



EUROPEAN COMMISSION
DIRECTORATE-GENERAL JUSTICE AND CONSUMERS

Directorate B: Criminal justice
Unit B3: Financial crime

CALL FOR TENDERS

JUST/2018/JACC/PR/CRIM/0185

**Development and organisation of training for lawyers on anti-money
laundering and counter terrorist financing rules at EU level**

TENDER SPECIFICATIONS

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1. INFORMATION ON TENDERING

1.1. Participation

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

It is also open to all natural and legal persons established in a third country which has a special agreement with the Union in the field of public procurement on the conditions laid down in that agreement. Where the plurilateral Agreement on Government Procurement¹ concluded within the World Trade Organisation applies, the participation to this procedure is also open to all natural and legal persons established in the countries that have ratified this Agreement, on the conditions it lays down.

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 the third countries will apply to candidates or tenderers from the UK depending on the outcome of the negotiations. In case such access is not provided by legal provisions in force candidates or tenderers from the UK could be rejected from the procurement procedure.

1.2. Contractual conditions

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

1.3. Compliance with applicable law

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

1.4. Joint tenders

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

In case of joint tender, all members of the group assume joint and several liability towards the Contracting Authority for the performance of the contract as a whole, i.e. both financial and operational liability. Nevertheless, tenderers must designate one of the economic operators as a

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

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

single point of contact (the leader) for the Contracting Authority for administrative and financial aspects as well as operational management of the contract.

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

1.5. Subcontracting

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

Tenderers are required to identify all subcontractors whose share of the contract is above 10 % 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.

1.6. Structure and content of the tender

The tenders must be presented as follows:

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

Part B: Non-exclusion (see section 4.1)

Part C: Selection (see section 4.2)

Part D: Technical offer

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

Part E: Financial offer

All tenders must contain a financial proposal to be submitted **according to the form attached in Annex 2.**

The tenderer's attention is drawn to the following points:

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.

1.7. Identification of the tenderer

The documents listed below need to be scanned and uploaded in the section ‘qualification’ -> ‘identification of the tenderer’ -> ‘documents’ in the e-submission application.

- **Cover letter**

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.

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

The cover letter **must include the proportion of the contract that the tenderer intends to subcontract.**

In case of a 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.

- **Legal entity and financial identification forms**

In the course of the procedure the EU Validation Services may contact tenderers via the Participant Register and ask for supporting documents with respect to the legal existence and status. Please note that a request for supporting documents in no way implies that the tenderer has been successful.

2. TECHNICAL SPECIFICATIONS

2.1. General background

Preventing and combatting money laundering and terrorist financing is a key priority for the European Commission. The EU rules on **Anti-Money Laundering and Counter Terrorist Financing (AML/CTF)** have been significantly strengthened in the past years through the **Fourth Directive on the prevention of the use of the financial system for the purposes of money laundering and terrorist financing (4th AMLD³)**, as amended by the **Fifth Anti-Money Laundering Directive (5th AMLD⁴)**.

³ Directive 2015/849 of the European Parliament and of the Council of 20 May on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing amending Regulation (EU) No

The 5th AMLD (“the Directive”) comes into play in the context of the EU’s ambition to strengthen the Internal Market by safeguarding the interests of society from criminality and terrorist acts, contributing to financial stability by means of protecting the soundness proper functioning and integrity of the financial system, and safeguarding the economic prosperity of the European Union by means of ensuring an efficient business environment.

The Directive puts in place clear rules that reinforce **the vigilance by banks, lawyers, accountants and all other professionals** concerned. It aims at building a **robust framework** with no legal loopholes for organised crime or terrorists to slip through. In addition to the criminal law approach, a **robust preventive framework** built around the financial system is a key success factor.

The Directive reinforces rules regarding identification of customers, especially **beneficial owners of companies and trusts**. The existing rules also strengthen and improve **cooperation between EU Financial Intelligence Units (FIUs)**, which are among the key players in the fight against ML/CTF.

In such context, **legal professionals** are core elements for the **prevention of the misuse of financial services** for criminal purposes. In particular, **Article 2 of the Directive covers lawyers and notaries as “obliged entities”** and thus they must **comply with several complex obligations**.

