|  |  |
| --- | --- |
| logo_ec_17_colors_300dpi | EUROPEAN COMMISSION  DIRECTORATE-GENERAL FOR AGRICULTURE AND RURAL DEVELOPMENT  Directorate C. Strategy, simplification and policy analysis  **C.4. Monitoring and evaluation** |

**CALL FOR TENDERS**

N°AGRI-2017-EVAL-09

Evaluation of marketing standards (contained in the CMO Regulation, the "Breakfast Directives" and CMO secondary legislation)

**TENDER SPECIFICATIONS**

**TABLE OF CONTENTS**

Contents

[1. Information on tendering 5](#_Toc500931483)

[1.1. Participation 5](#_Toc500931484)

[1.2. Contractual conditions 5](#_Toc500931485)

[1.3. Compliance with applicable law and minimum requirements 5](#_Toc500931486)

[1.4. Joint tenders 6](#_Toc500931487)

[1.5. Subcontracting 6](#_Toc500931488)

[1.6. Structure and content of the tender 6](#_Toc500931489)

[1.7. Identification of the tenderer 7](#_Toc500931490)

[2. Technical specifications 8](#_Toc500931491)

[2.1. Purpose of the contract 8](#_Toc500931492)

[2.1.1. Context of the evaluation study 8](#_Toc500931493)

[2.1.2. Objectives of the evaluation study 9](#_Toc500931494)

[2.1.3. Contracting authority 10](#_Toc500931495)

[2.2. Tasks to be performed by the contractor 11](#_Toc500931496)

[2.2.1. Scope of the evaluation study 11](#_Toc500931497)

[2.2.1.1. Instruments to be covered 11](#_Toc500931498)

[2.2.1.2. Sectors and issues to focus on 14](#_Toc500931499)

[2.2.1.3. Other factors to be considered 15](#_Toc500931500)

[2.2.1.4. Examination period 15](#_Toc500931501)

[2.2.1.5. Geographical coverage 15](#_Toc500931502)

[2.2.1.6. Impacts to be analysed 16](#_Toc500931503)

[2.2.2. Approach to the evaluation study 16](#_Toc500931504)

[2.2.2.1. Descriptive part 17](#_Toc500931505)

[2.2.2.2. Answers to the evaluation study questions 17](#_Toc500931506)

[2.2.2.3. Development of the public consultation questionnaire 18](#_Toc500931507)

[2.2.3. Evaluation study questions 18](#_Toc500931508)

[2.2.4. Study tasks 22](#_Toc500931509)

[2.2.4.1. Task 1: Structuring 22](#_Toc500931510)

[2.2.4.2. Task 2: Observing 22](#_Toc500931511)

[2.2.4.3. Task 3: Analysing 23](#_Toc500931512)

[2.2.4.4. Task 4: Judging 23](#_Toc500931513)

[2.2.5. Requirements for collection of data and information 25](#_Toc500931514)

[2.2.6. Deliverables 25](#_Toc500931515)

[2.2.7. Progress report 25](#_Toc500931516)

[2.3. Organisation of the work, timetable and physical location 26](#_Toc500931517)

[2.3.1. Overall management of the contract 26](#_Toc500931518)

[2.3.2. Timetable for the work and deliverables 26](#_Toc500931519)

[2.3.2.1. Duration of the works and deliverables 27](#_Toc500931520)

[2.3.2.2. Meetings 28](#_Toc500931521)

[2.3.3. Physical location at which services have to be performed 29](#_Toc500931522)

[3. Content, Structure and graphic requirements of the final deliverables 30](#_Toc500931523)

[3.1. Content 30](#_Toc500931524)

[3.1.1. Final study report 30](#_Toc500931525)

[3.1.2. Publishable executive summary 30](#_Toc500931526)

[3.1.3. Requirements for publication on Internet 31](#_Toc500931527)

[3.1.4. Annexes of the final study report 31](#_Toc500931528)

[3.2. Structure 31](#_Toc500931529)

[3.3. Graphic requirements 32](#_Toc500931530)

[4. Evaluation and award 32](#_Toc500931531)

[4.1. Verification of non-exclusion 32](#_Toc500931532)

[4.2. Selection criteria 33](#_Toc500931533)

[4.2.1. Declaration and evidence 33](#_Toc500931534)

[4.2.2. Legal and regulatory capacity 34](#_Toc500931535)

[4.2.3. Economic and financial capacity criteria and evidence 35](#_Toc500931536)

[4.2.4. Technical and professional capacity criteria and evidence 35](#_Toc500931537)

[4.3. Award criteria 36](#_Toc500931538)

[4.4. Ranking of tenders 38](#_Toc500931539)

[5. Annexes to the tender specifications 39](#_Toc500931540)

[5.1. Annex 1: Tender submission form 39](#_Toc500931541)

[5.2. Annex 2: Declaration on honour 42](#_Toc500931542)

[5.3. Annex 3: Model financial offer (price list) 47](#_Toc500931543)

# Information on tendering

## 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 plurilateral Agreement on Government Procurement[[1]](#footnote-2) 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.

*For British tenderers:*

*Please be aware that after the UK's withdrawal from the EU, the rules of access to EU procurement procedures of economic operators established in third countries will apply to tenderers from the UK depending on the outcome of the negotiations. In case such access is not provided by legal provisions in force tenderers from the UK could be rejected from the procurement procedure*

## 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.

## Compliance with applicable law and minimum requirements

* + 1. **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[[2]](#footnote-3).

* + 1. **Minimum requirements**

Contractors are required to follow the four methodological steps of an evaluation study, which are (1) Structuring, (2) Observing, (3) Analysing and (4) Judging.

## 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.

## 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 5% and 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.

## 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 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.

## 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. Alternatively, Annex 1 duly completed and signed may be provided.

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>

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](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2003:124:0036:0041:en:PDF). This information is used for statistical purposes only.

# Technical specifications

## Purpose of the contract

## Context of the evaluation study

EU marketing standards are a set of rules to ensure that the market is supplied with agricultural products of a standardized and satisfactory quality to meet consumer expectations, to facilitate trading and to ensure a level playing field for EU producers. They concern external qualities of products (e.g. fruits and vegetables) as well as non-visible qualities that result from a particular production process (e.g. water content in poultry meat or percentage of oleic acid in olive oil).

These standards were laid down early on in the history of the Common Agricultural Policy based on the existing national and international standards. They were drawn up in different times and under different conditions for particular products or entire sectors.

Marketing standards so far have not been subject to a horizontal and comprehensive evaluation. This evaluation study should therefore contribute to fulfil a performance check required in the Commission's policy making cycle.

Currently, three sets of standards can be distinguished within the Common Agricultural Policy: Marketing Standards covered by the Common Market Organisation Regulation (CMO Regulation), Marketing Standards under the CMO secondary legislation and Marketing Standards under the so-called "Breakfast Directives".

