement on Government Procurement¹ concluded within the World Trade Organisation applies, the participation to this procedure is also open to all natural and legal persons established in the countries that have ratified this Agreement, on the conditions it lays down.

1.2 Contractual conditions

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

1.3 Compliance with applicable law

The tender must comply with applicable environmental, social and labour law obligations established by Union law, national legislation, collective agreements or the international environmental, social and labour conventions listed in Annex X to Directive 2014/24/EU².

1.4 Joint tenders

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

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

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

¹ See http://www.wto.org/english/tratop_e/gproc_e/gp_gpa_e.htm

² 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).

1.5 Subcontracting

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

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

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.

1.6 Structure and content of the tender

The tenders must be presented as follows:

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

Part B: Non-exclusion (see section 4.1)

Part C: Selection (see section 4.2)

Part D: Technical offer

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 requirements may be rejected on the basis of non-compliance with the tender specifications and will not be evaluated.

Part E: Financial offer

The maximum contract price is EUR 360,000.00. Tenders with prices higher than the maximum will be considered unacceptable.

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 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.

Part F: Power of attorney (for consortia only)

1.7 Identification of the tenderer

The tender must include a **cover letter** signed by an authorised representative presenting the name of the tenderer (including all entities in case of joint tender) and identified subcontractors if applicable, and the name of the single contact point (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. The signed powers of attorney must be included in the tender as well. Subcontractors that are identified in the tender must provide a letter of intent signed by an authorised representative stating their willingness to provide the 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

The tenderer (including each member of the group in case of joint tender) must provide the following information in its tender if it has not been provided with the Legal Entity Form:

- For legal persons, a legible copy of the notice of appointment of the persons authorised to represent the tenderer in dealings with third parties and in legal proceedings, or a copy of the publication of such appointment if the legislation applicable to the legal person requires such publication. Any delegation of this authorisation to another representative not indicated in the official appointment must be evidenced.

- For natural persons, if required under applicable law, proof of registration in a professional or trade register or any other official document showing the registration number.

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

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

2. TECHNICAL SPECIFICATIONS

2.1 Introduction and objectives of the tender

2.1.1 Introduction and background

Energy efficiency is one of the priorities of Europe's 2020 Strategy for smart, sustainable and inclusive growth³ and its Energy strategy⁴ and Roadmap⁵, and it is one of the key pillars of the

³ COM(2010) 2020

⁴ COM/2010/0639

2030 EU Climate and Energy framework⁶ because of its important contribution towards improved economic competitiveness, lower emissions and reduced energy dependency and its employment possibilities and social impacts.

Successive studies have shown that energy efficiency offers many of the most cost-effective options for meeting global greenhouse gas emission reduction targets. In order to plan the most cost-effective measures and instruments to achieve the 2030 climate and energy goals it is important that at national and EU-level the existing potentials for reducing primary and final energy consumption are properly assessed and taken into account by national authorities. In addition energy-efficiency has been recognized to be associated to several economic and non-economic benefits such as economic and employment growth, the reduction of fuel imports, the reduction of air pollution and consequential health benefits, as well as positive impacts on public budgets and industrial competitiveness.

On 30 November 2016 (as part of the Energy Union Package "Clean energy for all Europeans") the Commission proposed a binding EU energy efficiency target for 2030 and the focused amendments⁷ to the Energy Efficiency Directive (EED) and to the Energy Performance of Buildings Directive (EPBD) to align the energy efficiency framework with the 2030 perspective and allow the EU to reach the proposed 30% energy efficiency target for 2030. The package also included a proposal for a Regulation on an integrated Governance framework to facilitate the achievement of the 2030 climate and energy targets thanks to the simplification and streamlining of the existing reporting and planning obligations⁸. This draft Regulation sets out principles according to which Member States will develop integrated national energy and climate plans. It sets out the main elements to consider in these plans, its analytical basis, the timetable and main steps of the gradual process including draft plans and the finalisation of national plans, and the main roles and tasks of both Member States and the Commission in view of the establishment of the integrated national energy and climate plans. Such national plans should cover the period from 2021-2030, including a perspective until 2050 to ensure consistency with long-term policy objectives at the EU and national level. A detailed template for the integrated plans is also provided to Member States.