In practice, this means that they must carry out **customer due diligence** (Article 10) concerning their clients i.e. they must **check and verify the identity of their clients**, check **beneficial owners of their clients**, **assess the purpose and intended nature of the business relationship**, conducting ongoing **monitoring of the business relationship**. In case they have **any suspicion** regarding money laundering or terrorist financing, they must **report it** to the FIUs.

The supranational risk assessment (SNRA) on money laundering and terrorist financing carried out by the European Commission back in June 2017⁵, has shown that **the knowledge** and also **the practical application of the rules of the Directive by legal professionals (lawyers and notaries) are rather limited**.

648/2012 of the European Parliament and of the Council, and repealing Directive 2005/60/EC of the European Parliament and of the Council and Commission Directive 2006/70/EC [OJ 2015 L 141 p.73]

⁴ Directive (EU) 2018/843 of the European Parliament and of the Council of 30 May 2018 amending Directive (EU) 2015/849 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, and amending Directives 2009/138/EC and 2013/36/EU (Text with EEA relevance) , OJ L 156, 19.6.2018, p. 43–74

⁵ COM(2017) 340 final

At the same time, **the work of the European Parliament committee on the Panama Papers** also focuses on the issue of the correct application of the Directive by lawyers and other legal professionals subject to the Directive.

For these reasons, **training of legal professional with the view to raise awareness on their obligations under the Directive** is an important tool to ensure consistent application of these rules across the Union. As the training of notaries in Europe on AML-CTF is already covered,⁶ the focus of this contract should be on **training of lawyers**.⁷

2.2. Purpose of the contract

The general objective of the contract is to **train, raise awareness and promote** the dissemination among lawyers of the key principles and concepts of the EU AML/CTF rules. The purpose of the contract is to **analyse, assess and support** lawyers' needs by **increasing their awareness on their role and obligations** in the fight against money laundering and financing of terrorism under the Directive.

The specific objective is that the training programme reach the largest possible audience of lawyers throughout the Union. In particular, the training activities may help the lawyers concerned to answer how they can best:

- **access and understand relevant AML/CTF obligations**; reflect on the ways lawyers and law firms may be misused in the context of money laundering and terrorist financing;
- **reflect on practices lawyers and law firms can adopt** in their particular jurisdiction and in accordance with the relevant bar rules, to ensure the highest ethical standards of the profession are maintained.
- **identify the problem that may arise** in the interpretation of specific provisions in the light of hypothetical and actual cases and in view, in particular, of the continuity of their business relations with their clients and other considerations;

2.3. Tasks of the contractor

To deliver the training activities, **the contractor** should carry the following tasks:

- **Development of a strategy** to offer training for lawyers on their legal obligations under the EU legal framework on AML/CTF and through intermediaries, such as professional organisations representing lawyers in the EU. This strategy shall include facilities to exchange best practices between lawyers in Europe. It will be accompanied by a training needs assessment (TNA) for EU lawyers on their obligations under the Directive. This TNA should allow for the identification, in each Member State, of the main relevant professional organisations that can perform the required trainings on this topic.

⁶ Notaries in Europe benefit through the training programme “Europe for Notaries – Notaries for Europe III” (2018-2020) from an action grant, co-funded by the European Commission, whereby training for notaries is organised in the prevention of money laundering.

⁷ See presentation of this legal profession within the different legal and judicial systems of the Member States of the European Union under https://e-justice.europa.eu/content_legal_professions-29-en.do

- **Production, on the basis of this strategy of an EU-level training programme (TP)** in English including a user’s and a trainer’s manual. The TP should be conceived in a way so that it will be easily adapted to the national contexts of the different Member States.
- **Organise pilot cross-border activities** with the aim to test the TP. In doing so, the contractor may adapt the training material to the national contexts of the targeted countries. To do so, the contractor shall prepare, run and evaluate :
 - **a train the trainers activity** that may contain a twofold objective: allowing testing the designed EU level training programme with training a group of minimum 9 experienced trainers for the cross-border activities. Candidate trainers for “train the trainers” should be able to demonstrate that they will have the opportunity to re-use the training modules and adapt them to their own training activities and national specificities;
 - **three regional cross border-training activities** involving for each regional training activity, **at least**:
 - 3 Member States selected with the aims i) to ensure a fair geographical representation and ii) to obtain a sound exchange of good practices in the area of AML/CTF at EU-level and iii) to consider the Member States with the greatest need for training as established by the TNA.
 - for approximately, a minimum, of 30 participants;

This task shall include adapting the training material to the national context of the targeted countries and, if needed, translating.