The reformed Common Market Organisation, operational since 2014, includes marketing standards by sectors or products. Those standards are a part of the agricultural product quality policy. Their purpose is to take into account the expectations of consumers and to contribute to the improvement of the economic conditions for the production and marketing of agricultural products and their quality.[[3]](#footnote-4)

The objective and scope of marketing standards related to agricultural product quality policy have been defined as follows: "Marketing standards should apply to enable the market to be easily supplied with products of a standardised and satisfactory quality, and in particular should relate to technical definitions, classification, presentation, marking and labelling, packaging, production method, conservation, storage, transport, related administrative documents, certification and time limits, restrictions of use and disposal.[[4]](#footnote-5)"

Regulation 1308/2013 of the European Parliament and of the Council includes a specific section on marketing standards (Part II, Title II, Chapter I, Section 1) providing for marketing standards (Subsection 2, Article 75), definitions, designations and sales descriptions (Subsection 2, Article 78) and optional reserved terms (Subsection 3).

These standards are further developed in secondary CMO Regulation.

Marketing standards established by the so called "Breakfast Directives" have been drafted under different conditions and times for several products or sectors. They predate the CMO Regulation.

They were justified by the fact that differences between national laws could lead to unfair competition, mislead consumers, and thereby have a direct adverse effect on the establishment and functioning of the common market.

The "Breakfast Directives" establish rules on description, definition and characteristics of certain products as well as their labelling.

## Objectives of the evaluation study

The objective of this evaluation study will be to examine the **relevance**[[5]](#footnote-6)**, coherence[[6]](#footnote-7), effectiveness[[7]](#footnote-8), efficiency**[[8]](#footnote-9) **and** **EU added** **value**[[9]](#footnote-10) of the currently applicable Marketing Standards for food products.

This will be done with the purpose to:

* support the management of the measures related to marketing standards policy;
* enhance accountability and
* improve the application of this policy.

The evaluation should determine to what extent the EU marketing standards for food products:

* are delivering to achieve the fixed objectives;
* are useful and sufficient in this sense for the stakeholders (producers, processors, traders, retailers, consumers, Member States' administrations).

In accordance with the Better Regulation[[10]](#footnote-11) requirements, the evaluation should help to assess the coherence between the various pieces of legislation drafted at different times and conditions as well as to identify potential for simplification.

The evaluation's results might serve as a basis for the reflection on the need for regulatory changes related to marketing standards. They may also feed into a Commission report to the EP and to the Council which, according to Article 75(6) of Regulation 1308/2013, is required before any change in the list of products covered by marketing standards.

## Contracting authority

The contracting authority is the European Commission, represented for the purposes of this contract by the Directorate-General for Agriculture and Rural Development (DG AGRI).

The results of this evaluation study will be used by DG AGRI and by the other Commission departments with an interest in this subject. In addition, the results of this evaluation study could be used by the Member States and other stakeholders concerned with this topic.

## Tasks to be performed by the contractor

For the scope defined in section 2.2.1, the contractor has to carry out the description detailed in section 2.2.2.1, provide answers to the evaluation study questions (see section 2.2.3) by carrying out the tasks (see section 2.2.4) and submitting deliverables at different steps (see section 2.2.6).

## Scope of the evaluation study

## Instruments to be covered

This evaluation covers EU marketing standards which are underpinned by the following three sets of legal acts:

1) The Common Market Organisation (CMO Regulation)

Regulation 1308/2013 of the European Parliament and of the Council includes a specific provisions on marketing standards (Part II, Title II, Chapter I, Section 1, Subsections 1, 2 and 3) which lays down rules concerning:

* marketing standards, in particular for: olive oil and table olives; fruit and vegetables; processed fruit and vegetable products; bananas; live plants; eggs; poultry meat; spreadable fats intended for human consumption and hops,
* definitions, designations and sales descriptions, in particular for: beef and veal, wine, milk and milk products intended for human consumption, poultry meat, eggs, spreadable fats intended for human consumption and olive oil and table olives, and
* optional reserved terms, in particular for: poultry meat, eggs and olive oil.

The instruments covered by marketing standards are listed in Article 75 (3) of CMO Regulation.

2) Secondary CMO legislation:

*-* Olive Oil – Commission Implementing Regulations (EU) No 29/2012 of 13 January 2012 on marketing standards for olive oil and (EEC) No 2568/91 of 11 July 1991 on the characteristics of olive oil and olive-residue oil and on the relevant methods of analysis

*-* Fruits and vegetables & processed fruits and vegetables – Commission Implementing Regulation (EU) No 543/2011 of 7 June 2011 laying down detailed rules for the application of Council Regulation (EC) No 1234/2007 in respect of the fruit and vegetables and processed fruit and vegetables sectors[[11]](#footnote-12) and Commission Regulation (EC) No 1666/1999 of 28 July 1999 laying down detailed rules for the application of Council Regulation (EC) No 2201/96 as regards the minimum marketing characteristics for certain varieties of dried grapes;

*-* Bananas – Commission Implementing Regulation (EU) No 1333/2011 of 19 December 2011 laying down marketing standards for bananas, rules on the verification of compliance with those marketing standards and requirements for notifications in the banana sector[[12]](#footnote-13);

*-* Eggs – Commission Implementing Regulation (EC) No 589/2008 of 23 June 2008 laying down detailed rules for implementing Council Regulation (EC) No 1234/2007 as regards marketing standards for eggs[[13]](#footnote-14);

*-* Hatching eggs poultry chicks – Commission Regulations (EC) No 617/2008 of 27 June 2008 laying down detailed rules for implementing Regulation (EC) No 1234/2007 as regards marketing standards for eggs for hatching and farmyard poultry chicks[[14]](#footnote-15);

*-* Poultry meat – Commission Regulation (EC) No 543/2008 laying down detailed rules for the application of Council Regulation (EC) No 1234/2007 as regards the marketing standards for poultry meat[[15]](#footnote-16)*;*

*-* Bovine meat – Commission Implementing Regulation (EC) No 566/2008 of 18 June 2008 laying down detailed rules for the application of Council Regulation (EC) No 1234/2007 as regards the marketing of the meat of bovine animals aged 12 months or less[[16]](#footnote-17);

*-* Hops – Commission Regulation (EC) No 1850/2006 of 14 December 2006 laying down detailed rules for the certification of hops and hop products[[17]](#footnote-18);

*-* Spreadable fats, milk products – Commission Regulation (EC) No 445/2007 of 23 April 2007 laying down certain detailed rules for the application of Council Regulation (EC) No 2991/94 laying down standards for spreadable fats and of Council Regulation (EEC) No 1898/87 on the protection of designations used in the marketing of milk and milk products[[18]](#footnote-19);

- Commission Decision (2010/791/EU) of 20 December 2010 listing the products referred to in the second subparagraph of point III(1) of Annex XII to Council Regulation (EC) No 1234/2007[[19]](#footnote-20);

3) Marketing Standards covered by the so-called "Breakfast Directives"

The so-called "Breakfast Directives" establish rules on description, definition and characteristics of certain products as well as their labelling. They concern:

- Coffee and chicory extracts - Directive 1999/4/EC of the European Parliament and of the Council of 22 February 1999 relating to coffee extracts and chicory extracts[[20]](#footnote-21);

- Cocoa and chocolate products - Directive 2000/36/EC of the European Parliament and of the Council of 23 June 2000 relating to cocoa and chocolate products intended for human consumption[[21]](#footnote-22);

- Sugars intended for human consumption - Council Directive 2001/111/EC of 20 December 2001 relating to certain sugars intended for human consumption[[22]](#footnote-23);

- Fruit jams, jellies and marmalades and sweetened chestnut purée intended for human consumption - Council Directive 2001/113/EC of 20 December 2001 relating to fruit jams, jellies and marmalades and sweetened chestnut purée intended for human consumption[[23]](#footnote-24);

- Dehydrated milk - Council Directive 2007/61/EC of 26 September 2007 amending Directive 2001/114/EC relating to certain partly or wholly dehydrated preserved milk for human consumption[[24]](#footnote-25);

- Fruit juices - Council Directive 2001/112/EC of 20 December 2001 relating to fruit juices and certain similar products intended for human consumption[[25]](#footnote-26);

- Honey - Council Directive 2001/110/EC of 20 December 2001 relating to honey[[26]](#footnote-27).