The EU has made considerable progress over the last years. In 2014, its primary energy consumption was only 1.6% above its 2020 primary energy consumption target. Final energy consumption was even 2.2% below the 2020 target. However, primary energy consumption increased by around 1.5% and final energy consumption by around 2% in 2015 compared to 2014 levels⁶. This mainly due to the fact that 2014 was an exceptionally warm year. A decomposition analysis carried out for the EU-28 shows that the decrease in primary energy consumption from 2005 to 2014 was primarily due to an improvement in energy intensity. The downturn in the economy, changes in the fuel mix and structural changes played a comparatively minor role. The decrease in energy intensity is also an indicator of the fact that energy efficiency policies have been able to exploit some of the existing potentials.

EE potential studies have been conducted for decades to help identify opportunities for the installation of cost-effective energy-efficiency programmes and measures. Different methodologies can be used for such an assessment and the estimates depend on the approach

⁵ COM/2011/0885

⁶ COM(2014) 15 final

⁷ The amendments targeted only a set of Articles: 1-3, 7 and 9-11 and Annexes IV, V, VII.

⁸ COM(2016)759 final

taken, on the time perspective and on the availability of data for each of the main economic sectors consuming energy: residential, services, industry and transport.

Results from such studies are used to identify energy-savings opportunities, assist with energy-efficiency programme design, and make the policy case for energy efficiency. Existing studies have already pointed to the presence of an untapped potential in some sectors (e.g. industry) or in relation to cross-cutting issues (e.g. demand-response), and identified the measures could be implemented to unlock them, but they have addressed only to a limited extent the existing national specificities of EU countries.

2.1.2 Objective and purpose of the service contract

The main purpose of this study is to analyse and quantitatively assess in depth the remaining cost-effective energy-saving potential, and energy saving options across sectors, for the EU as a whole and at MSs level, and to identify how to best address them in consideration of the EU energy and climate policy targets for 2030, with elements up to 2040 and 2050.

The general objective is therefore that of providing technical information to national policy makers and to the European Commission, to better orient the decision-making in identifying the energy-efficiency measures which could achieve the highest savings cost-effectively and are most adapted to the national circumstances. The contractor should also identify areas for which further assessments will be necessary.

The assessment should take into account the existing policies and programmes in place and planned for 2020 and 2030. National Energy Efficiency Action Plans and Long-Term Building strategies as well as the existing (draft) Integrated Plans for 2030, to the extent they're available, are therefore essential elements for such an assessment.

2.2 Description of services

The following section describes the requirements concerning the scope of this work, which involves providing the Commission with:

- **TASK 1:** Elaborate a methodology to assess the technical and economic potential for energy savings at national MSs level and EU-wide, within a 2030 time perspective (with elements up to 2050);
- **TASK 2:** Quantitatively assess the energy savings potentials across sectors at national (EU28) and EU level (with elements up to 2050);
- **TASK 3:** Provide recommendations for policies and measures to implement at national and EU-level to address and exploit the untapped energy savings potential, in consideration of the existing programmes and policies already in place or planned for 2020 and 2030 and of the 2030 energy efficiency targets.

TASK 1: Elaborate a methodology to assess the technical and economic potential for energy savings at national MSs level and EU-wide, within a 2030 time perspective (with elements up to 2050).

The chosen methodology should take into account and assess both the technical saving potential and the economic ones to be addressed with specific policy interventions (ref. Task 3), on a given time perspective. The first type of energy savings potentials may only be an indication of the

long-term technical potentials and could rather refer to theoretical potentials. More realistic technical potentials need to take into account the dynamic aspects in the uptake of technologies as well as the time horizon during which a technology may reasonably be available. They should also take into account the economic and financial aspects involved under the assumptions that specific policies and programmes (and related incentives) might be developed to address them and the market failures that prevent energy efficiency interventions to take place. The contractor should identify the best methodology for both (technical and economic/policy potentials), and clearly select criteria to define both. The methodology should focus on the energy savings potential across all the end-use sectors where energy is consumed; and take into account as well the efficiency gains which could be achieved in the generation and supply of energy.