## Sectors and issues to focus on

The conclusions of the evaluation should be drawn on the totality of marketing standards, except the wine and beef and veal sectors[[27]](#footnote-28).

However, as the range of relevant legal acts is very broad, the evaluation should, for certain aspects, focus on a selection of instruments or sectors. Several marketing standards are subject to a debate - those issues should also be analysed more in depth.

In consequence, the evaluation should in particular focus on the following sectors:

- Fresh Fruit and Vegetables;

- Transformed Fruit and Vegetables;

- Poultry;

- Dairy;

- Olive oil;

- Eggs;

- Hops.

The specific issues subject to focus are indicated within the Evaluation Questions.

The evaluation will be limited to the effects of the policy in the internal market. Trade issues will not be covered.

## Other factors to be considered

The analysis of the EU Marketing standards should be conducted within the context of other applicable rules and in particular:

* The relevant private and international Marketing Standards;
* The checks and penalties related to marketing rules (Article 89(3) of Regulation 1306/2013)[[28]](#footnote-29);
* The horizontal labelling rules (Regulation 1169/2011[[29]](#footnote-30) on food information to consumers);
* Hygiene rules for food of animal origin (Regulation 853/2004[[30]](#footnote-31));
* Control rules for food and feed, animal health and animal welfare (Regulation 882/2004[[31]](#footnote-32)).

## Examination period

The evaluation study should cover Marketing Standards as from the coming into force of the current Common Market Organisation (2014), except if otherwise specified.

## Geographical coverage

The evaluation will cover all EU Member States.

## Impacts to be analysed

The evaluation study should analyse the impact that the current EU Marketing Standards referred to in section 2.2.1 have on the various stakeholders within the internal EU market: producers, processors, traders, retailers, consumers, Member States' administrations.

The evaluation study will thus assess the **effectiveness** and furthermore examine aspects of **relevance** and **coherence,** andassess the **efficiency** of the EU Marketing Standards with respect to achieving the stated objectives. The evaluation study will also assess the **EU added value** of the EU Marketing Standards measures. The unintended side-effects of marketing standards and, where relevant, deadweight[[32]](#footnote-33), should also be considered.

The analysis of results and impacts will be carried out by referring to quantitative indicators to the extent possible. Any limitation should be duly justified.

## Approach to the evaluation study

The evaluation study must provide answers to the questions set out in these specifications. Beyond gathering and analysing legal information and quantitative and qualitative data, the evaluation study must provide founded judgements based on analysis and put forward reasoned conclusions and recommendations.

The main work will be based on the analysis of marketing standards as a set of tools, with their strengths and weaknesses.

The work will make use of the background information available, such as Member States reports regarding fruit and vegetables' and olive oil's marketing standards controls, annual reports of the Board of experts in monitoring water content in poultrymeat[[33]](#footnote-34), studies on water content in poultrymeat[[34]](#footnote-35) as well as the available evidence on the other sectors/products.

However, the data available will need to be complemented by other sources of information (e.g. literature research, other evaluations or studies carried out at national level, additional information from stakeholders and managing authorities, as well as by surveys and investigations in the Member States).

The work of the evaluation study consists of the following parts: **a descriptive part; answers to the evaluation study questions; conclusions & recommendations.**

## Descriptive part

The descriptive part of the evaluation study will contain the following elements:

* Brief historic evolution of EU Marketing Standards within the wider context of other applicable norms, in particular, international and private standards;
* Current scope of EU marketing standards in terms of sectors/products covered and applicable instruments (e.g. instruments listed in Article 75(3) of Regulation 1308/2013);
* Typology of existing EU marketing standards, based on the above elements, according to their purpose and the targeted stakeholders per instrument, providing a cross-sectorial and global overview. In this context, a clarification of the term "marketing standard" should be provided.

## Answers to the evaluation study questions

Replying to the questions is the core of the work, whereas the replies will be, in their turn, a core part of the final deliverable.

The answer to each question shall include the following aspects:

* interpretation and comprehension of the key terms of the evaluation study questions;
* indication of the judgement criteria allowing to answer the question as well as, if necessary, the quantitative level to be reached;
* validity of the quantitative and qualitative information used;
* description of the methods used and an indication of their limitations;
* detailed description of the reasoning followed in the analysis, indicating in particular the underlying hypotheses and validity limits;
* conclusions: the conclusions for each question have to be drawn directly from the analysis. They shall refer to the judgement criteria and shall not exceed one page.

The evaluation study will cover the questions mentioned in section 2.2.3. below.

## Development of the public consultation questionnaire

A consultation strategy linked to this evaluation aims at ensuring that, through various consultation activities, all additional relevant information and views are collected from all stakeholders concerned.

The consultation strategy foresees that, in parallel to the works on the evaluation, and in accordance with the Better Regulation principles, an open internet-based public consultation in relation to practical experience with the implementation and the effects of the EU marketing standards will be conducted and made available on a dedicated Commission website for 12 weeks. The results of the open public consultation will feed into the preparation of the evaluation Staff Working Document, prepared by the Commission services.

A questionnaire will have to be developed for the purpose of this public consultation. The questions included in this survey should cover key aspects of the evaluation and target all relevant stakeholders (such as: farmer organisations, industries in retail sector, consumers & consumer organisations, national public authorities, NGOs & civil society, researchers/academics, general public).

## Evaluation study questions

The general evaluation questions (EQs) below must be addressed across all sectors mentioned under section 2.2.1.

To answer focused evaluation sub-questions, the evaluators may decide to target their analysis on a selected subset of Member States which are important in terms of production of a given product.

The questions are grouped under the following five themes.

* + - 1. **Theme I** – **Effectiveness**

**EQ 1: To what extent has the current framework of marketing standards been successful in achieving the following objectives:**

* Contributing to improve the quality of the concerned products in the interest of producers, traders and consumers;
* Meeting the expectations of consumers of receiving adequate and transparent information;
* Enabling the market to be easily supplied with products of a standardised and satisfactory quality.

In answering this question, the following issues in particular should be considered:

* For olive oil: to what extent have marketing standards for olive oil been successful in taking into account the fact that the characteristics of olive oil degrade over time (durability)?
* For poultry: to what extent have the rules on the optional reserved terms (types of farming) been effective in promoting alternative production systems for poultrymeat production in the EU?
* For poultry: to what extent have the provisions on classification of poultrymeat adequately reflected the current market reality?
* For eggs: to what extent have the rules on the optional reserved terms (farming methods) been effective in promoting alternative production methods and uses of egg production in the EU?

**EQ 2: To what extent the current framework of marketing standards has been successful in contributing to improve the economic conditions for production and marketing and in particular creating a level playing field for producers, traders and retailers?**

In answering this question, the following issues in particular should be considered:

* To what extent the provisions on minimum brix level for reconstituted juices create a level playing field for producers?
* To what extent the provisions on classification for fresh fruit and vegetables support the interests of producers and traders and do they facilitate trade?
* To what extent the provisions on the certification of hops create a level playing field for producer organisations/producer groups, traders, retailers?

**EQ 3: To what extent have the fact of replacing specific marketing standards for 26 types of fresh fruit and vegetables by a general marketing standard altered the effectiveness of the policy?**

* + - 1. **Theme II** – **Efficiency**

**EQ 4: To what extent the incurred costs are justifiable and proportionate to the benefits achieved:**

* Cost and benefits of compliance with marketing standards for food business operators;
* Cost and benefits of controls for Member States;
* Cost and usefulness of marketing standards for consumers.

In answering this question, the following issue should be considered:

- To what extent the additional costs incurred for certification of hops are justifiable and proportionate to the quality benefits achieved?

**EQ 5: To what extent there is a potential for simplification of marketing standards?**

In answering this question, the following issues in particular should be examined:

* To what extent efficiency gains can be achieved by harmonising the control and reporting requirements of the different marketing standards without jeopardising their effectiveness?
* For processed fruit and vegetables: provisions on minimal sugar content in jams: consumer interest in assuring product preservation versus the practicalities of applying this measure (several national derogations justified by health concerns);
* For poultry: possibilities for simplification of the standards for grading by weight and rules on packaging (under Article 9 of Commission Regulation (EC) No 543/2008);
* For poultry: possibilities for simplification of control systems, in particular:
  + official checks of poultrymeat presentation and classification under Article 8 of Commission Regulation (EC) No 543/2008;
  + official checks and registration requirements of poultrymeat produced in alternative production systems under Article 11-12 of Commission Regulation (EC) No 543/2008;
  + regular checks in the slaughterhouses and official checks on the water absorption in poultrymeat under Articles 16-18 and Article 20 of Commission Regulation (EC) No 543/2008.
* For fresh fruit and vegetables: replacing specific EU marketing standards with general EU marketing standard or having no EU standards?
* For olive oil: Possibility for simplification of the control system, in particular as regards the system of verification requests between different Member States (Article 8 of Regulation (EU) 29/2012) and as regards the determination of the responsibility of the operator and of the relevant penalty to be applied in case a non-conformity is found;
* For hops: possibilities of simplification for the certification of hops.
  + - 1. **Theme III** – **Relevance**

**EQ 6: To what extent does the existing marketing standards framework correspond to the actual needs of stakeholders?**

In answering this question, the following groups of stakeholders should be considered: producers, processors, traders, retailers, consumers, Member States administrations.

In answering this question, in particular the following sectors and issues should be considered:

* Processed Fruit and vegetables: provisions on minimal sugar content in jams: consumer interest in assuring product preservation versus the practicalities of applying this measure (several national derogations justified by health concerns);
* Poultry: relevance of the scope of the standards and the provided definitions;
* Poultry: to what extent has the foie gras definition been adequate to achieve the objective of avoiding fraudulent practices;
* Dairy: relevance of existing definitions and reserved terms, absence of an EU definition of Cheese;
* Olive oil: Do the different categories defined by Member States reflect the needs of the market?
  + - 1. **Theme IV – Coherence**

**EQ 7: To what extent has the implementation of marketing standards caused unexpected or unintended effects?**

In answering this question, the following issues in particular should be considered:

* food waste;
* animal welfare;
* potential of abuse by market actors.

**EQ 8: To what extent are various instruments of EU marketing standards coherent between each other?**

**EQ 9: To what extent are they coherent with other EU rules (e.g. EU rules on food safety, food information to consumers, geographical indications or organic products)?**

**EQ 10: To what extent are EU instruments coherent with international marketing standards (Codex, UNECE, etc) and with private marketing standards?**

* + - 1. **Theme V** - **EU added value**

**EQ 11:** **To what extent separate EU Marketing Standards are justifiable and provide added value in addition to international marketing standards (Codex, UNECE, etc) and the applicable private standards?**

**EQ 12: To what extent would establishment of EU marketing standards for the sectors/products currently not covered, create an EU added value?**

In answering those questions, the following issues in particular should be considered:

* absence of an EU definition of Cheese;
* absence of an EU definition for Cider requested by the industry and the resulting multiple national legislation with a potential trade and competition distortive effects.
  + - 1. **Conclusions & recommendations**

The conclusions and recommendations should be elaborated on the basis of the typology developed in the descriptive part of the evaluation and the replies to the evaluation questions and should pay particular attention to elucidating which marketing standards can be considered as good practices, or bad examples, independently from the sector, but with regard to their type and targeted stakeholder.

## Study tasks

To obtain the expected results, the contractor is required to follow the tasks defined below. The interim and final deliverables will reflect these tasks and be built progressively, incorporating the results of each task.

## Task 1: Structuring

With respect to structuring, the contractor will elaborate the following elements:

Task 1.1: Draft a model of the intervention logic, showing the relationships between the measures, the expected impacts, the objectives of the instruments and the various stakeholders.

Task 1.2: Elaborate the general approach and prepare the evaluation tools for assessment of each evaluation study question and define judgement criteria;

Provide a detailed description of these evaluation tools (e.g. interviews, questionnaires, queries for extractions from databases, guidelines for fieldwork, etc.), including their contribution to answering the evaluation study questions.

The contractor should also provide details on the method for selecting the stakeholders to be involved in answering the evaluation study questions.

The details of the methodology and tools to be implemented under this task will have to be discussed and validated by the Steering Group before the collection of information starts (Task 2.1).

**Task 1.3:** Identify information sources, quantitative and qualitative, for answering each evaluation study question (as specified in section 2.2.3).

**Task 1.4: Develop and finalise the questionnaire covering the key aspects of the evaluation which will be used for the public consultation.**

**Task 1.5:** Draft a **detailed time schedule** for the work;

Task 1.6: **Define a** detailed structure for the final deliverable, present a draft cover page which is in line with the current Commission communication standards.

Task 1.7: **Establish a d**raft descriptive chapter, including the elements described under section 2.2.2.1.

## Task 2: Observing

With respect to observing, the contractor will elaborate the following elements:

Task 2.1: Collect information and report about it:

Collect the data necessary to apply the methodology and/or to feed the tools defined under task 1.2, including the data needed to feed the quantitative analysis, carry out the interviews and survey/s, and assess the validity of the information used;

Task 2.2: Finalise the descriptive chapter

## Task 3: Analysing

The analysis must refer to the well-established and acknowledged evaluation method or to the methods used and the limits thereof; the drafting must describe precisely the reasoning followed in the analysis, indicating, among other things, the underlying hypotheses of the reasoning and the validity limits of that reasoning;

**Task 3.1: Based on the output of tasks 1 and 2, draft replies to the themes I, II and III;**

**Task 3.2: Based on the output of tasks 1 and 2, draft replies to the themes IV and V;**

## Task 4: Judging

**Task 4.1: Draft the conclusions and recommendations:** the contractor will have to provide a judgement covering the elements studied. The conclusions and recommendations must be strictly based on the analysis carried out under the other tasks.