The contractor should take into account the existing assessments, also at sectoral/sub-sectoral or product group, at EU or at national levels. Different methodologies may be appropriate for different sectors and sub-sectors, and they could be combined into an overall assessment.

To mention some, for the most energy-intensive industrial sectors⁹, studies have been carried out and a detailed bottom-up modelling assessment of the energy consumption trends and energy saving potential through 2050 of the eight industrial sectors was completed in 2016. As for the industrial (and to some extent also residential) heating and cooling technologies stocks, studies have assessed the existing thermal efficiency and the potential savings deriving from a substitution with more efficient technologies¹⁰. Other existing assessments have examined the energy savings potential linked to specific sectors (e.g. agriculture, transport), behavioural changes or to specific activities (e.g. waste water treatment). Studies about the energy savings potential in the transport sector should include, if available, the potential energy saving gains through policies triggering a modal shift, implying the shift from individual to public transport, as well as the electrification of transport.

The Commission services will make available to the contractor the relevant studies already conducted for the Commission and which fall under the scope of this study. The contractor should proactively look for national and sector-specific analysis already carried out, and take stock of them. Other recognised sources of information such as reports published by the government or non-governmental organisations (academia etc.) in Member States national language on the topic, shall also be taken into account by the contractor if they become available during the performance of this study.

The chosen methodology should be presented and the pros and cons, limits uncertainties and risks should be clearly discussed and outlined.

TASK 2: Quantitatively assess the energy savings potentials across sectors at national (EU28) and EU level.

The contractor should provide a quantitative assessment of the energy saving potentials by 2030 and an outline by 2040 and 2050 for each EU Member State and also EU wide, considering both the technical and economic/policy potentials. The assessment should be done by applying the methodology elaborated in Task 1.

⁹https://ec.europa.eu/energy/sites/ener/files/documents/151201%20DG%20ENER%20Industrial%20EE%20study%20-%20final%20report_clean_stc.pdf

¹⁰ <https://ec.europa.eu/energy/sites/ener/files/documents/Report%20WP1.pdf>

The task should start by providing a representation of the energy consumption (primary and final) based on most recent available statistical information and data. The assessment should clearly identify energy saving potentials (in Mtoe) per country and for each of the most important sector and subsectors. The assessment should refer to the different energy end-uses per sectors or to specific product groups. As for the policies by 2020, the contractor shall assess which potentials are covered in the NEEAPs (2014 and 2017) and their analysis, and also reports from the analysis of the measures in place to fulfil the requirement of Art. 7 of the EED¹¹. The results should be presented in the form of country profiles for each MSs as well as sectoral profiles across the EU.

All the technical assumptions, data sensitivities, also with reference to the future economic drivers (GDP, population, etc.) which are necessary to estimate future energy consumption trends should be based on the most updated and robust evidence and literature, and should be clearly presented.

Since for this task it is essential to assess documents and reports which are available in national languages, and more generally to facilitate the access to national specific information and studies, it is necessary that the contractor demonstrate the ability to work in several languages and to benefit from a network of national and sectoral experts.

TASK 3: Provide recommendations for policies and measures to implement at national and EU-level to address and exploit the untapped energy savings potential, in consideration of the existing programmes and policies already in place or planned by 2020 and 2030 and of the 2030 energy efficiency targets.

The outcomes of Task 2 should identify the sectors and areas for which, in each country, the highest potential for national (as well as regional and local) abatement of energy consumption exist.

Such evidence has to be put in relation to the existing programmes addressing energy efficiency and to the policies and measures already planned by 2020 and 2030. The recommendations should point to specific policies and measures aimed at exploiting the national potential for further improvements of the energy intensity in various sectors and to achieve the national and EU EE 2030 target.

The recommendations should take into account the ongoing process of elaboration by the national authorities and review by the Commission of the national integrated energy and climate plans and could be used as an input to it. The contractor should therefore demonstrate the ability to work in all EU languages. To this end, the Governance regulation proposal calls for submission of draft national plans to the Commission by January 2018. Following the submission of the draft plans, the Commission shall assess the plans and may issue recommendations. Accordingly, by January 2019, final plans are expected to be submitted to the Commission. Those final plans will have to take account to the views expressed by the Commission.

¹¹ JRC is performing an analysis of the 2017 NEEAPs.

The recommendation should contribute to inform the views of the Commission regarding the measures put forward by member States to utilise their remaining energy efficiency potential.

2.3 Reports and documents to produce – timetable to observe

Execution of the tasks begins on the date on which the Contract enters into force having been signed by the last Party (the Contractor).

In principle, the deadlines set out below cannot be extended. The Contractor is deemed solely responsible for delays occasioned by subcontractors or other third parties (except for rare cases of force majeure). Adequate resources and appropriate organisation of the work including management of potential delays should be put in place in order to observe the timetable below.

2.3.1 Meetings

A kick-off meeting will take place in Brussels, at the latest 10 working days following the entry into force of the contract, in order to settle all the details of the tasks, reports, etc., to be undertaken.

The Commission or the Contractor can initiate up to 2 intermediate meetings that will take place in Brussels between the kick-off meeting and the final meeting.

A final meeting will take place in Brussels, at the latest 2 weeks after delivery of the draft final report in order to discuss the Commission's observations on the draft final report.

2.3.2 Reports

The Contractor will draft the minutes of all meetings performed within this contract. Draft minutes shall be sent to the Commission at the latest 5 days after the meeting.

The Contractor will submit the inception report at the latest 1 month following the kick-off meeting. This deliverable of 10-15 pages shall present the detailed methodology regarding the tasks that will be carried out, the data collection strategy including a first list of information to be collected, a draft planning of the data collection.

The Contractor will submit a draft interim report containing the overview of Task 1 an outline for Task 2 at the latest 3 months following the kick-off meeting.

The invoice for the first interim payment of 40% shall be admissible if accompanied by the final version of the interim report at the latest 4 months following the kick-off meeting. The payment will be made in accordance with Article 1.4.2 of the draft contract, given that the interim report has been approved by the Commission.

The Contractor will submit a draft final report and accompanying documents to the Commission at the latest 10 months after the signature of the contract.

The draft final report shall contain:

- A 20-30 pages presenting an overview of the results at EU level. This report shall include a 2-3 pages executive summary;
- A full set of country report for all the 28 MSs, including country recommendations.

A final meeting will take place in Brussels, at the latest 2 weeks after delivery of the draft final report in order to discuss the Commission's observations on the document.

The Contractor will update the draft final report taking into account the Commission's observations and submit the final report and accompanying documents at the latest 12 months after the signature of the contract.

The final report shall also contain:

- A 10-15 slides presentation with detailed comments/notes, to further communicate this report and its results.

The invoice for the balance shall be admissible if accompanied by the final version of the final report. The payment will be made in accordance with Article 1.4.2.3 of the contract, given that the final report has been approved by the Commission.

2.4 Indicative timing

Kick off meeting	10 working days after entry into force at the latest
Inception report indicating the methodology	1 month after kick-off meeting at the latest
Draft interim report containing the overview of Task 1 and an outline of Task 2	3 months after kick-off meeting at the latest
Interim report Interim payment of 40%	4 months after kick-off meeting at the latest (*)
Draft final report containing complete analysis and recommendations	10 months after entry into force of the contract at the latest
Final meeting	2 weeks after submission of draft final report and accompanying deliverables at the latest
Final report and invoice for the balance. Balance payment	12 months after entry into force of the contract at the latest (*)

(*)The contracting authority must approve any submitted document or deliverable and pay within 60 days from receipt of the invoice

2.5 Deliverables format and publication

3 copies of the reports shall be supplied in paper form and one copy in electronic form in MS Office format (Word, Excel and PowerPoint).

The Commission may publish the results presented in the report. For this purpose, the tenderer must ensure that the report is not subject to any restrictions deriving from intellectual property rights of third parties. Should the Contractor intend to use data in the report, which cannot be published, this must be explicitly mentioned in the offer.