**Task 4.2: Draft an executive summary** of maximum 6 pages in English. It should include a very brief and clear presentation of the study work and the methods used, together with a summary of the conclusions and recommendations arising from the exercise.

**Task 4.3: Compile the preliminary final deliverable.**

It has to include:

1. a cover page (output of task 1.6);
2. a table of contents (output of task 1.6);
3. the output of tasks 4.1 and 4.2;
4. the output of tasks delivered with the previous deliverables, now revised in order to take into account the results of the analytical and judging work of the contractor and/or the changes agreed on with the Steering Group.

It should be presented in the form of the study report and structured as agreed with the Steering Group.

The report must be drafted in **clear and easily understandable language**.The presentation of the texts, tables and graphs has to be clear and complete, and correspond to commonly recognised standards for publication.

The general conclusions must include recommendations, which must be strictly based on the results of the analysis.

The whole study report (methodological part included, but excluding case study reports) **should not exceed a total of 150 pages.** Statistical and background information shall be presented in the annexes of the report.

**Task 4.4: Revise the draft executive summary,** incorporating all changes agreed with the Steering Group and provide its final version of maximum 6 pages in both English and French.

**Task 4.5: Draft an abstract of no more than 200 words**. It must be drafted in English and French.

**Task 4.6: Draft a PowerPoint presentation** of the study work, of maximum 30 slides, highlighting the main findings for each question, the conclusions and recommendations.

**Task 4.7: Compile the draft final deliverable.**

This deliverable will consist of:

* 1. study report, which will be structured in the same way as the preliminary final deliverable, but incorporating all changes agreed with the Steering Group. Furthermore, the core text will not contain any reference to the annexes;
  2. the data and information compiled for the study (as annex);
  3. the annexes, including methodological and background information;
  4. the executive summary (Task 4.4);
  5. the abstract (Task 4.5);
  6. the PowerPoint presentation (Task 4.6).

**Task 4.8: Compile the final deliverable.**

The final deliverable must be submitted electronically and shall contain **all** components of the final deliverable, including **all** annexes of the study report together with the executive summary (in both English and French), the PowerPoint presentation and the abstract (in both English and French).

The report and annexes should be delivered: a) compatible with the Commission's computers software and b) in PDF version.

## Requirements for collection of data and information

Specific information needs from the Commission sources are to be requested specifically via DG AGRI Unit C4 (Monitoring and evaluation).

As a rule, additional statistics and databases will have to be provided by the contractor. In this particular case, much of the information has to be gathered from the Member States.

The contractor will have to make use of information collected from the national and regional authorities, from professional circles and experts in Member States. Based on these specific requirements, the contractor is expected to use an appropriate team and to foresee sufficient time to collect and process the data and, if necessary, a sufficient budget for paying data sources.

Existing literature on the subject should also be consulted and quoted in an annex to the final deliverable.

## Deliverables

The timing and the contents of the deliverables to be submitted by the contractor are described in section 2.3.2.1. Each deliverable will be examined by the Steering Group, which may ask for additional information, or propose changes in order to redirect the work if necessary. The procedure of the approval of the deliverables is specified in Annex III of the contract.

The executive summary and abstract are to be submitted in English and French. The report and the PowerPoint presentation have to be submitted in English. All other parts of all deliverables are also to be submitted in English.

With the exception of the final deliverable, all interim deliverables must be submitted by e-mail only to the mailbox: [agri-evaluation@ec.europa.eu](mailto:agri-evaluation@ec.europa.eu) and all deliverables must be in an electronic format compatible with the Commission's computer facilities: MS-Word for texts, MS-Excel for tables and figures, MS-PowerPoint for the presentation.

In the event of publication, the final report will be accompanied by the judgement of quality.

Examples of previous reports, with the corresponding judgements of quality, are available at the following address: <http://ec.europa.eu/agriculture/evaluation/index_en.htm>

## Progress report

The progress report should briefly (up to 10 pages, annexes not counted) inform the Commission about the progress of work. It should also present important actions and plans related to the next steps in the evaluation study. The progress report should be drafted in English.

In case of difficulties encountered in carrying out the agreed methodology implementation plan, the Commission shall be informed as soon as possible. The contractor will provide the description of difficulties encountered and propose solutions to solve them, including, if needed, necessary adaptations of the proposed methods and tools. Any revision of the earlier agreed methodology and implementation plans will require a prior approval of the Commission.

The progress report shall be submitted within 60 calendar days following the submission of the first interim deliverable.

## Organisation of the work, timetable and physical location

## Overall management of the contract

A Steering Group has been set up, consisting of staff members from DG AGRI and other Commission services.

This ad hoc body will be responsible for monitoring the contract: precisions regarding the aspects to be analysed, discussion of the methods used, monitoring of the work and commenting on the conclusions of the contractor.

The contractor shall take account of the Steering Group's comments and recommendations and keep it informed on the progress of work when asked to do so.

Given the complexity of the subject matter, close collaboration with DG AGRI will be needed, which will involve frequent contacts with officials of DG AGRI with a view to discussing any problems encountered during the evaluation study.

The contractor will be required to attend meetings with the Steering Group in order to monitor the evaluation exercise.

## Timetable for the work and deliverables

The work will have to be completed within 11 (eleven) months from the signature of the contract.

The contractor will be expected to start the work immediately after signature of the contract. This means that an intensive work input will be required by the project team immediately after signing the contract and over the whole duration of the contract.

## Duration of the works and deliverables

|  |  |  |  |
| --- | --- | --- | --- |
| **DURATION OF THE WORKS: 11 Months (after signing the contract)** | | | |
| **Stage** | **Deliverable at the end of the stage** | **Output of the tasks included in the deliverable** | **Components of the Final Deliverable** |
| **First:**  **1,5 months** | **First Interim** | **Task 1.1: Draft a model of the intervention logic** | **Not included** |
| **Task 1.2: Develop the methodology and tools for assessment of each evaluation study question** and define judgement criteria | **Methodology** |
| **Task 1.3: Identify information sources** | **Methodology** |
| **Task 1.5: Draft a detailed time schedule for the work** | **Not included** |
| **Second:**  **3,5 months** | **Second Interim** | **Task 1.4: Develop and finalise the questionnaire covering the key aspects of the evaluation which will be used for the public consultation** | **Not included** |
| **Task 1.6: Draft a detailed structure for the final deliverable** | **Not included** |
| **Task 1.7: Establish a draft descriptive chapter** | **Not included** |
| **Task 2.1: Collect information and report about it** | **Annex** |
| **Task 3.1: Based on the output of tasks 1 and 2, draft replies to the themes I, II and III** | **Replies to evaluation study questions** |
| **Third:**  **2 months** | **Third Interim** | **Task 2.2: Finalise the descriptive chapter** | **Descriptive chapter** |
| **Task 3.2: Based on the output of tasks 1 and 2, draft replies to the themes IV and V** | **Replies to evaluation study questions** |
| **Task 4.1: Draft conclusions and recommendations** | **Closing chapter** |
| **Fourth:**  **1,5 months** | **Preliminary Final** | **Task 4.2: Draft the executive summary** | **Not included** |
| **Task 4.3: Draft the preliminary final deliverable** | **Not included** |
| **Task 4.4: Revise the draft executive summary** | **Executive summary** |
| **Fifth:**  **1 month** | **Draft Final** | **Task 4.5: Draft an abstract of no more than 200 words** | **Abstract** |
| **Task 4.6: Draft a PowerPoint presentation** | **PowerPoint** |
| **Task 4.7: Compile the draft final deliverable** | **Not included** |
| **Sixth:**  **1,5 months** | **Final** | **Task 4.8: Compile the final deliverable** |  |