Reports and annexes have to be drafted in English in a properly literate manner and must be fully comprehensive in terms of grammatical structure (complete sentences, punctuation, explanation of abbreviations the first time they are used, etc.) using clear language.

2.6 Duration of the tasks

The duration of the tasks shall not exceed 14 months. This period is calculated in calendar days.

2.7 Organisation of Work

2.7.1 Place of performance

The tasks will be performed on the Contractor's premises. However, meetings between the Contractor and the Commission may be held on Commission premises in Brussels.

2.7.2 Availability of information

As mentioned above, the Contractor will be responsible for the data collection, including any bottom-up data collection at Member States, regional or local levels.

2.7.3 Language

The Communication language between the Commission and the Contractor shall be in English.

3. CONTENT, STRUCTURE AND GRAPHIC REQUIREMENTS OF THE DELIVERABLES

The contractor must deliver the study and other deliverables as indicated below.

3.1. Content

3.1.1. Final report

The final 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 [report/study/article/publication...] are those of the author(s) and do not necessarily reflect the official opinion of the Commission. The Commission does not guarantee the accuracy of the data included in this study. Neither the Commission nor any person acting on the Commission’s behalf may be held responsible for the use which may be made of the information contained therein.”

3.1.2. 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 [report/study/article/publication...] are those of the author(s) and do not necessarily reflect the official opinion of the Commission. The Commission does not guarantee the accuracy of the data included in this study. Neither the Commission nor any person acting on the Commission’s behalf may be held responsible for the use which may be made of the information contained therein.”

3.1.3. Requirements for publication on Internet

The Commission 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. The Commission 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.

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/>.

3.2. 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

A simple Word template will be provided to the contractor after contract signature. The contractor must fill in the cover page in accordance with the instructions provided in the template. The use of templates for studies is exclusive to European Commission's contractors. No template will be provided to tenderers while preparing their tenders.

4. 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 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.

4.1. Verification of non-exclusion

All tenderers must provide a declaration on honour (see Annex 2), 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% and those 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, to subcontractors whose share of the contract is above 20% and to subcontractors whose capacity is necessary to fulfil the selection criteria.

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

A tenderer (or a member of the group in case of joint tender, or a subcontractor) is not required to submit the documentary evidence if it has already been submitted for another procurement procedure and provided the documents were issued not more than one year before the date of their request by the contracting authority and are still valid at that date. In such cases, the tenderer must declare on its honour that the documentary evidence has already been provided in a previous

procurement procedure, indicate the reference of the procedure and confirm that that there has been no change in its situation.

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

4.2. 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.

4.2.1. 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 2), 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 4.1) so only one declaration covering both aspects should be provided by each concerned entity.

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

4.2.2. 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.

4.2.3. 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 their capacity, the tenderer must comply with the following selection criteria.

- **Criterion F1:** Annual turnover of the last two financial years above EUR 300,000.00; 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.

Evidence to be provided upon request:

- Copy of the profit and loss accounts for the last two years for which accounts have been closed from each concerned legal entity;
- Failing that, appropriate statements from banks;

If, 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.

4.2.4. Technical and professional capacity criteria and evidence

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. The project references indicated below consist in a list of relevant services provided in the past three years, with the sums, dates and clients, public or private. For the services listed the contracting authority reserves the right to require statements issued by the clients.

- **Criterion A1: The tenderer must prove knowledge and insight into energy efficiency measures** across the whole energy chain (energy supply to all final energy use sectors), and in particular:
 - o in corporate sector (industry, services),
 - o In assessing energy efficiency savings across sectors also through modelling;
 - o In national policies and programs to promote energy efficiency
- **Evidence A1:** The tenderer must provide references for at least 2 projects delivered in these fields in the last three years with a minimum value for each project of € 100,000.00.
- **Criterion A2:** The tenderer must prove experience in collecting and analysing data and producing statistics regarding energy efficiency.