## Meetings

The contract will involve work and meetings in Brussels between the contractors and the Steering Group, according to the following programme:

|  |  |  |
| --- | --- | --- |
| **MEETING** | **TIMING** | |
| First Meeting (Kick off) | The date of the meeting will be agreed between the Contracting Authority and the Contractor. The meeting must be held in time for the feedback to be useful for the next stage(s) of the evaluation study, but no later than 30 days after the contract is signed. | |
| At this meeting, if applicable, the Contracting Authority will supply the Contractor with the relevant confidential documents and information in its possession.  The Contractor will prepare a presentation of the offer and may also raise specific questions or needs for complementary information.  This meeting will also be used to discuss in detail the working plan, and to explain and clarify the tasks and the approach from the start. | | |
| Second Meeting | The date of the meeting will be agreed between the Contracting Authority and the Contractor. The meeting must be held in time for the feedback to be useful for the next stage(s) of the evaluation study, but no later than 30 days after the receipt of the deliverable. | |
| At this meeting, the first interim deliverable will be discussed. This meeting will also be used to validate the proposed methodologies and tools. | | |
| Third Meeting | The date of the meeting will be agreed between the Contracting Authority and the Contractor. The meeting must be held in time for the feedback to be useful for the next stage(s) of the evaluation study, but no later than 30 days after the receipt of the deliverable. | |
| At this meeting, the second interim deliverable will be discussed. This meeting will also be used to discuss progress of the evaluation study, including the difficulties encountered by the Contractor and solutions to solve them. | | |
| Fourth Meeting | The date of the meeting will be agreed between the Contracting Authority and the Contractor. The meeting must be held in time for the feedback to be useful for the next stage(s) of the evaluation study, but no later than 30 days after the receipt of the deliverable. | |
| At this meeting, the third interim deliverable will be discussed. This meeting will also be used to discuss progress of the evaluation study, including the difficulties encountered by the Contractor and solutions to solve them. | | |
| Fifth Meeting | The date of the meeting will be agreed between the Contracting Authority and the Contractor. The meeting must be held in time for the feedback to be useful for the next stage(s) of the evaluation study, but no later than 30 days after the receipt of the deliverable. | |
| At this meeting, the preliminary final deliverable will be discussed. This meeting will also be used to discuss progress of the evaluation study, including the difficulties encountered by the contractor and solutions to solve them and, if necessary, recommendations will be formulated. | | |
| Sixth Meeting | | The date of the meeting will be agreed between the Contracting Authority and the Contractor. The meeting must be held in time for the feedback to be useful for the next stage(s) of the evaluation study, but no later than 30 days after the receipt of the deliverable. |
| At this meeting, the draft final deliverable will be discussed. This meeting will also be used to discuss progress of the evaluation study, including the difficulties encountered by the contractor and solutions to solve them and, if necessary, recommendations will be formulated. | | |

In summary, a maximum of six meetings of one day to discuss the deliverables with the Steering Group will be required. The costs related to these six days of meetings as well as to any other missions (e.g. fact finding) need to be included in the tender.

## Location at which services have to be performed

The place of work will be at the contractor’s premises. The meetings with the Steering Group will take place at the designated Commission offices in Brussels.

# Content, Structure and graphic requirements of the final deliverables

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

## Content

## 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 [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.”*

## Publishable executive summary

The publishable executive summary shall 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.”*

For the French executive summary the following text shall be used: *«Les informations et points de vue exposés dans le présent (ou la présente) [rapport/étude/article/publication, etc.] n’engagent que leur auteur (ou leurs auteurs) et ne sauraient être assimilés à une position officielle de la Commission. La Commission ne garantit pas l'exactitude des données figurant dans la présente étude. Ni la Commission ni aucune personne agissant au nom de la Commission n'est responsable de l’usage qui pourrait être fait des informations contenues dans le présent texte.»*

## 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/>.

## Annexes of the final study report

The statistical and background information, including the raw data used in the context of the analytical work, shall be submitted separately.

The annexes to the final study report shall only contain the statistical and background information that can be disclosed following an application for access to documents. These annexes will be considered as part of the results as referred to in Annex V of the draft contract. The final study report shall also be accompanied by the relevant declaration(s) regarding the intellectual property rights (see Annex V of the draft contract).

Any information falling under article 4 of the Regulation (EC)1049/2001 of the European Parliament and of the Council of 30 May 2001 and any information covered by the pre-existing rights of a third party which must not be disclosed, unless prior written authorisation of the interested party is received, shall not be part of the annexes to the final report. However, this information shall be presented in a separate document. This document will not be considered as part of the results as referred to in Annex V of the draft contract.

## Structure

The final study report has to be drafted as a stand-alone document without any references to annexes and shall be structured in the same way as the draft final deliverable, incorporating all changes requested by the Contracting Authority.

## 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.

# Evaluation and award

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

• Evaluation of tenders on the basis of the award criteria

• Verification of compliance with the minimum requirements set out in these tender specifications

• Selection of tenderers on the basis of selection criteria

• Verification of non-exclusion of tenderers on the basis of the exclusion criteria.

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

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

## 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 5% and 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 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.

## 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.

## 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 individually. For the criteria applicable to the tenderer as a whole the tenderer (sole tenderer or leader in case of joint tender) must provide the declaration on honour stating that the tenderer, including all members of the group in case of joint tender and including subcontractors if applicable, fulfils the selection criteria for which a consolidated assessment will be carried out.

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.

The Contracting Authority will evaluate selection criteria on the basis of the declarations on honour. Nevertheless, it reserves the right to require 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 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.

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

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

## Economic and financial capacity criteria and evidence

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**: The combined turnover of the last two financial years above EUR 500,000; 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 on 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 or evidence of professional risk indemnity insurance of at least 70% of the amount referred to in section II 2.6 of the relevant contract notice;

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.

## Technical and professional capacity criteria and evidence

* 1. **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 evidence must be provided only on request.

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, where possible, accompanied by statements issued by the clients.

**- Criterion A1**: The tenderer shall prove its experience in the field of analysing the EU Common Agricultural Policy.

**Evidence A1 (on request):** the tenderer shall prove its experience and/or its knowledge of techniques, tools and analytical methodologies for economic analysis, including competition aspects, in conformity with the state of the art with: 1) a relevant degree or 2) with at least 1 article published in the specialised press in this field or 3) with at least 1 project delivered in this field in the last three (3) years.

* 1. **Criteria relating to the team delivering the service**

The tenderer should set up a team with the adequate professional skills and experience in order to carry out to the highest quality standards all the services required by the present contract. 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.