- **Evidence A2:** The tenderer must provide reference for at least 3 projects completed in the last five years, the combination of which must show the necessary coverage.
- **Criterion A3:** The tenderer must be able to collect and analyse data and technical reports at international level in all 28 European Union Member States.
- **Evidence A3:** The tenderer must provide references for at least 3 projects delivered in the last five years. The combination of projects must cover at least 12 Member States. In addition, the tenderer must prove that it has contacts in the remaining EU Member States not covered by its project experience in order to ensure the required geographical coverage; for this purpose, the tenderer must provide letters of intent from the contact points.
- **Criterion A4:** The tenderer must prove the ability to work in English (fluent level) and prove experience and capacity to draft and deliver reports in English.
- **Evidence A4:** The tenderer must provide one document of at least 10 pages (report, study, etc.) in this language that it has drafted and published or delivered to a client in the last two years.

One same project can be submitted as evidence for several criteria if it covers the different fields of expertise required under different criteria.

b. Criteria relating to the team delivering the service:

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

One Project Manager: with at least 8 years of overall experience in project management, including overseeing project delivery, quality control of delivered service, client orientation and conflict resolution experience in a project of a similar size (at least EUR 200,000.00) and coverage (EU-wide), with experience in managing a team of at least 5 people and expertise in energy efficiency measures across the whole energy chain.

A team of minimum 2 experts covering together expertise in the field of energy efficiency measures, all team members shall have the relevant higher education degree relevant to this tender (eg: Master of Science in the field of engineering, physics, economics, management, social sciences, design, etc.) or equivalent professional experience of at least 5 years.

At least 1 team member shall have a fluent level of English (as guaranteed by a certificate or past relevant experience).

A network of national sectoral experts covering all EU member states.

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. The identified national experts should provide a letter of intent.

4.3. 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.

- **Quality of the proposed methodology** (60 points - – minimum score 60%)

Fulfilment of the needs, the objective and the scope of the tender specifications. This criteria will assess the clarity, understanding, completeness and full coverage of the tasks described in the tender specifications, the quality and appropriateness of the proposed detailed approach for data collection for each EU Member State as well as the quality and appropriateness of the proposed approach for methodology and for validating, analysing and presenting information.

- **Organisation of the work and resources** (30 points – minimum score 60%)

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 also assesses the global allocation of time and resources to the project and to each task or deliverable, and whether this allocation is adequate for the work. The tender should provide details on the allocation of time and human resources and the rationale behind the choice of this allocation. Details should be provided as part of the technical offer. It is not a budget requested as part of the financial offer.

- **Quality control measures** (10 points – minimum score 60%)

This criterion will assess the quality control system applied to the service foreseen in this tender specification concerning the quality of the deliverables and data, the language quality check, and continuity of the service in case of absence of the member of the team. 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.

Tenders must score minimum 60% for each criterion, and minimum 70 % in total. Tenders that do not reach the minimum quality levels will be rejected and will not be ranked.

4.4. 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	*	30%	+	total quality score (out of 100) for all award criteria of tender X	*	70 %
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The tender ranked first after applying the formula will be awarded the contract.

5. ANNEXES

1. Tenderer 's Identification Form
2. Declaration of honour on exclusion criteria and selection criteria
3. Power of attorney (mandate in case of joint tender)
4. Draft Contract

ANNEX 1

IDENTIFICATION OF THE TENDERER

(Each service provider, including any member of a consortium or grouping and subcontractor(s) whose share of the work is more than 20% of the contract must complete and sign this identification form)

Call for tenders ENER/C3/2017-420-423

Identity	
Name of the tenderer	
Legal status of the tenderer	
Date of registration	
Country of registration	
Registration number	
VAT number	
Description of statutory social security cover (at the level of the Member State of origin) and non-statutory cover (supplementary professional indemnity insurance) ¹²	
Address	
Address of registered office of tenderer	
Where appropriate, administrative address of tenderer for the purposes of this invitation to tender	
Contact Person	
Surname:	
First name:	
Title (e.g. Dr, Mr, Ms) :	
Position (e.g. manager):	
Telephone number:	
Fax number:	

¹² For natural persons.

E-mail address:	
Legal Representatives	
Names and function of legal representatives and of other representatives of the tenderer who are authorised to sign contracts with third parties	
Declaration by an authorised representative of the organisation¹³ I, the undersigned, certify that the information given in this tender is correct and that the tender is valid.	
Surname: First name:	Signature:

¹³ This person must be included in the list of legal representatives; otherwise the signature on the tender will be invalidated.