**B1 - Project Manager**: at least 5 years of experience in project management, including overseeing project delivery, quality control of delivered service, client orientation and conflict resolution experience in project of a similar size, with experience in managing a team of people.

**Evidence (on request): CV**

**B2 - Expert in the EU agricultural sector**: relevant higher education degree and/or 5 years' professional experience in the field of analysis of markets and policies of the CAP, in particular Rural Development.

**Evidence (on request): CV**

**B3 - Project team**: collectively the team should have knowledge of English and French as proficient user (level C1 in the Common European Framework for Reference for Languages[[35]](#footnote-36)).

**Evidence (on request): CV**

## 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.

**QC 1: General approach** **to achieve the objectives of the study** (30 points – minimum threshold 50%)

Tenderers will describe their approach of the services to be provided and the work necessary to be performed in view of achieving the objectives of the evaluation study. The tenderers will also describe in detail the envisaged arrangements for ensuring the coverage of the scope of the evaluation study.

**QC 2: Quality of the proposed methodology and tools (**50 points – minimum threshold 50%)

QC 2.1 (themes I, II and III: 20 points)

Tenderers should provide a synthetic and exhaustive description of the approaches they intend to use for this evaluation study, the methodologies they intend to follow and a list of the tools they envisage to use.

This description should be detailed to the level of the different themes. The work packages envisaged should be precisely quantified (i.e. collection of data, research work, number of person days, geographical and product coverage …).

While providing the list of tools they envisage to use, tenderers shall explain their function, including the associated concepts or theories. They should demonstrate in particular the suitability of these tools for the implementation of the proposed methodology.

QC 2.2 (themes IV and V: 20 points)

Tenderers should provide a synthetic and exhaustive description of the approaches they intend to use for this evaluation study, the methodologies they intend to follow and a list of the tools they envisage to use.

This description should be detailed to the level of the different themes. The work packages envisaged should be precisely quantified (i.e. collection of data, research work, number of person days, geographical and product coverage …).

While providing the list of tools they envisage to use, tenderers shall explain their function, including the associated concepts or theories. They should demonstrate in particular the suitability of these tools for the implementation of the proposed methodology.

QC 2.3 (public consultation: 10 points)

The tenderer should provide a synthetic and exhaustive description of the approach they intend to use for the development of the questionnaire for the public consultation. In addition, the tenderer should provide details on how they envisage ensuring that the questions will be meaningful, thereby considering the objectives of a public consultation and the requirements laid down in the better regulation guidelines.

**QC 3: Approach towards the project management** (20 points – minimum threshold 50%)

Tenderers should provide a synthetic and exhaustive description of the approaches they intend to use towards the project management. The description should provide details on how the roles and responsibilities of the proposed team and of the economic operators (in case of joint tenders, including subcontractors if applicable) are distributed for each task. It should also describe the global allocation of time and resources to the project and to each task and the rationale behind the choice of this allocation.

Tenders must score at least 50% for each criterion and at least 60% in total. Tenders that do not reach the minimum quality thresholds will be rejected and will not be ranked.

## 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 60/40 is given to quality and price.

The formula to award the contract is:

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Score for tender X | = | Cheapest price | \* | 40 | + | Quality of tender X | \* | 60 |
| Price of tender X | 100 |

Where:

• the **price** is expressed in Euro, excluding VAT. The total amount of the Financial Offer will be used;

• the **quality** of each tender is expressed in number of points given by the evaluation committee following the assessment of all criteria.

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

# Annexes to the tender specifications

## Annex 1: Tender submission form

1. **SUBMITTED by … (i.e. the identity of the Tenderer)**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | **Name(s) of legal entity or entities submitting this tender** | **Nationality[[36]](#footnote-37)** | **SME**[[37]](#footnote-38) | **Share of the contract in percentage (%)** |
| **Leader** |  |  |  |  |
| **Member 2** |  |  |  |  |
| **Etc … [[38]](#footnote-39)** |  |  |  |  |

1. **SUBCONTRACTORS** (if applicable)

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | **Name(s) of the subcontracting companies and/or free lancers identified as sub-contractor(s)** | **Nationality** | **SME** | **Share of the contract in percentage (%)** |
| **Sub-contractor 1** |  |  |  |  |
| **Etc … [[39]](#footnote-40)** |  |  |  |  |

1. **CONTACT PERSON for this tender (to act as focal point for all communication which may take place between the European Commission and the Tenderer)**

|  |  |
| --- | --- |
| **Name and position** |  |
| **Organisation** |  |
| **Address** |  |
| **Telephone** |  |
| **Fax** |  |
| **e-mail** |  |

1. **PERSON AUTHORISED TO REPRESENT THE TENDERER and TO SIGN THE CONTRACT**

|  |  |
| --- | --- |
| **Name and position** |  |
| **Organisation** |  |
| **Address** |  |
| **Telephone** |  |
| **Fax** |  |
| **e-mail** |  |
|  |  |

1. **STATEMENT**

I, the undersigned, being the authorized signatory of the above Tenderer hereby declare that we have examined and accepted without reserve or restriction the entire contents of the tender specifications for the tender procedure referred to above.

Signed on behalf of the Tenderer

|  |  |
| --- | --- |
| **Name** |  |
| **Signature** |  |
| **Date** |  |

## Annex 2: Declaration on honour

**Declaration on honour on  
exclusion criteria and selection criteria**

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:  (‘the person’) | Full official name:  Official legal form:  Statutory registration number:  Full official address:  VAT registration number:  (‘the person’) |

**I – Situation of exclusion concerning the person**

|  |  |  |
| --- | --- | --- |
| * declares that the above-mentioned person is in one of the following situations: | YES | NO |
| 1. 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; |  |  |
| 1. 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; |  |  |
| 1. 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 credibity 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; |  |  |
| (ii) entering into agreement with other persons with the aim of distorting competition; |  |  |
| (iii) violating intellectual property rights; |  |  |
| (iv) attempting to influence the decision-making process of the contracting authority during the award procedure; |  |  |
| (v) attempting to obtain confidential information that may confer upon it undue advantages in the award procedure*;* |  |  |
| 1. it has been established by a final judgement that the person is guilty of the following: |  | |
| (i) fraud, within the meaning of Article 1 of the Convention on the protection of the European Communities' financial interests, drawn up by the Council Act of 26 July 1995; |  |  |
| (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; |  |  |
| (iii) participation in a criminal organisation, as defined in Article 2 of Council Framework Decision 2008/841/JHA; |  |  |
| (iv) money laundering or terrorist financing, as defined in Article 1 of Directive 2005/60/EC of the European Parliament and of the Council; |  |  |
| (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; |  |  |
| (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; |  |  |
| 1. 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; |  |  |
| 1. 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; |  |  |
| 1. 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: 2. 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; 3. 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; 4. decisions of the ECB, the EIB, the European Investment Fund or international organisations; 5. 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 6. decisions of exclusion by an authorising officer of an EU institution, of a European office or of an EU agency or body. |  |  |

**II – Situations of exclusion concerning natural persons with power of representation, decision-making or control over the legal person**

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

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

**III – Situations of exclusion concerning natural or legal persons assuming unlimited liability for the debts of the legal person**

|  |  |  |  |
| --- | --- | --- | --- |
| * declares that a natural or legal person that assumes unlimited liability for the debts of the above-mentioned legal person is in one of the following situations: | YES | NO | N/A |
| Situation (a) above (bankruptcy) |  |  |  |
| Situation (b) above (breach in payment of taxes or social security contributions) |  |  |  |

**IV – Grounds for rejection from this procedure**

|  |  |  |
| --- | --- | --- |
| * declares that the above-mentioned person: | YES | NO |
| 1. has distorted competition by being previously involved in the preparation of procurement documents for this procurement procedure. |  |  |

**V – Remedial measures**

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

**VI – Evidence upon request**

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

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

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

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

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

|  |  |
| --- | --- |
| **Document** | **Full reference to previous procedure** |
| *Insert as many lines as necessary.* |  |

**VII – Selection criteria**

|  |  |  |  |
| --- | --- | --- | --- |
| * declares that the above-mentioned person complies with the selection criteria applicable to it individually as provided in the tender specifications: | YES | NO | N/A |
| 1. It has the legal and regulatory capacity to pursue the professional activity needed for performing the contract as required in section 4.2.2 of the tender specifications; |  |  |  |
| 1. It fulfills the applicable economic and financial criteria indicated in section 4.2.3 of the tender specifications; |  |  |  |
| 1. It fulfills the applicable technical and professional criteria indicated in section 4.2.4 of the tender specifications. |  |  |  |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| * if the above-mentioned person is the sole tenderer or the leader in case of joint tender, declares that: | YES | NO | N/A | |
| 1. the tenderer, including all members of the group in case of joint tender and including subcontractors if applicable, complies with all the selection criteria for which a consolidated asseessment will be made as provided in the tender specifications. |  |  | |  |

**VIII – Evidence for selection**

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

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

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

|  |  |
| --- | --- |
| **Document** | **Full reference to previous procedure** |
| *Insert as many lines as necessary.* |  |

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

Full name Date Signature

## Annex 3: Model financial offer (price list)

**Prices should be all-inclusive; the European Commission will not pay expenses for any additional costs incurred from the execution of the contract.**

|  |  |
| --- | --- |
| **Name of Tenderer:** |  |

|  |  |
| --- | --- |
| **TOTAL COST OF ASSIGNMENT (in EURO),**  **INCLUDING ALL ASSOCIATED EXPENSES**  **AND EXCLUDING VAT :** | **EUR** |

|  |  |  |
| --- | --- | --- |
| **Name:**  **(of the Tenderer or authorised representative)** | **Signature:** | **Date:** |

## 

1. See <http://www.wto.org/english/tratop_E/gproc_e/gp_gpa_e.htm> [↑](#footnote-ref-2)
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). [↑](#footnote-ref-3)
3. Recital 65 of Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 [↑](#footnote-ref-4)
4. Recital 71 of Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 [↑](#footnote-ref-5)
5. Relevance: The extent to which the Marketing Standards concerned are pertinent to needs, problems and issues. [↑](#footnote-ref-6)
6. Coherence: The extent to which the Marketing Standards concerned do not contradict other measures with similar objectives. [↑](#footnote-ref-7)
7. Effectiveness: The extent to which the objectives pursued by the Marketing Standards concerned are achieved. [↑](#footnote-ref-8)
8. Efficiency: Best relationship between resources employed and results achieved in pursuing a given objective through the Marketing Standards concerned. [↑](#footnote-ref-9)
9. EU added value: The value resulting from applying policy measures at EU level which is additional to the value that would have resulted from applying similar measures at regional or national level by public authorities or the private sector. [↑](#footnote-ref-10)
10. SWD(2017)350 [↑](#footnote-ref-11)
11. OJ L 157, 15.06.2011, p. 1 [↑](#footnote-ref-12)
12. OJ L 336, 20.12.2011, p. 23 [↑](#footnote-ref-13)
13. OJ L 163, 24.6.2008, p. 6 [↑](#footnote-ref-14)
14. OJ L 168, 28.6.2008, p. 5 [↑](#footnote-ref-15)
15. OJ L 157, 17.6.2008, p. 46 [↑](#footnote-ref-16)
16. OJ L 160, 19.6.2008, p. 22 [↑](#footnote-ref-17)
17. OJ L 355, 15.12.2006, p. 72 [↑](#footnote-ref-18)
18. JO L 106, 24.4.2007, p. 24 [↑](#footnote-ref-19)
19. JO L 336, 21.12.2010, p.55 [↑](#footnote-ref-20)
20. JO L 318, 21.11.2008, p. 1 [↑](#footnote-ref-21)
21. JO L 197, 3.8.2000, p. 19 [↑](#footnote-ref-22)
22. JO L 10, 12.01.2002, p 53 [↑](#footnote-ref-23)
23. JO L 10, 12.1.2002, p. 67 [↑](#footnote-ref-24)
24. JO L 258, 4.10.2007, p. 27 [↑](#footnote-ref-25)
25. JO L 10, 12.1.2002, p. 58 [↑](#footnote-ref-26)
26. JO L 10, 12.1.2002, p. 47 [↑](#footnote-ref-27)
27. The wine sector will not be covered by the evaluation as its specificities are only partially covered by the concerned legislation. It is envisaged to carry out a separate evaluation of the wine in the future.

    The marketing standards for the beef an veal sector have recently been the subject of a separate evaluation (Evaluation of the market implications of veal and young cattle meat marketing standards (2014) <https://ec.europa.eu/agriculture/evaluation/market-and-income-reports/veal-marketing-standards-2014_en>). [↑](#footnote-ref-28)
28. JO L 347, 20.12.2013, p. 549 [↑](#footnote-ref-29)
29. JO L 304, 22.11.2011, p. 18 [↑](#footnote-ref-30)
30. JO L 139, 30.4.2004, p. 55 [↑](#footnote-ref-31)
31. JO L 165, 30.4.2004, p. 1 [↑](#footnote-ref-32)
32. Deadweight: Effects which would have arisen even if the intervention had not taken place. [↑](#footnote-ref-33)
33. Annual reports of the Board of experts in monitoring water content in poultrymeat will be provided to the contractors at the kick-off meeting [↑](#footnote-ref-34)
34. Study on the state of play of processing technologies and the absorption of water in poultrymeat (2016)

    <https://ec.europa.eu/agriculture/external-studies/2016-water-in-poultrymeat_en>

    Study of physiological water content of poultry reared in the EU (2012)

    <https://ec.europa.eu/agriculture/external-studies/water-in-poultry-2012_en> [↑](#footnote-ref-35)
35. https://www.coe.int/en/web/common-european-framework-reference-languages/ [↑](#footnote-ref-36)
36. Country in which the legal entity is registered. [↑](#footnote-ref-37)
37. If legal entity is a Small or Medium Size Enterprise insert "Y", if not insert "N" [↑](#footnote-ref-38)
38. If this tender is being submitted by an individual legal entity, the name of the legal entity should be entered as “Leader” (and all other lines should be deleted). [↑](#footnote-ref-39)
39. Add / delete additional lines for sub-contractors as appropriate. [↑](#footnote-ref-40)