ANNEX 2

exclusion criteria and selection criteria

Call for tenders ENER/C3/2017-420-423

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

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

➤ declares whether the above-mentioned person is in one of the following situations or not:		
SITUATION OF EXCLUSION CONCERNING THE PERSON	YES	NO
a) it is bankrupt, subject to insolvency or winding up procedures, its assets are being administered by a liquidator or by a court, it is in an arrangement with creditors, its business activities are suspended or it is in any analogous situation arising from a similar procedure provided for under national legislation or regulations;	<input type="checkbox"/>	<input type="checkbox"/>
b) it has been established by a final judgement or a final administrative decision that the person is in breach of its obligations relating to the payment of taxes or social security contributions in accordance with the law of the country in which it is established, with those of the country in which the contracting authority is located or those of the country of the performance of the contract;	<input type="checkbox"/>	<input type="checkbox"/>
c) it has been established by a final judgement or a final administrative decision that the person is guilty of grave professional misconduct by having violated applicable laws or regulations or ethical standards of the profession to which the person belongs, or by having engaged in any wrongful conduct which has an impact on its professional credibility where such conduct denotes wrongful intent or gross negligence, including, in particular, any of the following:		
(i) fraudulently or negligently misrepresenting information required for the verification of the absence of grounds for exclusion or the fulfilment of selection criteria or in the performance of a contract;	<input type="checkbox"/>	<input type="checkbox"/>
(ii) entering into agreement with other persons with the aim of distorting competition;	<input type="checkbox"/>	<input type="checkbox"/>
(iii) violating intellectual property rights;	<input type="checkbox"/>	<input type="checkbox"/>
(iv) attempting to influence the decision-making process of the contracting authority during the award procedure;	<input type="checkbox"/>	<input type="checkbox"/>
(v) attempting to obtain confidential information that may confer upon it undue advantages in the award procedure;	<input type="checkbox"/>	<input type="checkbox"/>
d) it has been established by a final judgement that the person is guilty of any of the following:		

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

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[Only for legal persons other than Member States and local authorities, otherwise delete this table]

- declares whether a natural person who is a member of the administrative, management or supervisory body of the above-mentioned legal person, or who has powers of representation, decision or control with regard to the above-mentioned legal person (this covers the company directors, members of the management or supervisory bodies, and cases where one natural person holds a majority of shares) is in one of the following situations or not:

SITUATIONS OF EXCLUSION CONCERNING NATURAL PERSONS WITH POWER OF REPRESENTATION, DECISION-MAKING OR CONTROL OVER THE LEGAL PERSON	YES	NO
Situation (c) above (grave professional misconduct)	<input type="checkbox"/>	<input type="checkbox"/>
Situation (d) above (fraud, corruption or other criminal offence)	<input type="checkbox"/>	<input type="checkbox"/>
Situation (e) above (significant deficiencies in performance of a contract)	<input type="checkbox"/>	<input type="checkbox"/>
Situation (f) above (irregularity)	<input type="checkbox"/>	<input type="checkbox"/>

- declares whether a natural or legal person that assumes unlimited liability for the debts of the above-mentioned legal person is in one of the following situations or not:

SITUATIONS OF EXCLUSION CONCERNING NATURAL OR LEGAL PERSONS ASSUMING UNLIMITED LIABILITY FOR THE DEBTS OF THE LEGAL PERSON	YES	NO	N/A
Situation (a) above (bankruptcy)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Situation (b) above (breach in payment of taxes or social security contributions)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

- declares whether the above-mentioned person is in one of the following situations or not:

GROUNDS FOR REJECTION FROM THIS PROCEDURE	YES	NO
h) has not distorted competition by being previously involved in the preparation of procurement documents for this procurement procedure;	<input type="checkbox"/>	<input type="checkbox"/>
i) has provided accurate, sincere and complete information to the contracting authority within the context of this procurement procedure;	<input type="checkbox"/>	<input type="checkbox"/>
➤ acknowledges that the above-mentioned person may be subject to rejection from this procedure and to administrative sanctions (exclusion or financial penalty) if any of the declarations or information provided as a condition for participating in this procedure prove to be false.		

REMEDIAL MEASURES

If the person declares one of the situations of exclusion listed above, it should indicate the measures it has taken to remedy the exclusion situation, thus demonstrating its reliability. They may include e.g. technical, organisational and personnel measures to prevent further occurrence,

compensation of damage or payment of fines. The relevant documentary evidence which appropriately illustrates the remedial measures taken should be provided in annex to this declaration. This does not apply for the situations referred in point (d) of this declaration.

EVIDENCE UPON REQUEST

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

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

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

If the person already submitted such evidence for the purpose of another procedure, its issuing date does not exceed one year and it is still valid, the person shall declare on its honour that the documentary evidence has already been provided and confirm that no changes have occurred in its situation.

➤ declares whether the above-mentioned person complies with the selection criteria as provided in the tender specifications:		
SELECTION CRITERIA	YES	NO
(a) It has the legal and regulatory capacity to pursue the professional activity needed for performing the contract as required in section [<i>insert</i>] of the tender specifications;	<input type="checkbox"/>	<input type="checkbox"/>
(b) It fulfills the applicable economic and financial criteria indicated in section [<i>insert</i>] of the tender specifications;	<input type="checkbox"/>	<input type="checkbox"/>
(c) It fulfills the applicable technical and professional criteria indicated in section [<i>insert</i>] of the tender specifications.	<input type="checkbox"/>	<input type="checkbox"/>
➤ declares that the above-mentioned person will be able to provide the necessary supporting documents listed in the relevant sections of the tender specifications and which are not available electronically upon request and without delay.		

Full name

Date

Signature

ANNEX 3
POWER OF ATTORNEY

mandating one of the partners in a joint tender as lead partner and lead contractor¹⁴

The undersigned:

– Signatory (Name, Function, Company, Registered address, VAT Number)

having the legal capacity required to act on behalf of his/her company,

HEREBY AGREES TO THE FOLLOWING:

- 1) To submit a tender as a partner in the group of partners constituted by Company 1, Company 2, Company N, and led by Company X, in accordance with the conditions specified in the tender specifications and the terms specified in the tender to which this power of attorney is attached.
- 2) If the European Commission awards the Contract to the group of partners constituted by Company 1, Company 2, Company N, and led by Company X on the basis of the joint tender to which this power of attorney is attached, all the partners shall be co-signatories of the Contract in accordance with the following conditions:
 - (a) All partners shall be jointly and severally liable towards the European Commission for the performance of the Contract.
 - (b) All partners shall comply with the terms and conditions of the Contract and ensure the proper delivery of their respective share of the services and/or supplies subject to the Contract.
- 1) Payments by the European Commission related to the services and/or supplies subject to the Contract shall be made through the lead partner’s bank account: [Provide details on bank, address, account number].
- 2) The partners grant to the lead partner all the necessary powers to act on their behalf in the submission of the tender and conclusion of the Contract, including:
 - (a) The lead partner shall submit the tender on behalf of the group of partners.
 - (b) The lead partner shall sign any contractual documents — including the Contract, and Amendments thereto — and issue any invoices related to the Services on behalf of the group of partners.
 - (c) The lead partner shall act as a single contact point with the European Commission in the delivery of the services and/or supplies subject to the Contract. It shall co-ordinate the delivery of the services and/or supplies by the group of partners to the European Commission, and shall see to a proper administration of the Contract.

Any modification to the present power of attorney shall be subject to the European Commission’s express approval. This power of attorney shall expire when all the contractual obligations of the group of partners towards the European Commission for the delivery of the services and/or supplies subject to the Contract have ceased to exist. The parties cannot terminate it before that date without the Commission’s consent.

Signed in on [dd/mm/yyyy]

Place and date:

Name (in capital letters), function, company and signature:

¹⁴ To be filled in and signed by each partner in a joint tender except the lead partner.

ANNEX 4
DRAFT CONTRACT

Please see separate document