The contractor will arrange and bear the costs for travel for all participants if needed.

At the end of the contract, the European Commission will have ownership of the results. The European Commission will be able to contract out the training material for further updates and developments. The contractor will not impose any limitations on intellectual and industrial property rights.

Expected results

This training programme should aim to achieve the following expected results:

- **Increased knowledge and capacity of lawyers** to act in the event of suspicious operations, achieved through, train-the-trainer as well as cross-border training workshops;
- **Training packages in English** available on line;
- **Use of the quantifiable multiplier effect** of the EU-training package;
- **Reach the largest possible audience of lawyers** by using national institutes for lawyers, where available, and training institutes as well as professional organisations representing lawyers in the EU.

2.4. Methodology

In terms of training methodology, **the contractor must propose appropriate methodological tools** to address the requirements of these terms of reference.

The training programme in AML/CTF **shall**:

- cover **all current EU Member States**;
- take into account the state-of-the-art knowledge on EU and national trainings⁸ on the topic for lawyers in order to avoid duplication and improve national trainings; explain details on the existing courses and training material regarding the prevention of money laundering already developed by the tenderer if any;
- propose the use of **alternative learning methodology**, appropriate for the lawyers learning such as **exchanges of best practices** and **awareness raising campaign** among the relevant interested lawyers;
- offer in-depth analysis on certain aspects of AML/CTF rules.

- be organised **in cooperation with national bar associations and law societies**, and training institutes for lawyers as well as professional organisations representing lawyers in the EU so that to benefit as much as possible from the existing infrastructure and lower costs and reach the relevant audience of lawyers. To fulfil his obligation, the Contractor will develop contacts with European professional organisations representing lawyers such as national bar associations and training institutes. The Commission will provide to the contractor the contacts of European umbrella organisations for lawyers.

2.5. Outputs and deliverables

In the course of the contract, the contractor will deliver the following deliverables to DG Justice and Consumers.

The Commission's approval will be granted after all its comments on the final report and other deliverables have been effectively implemented by the contractor.

2.5.1 Inception report

The inception report will present, following discussions with the Commission during the kick-off meeting, a detailed description of the methodology that the contractor will use to conduct the training activities. The contractor is also asked to present a detailed work programme with its timeline for the full contracting period.

2.5.2 Interim report

Halfway through the contract, the contractor will submit an interim report to the Commission. The contractor should indicate clearly the progress as well as the limitations, risks, mitigation activities proposed, as well as any deliverable, which would already be ready at that stage (for example, the detailed methodology and work programme for the EU-level training package, the list and description of the different relevant organisations that can perform such training tasks and the organisation of the implementing training activities). The interim report will also provide the proposed detailed structure of the final report.

⁸ In preparing the training sessions and the materials, tenderers should consult, among others, the European e-justice portal <https://e-justice.europa.eu>

2.5.3 Final Report

The final report, with the finalised versions of all the deliverables in annex, shall be submitted **24 months** after the signature of the contract.

The initial version of the final report will be discussed in the final report meeting with the Commission. For this purpose, the contractor will meet with the Commission in its premises and will introduce the final report also by means of a power point presentation.

The final report will consist in the presentation of the training activities developed. Such report shall include:

- The presentation of the training strategy;
- The presentation of the existing current training available on AML/CTF in the EU;
- The list of the main different bodies, which require EU law training in the EU Member States, with reference to the corresponding tasks;
- The assessment of the training needs per task of AML/CTF rules and in which language (foreign / English or national language) these needs would be better answered;
- The presentation of the training package, its scope, its methodology, the limitations encountered, the mitigation measures taken, the analysis carried out;
- Recommendations for the improvement of training on AML/CTF of lawyers at national level and at EU level, and how they are linked to the findings of the training;

2.6. Quality requirements

In view of its publication, the final report must be accurate, based on robust data, supported by sufficient evidence and of high editorial quality.

All reports (and annexes) should be in English language, checked and corrected by a native speaker, and should be understandable without a special effort for an informed reader.

The data in the reports shall be presented with an appealing layout, containing tables as well as appropriate graphics to illustrate the arguments whenever useful. The data should be accompanied by clear and intelligible *dofiles* that could be used by the European Commission to reproduce or double-check the analysis, the tables and the graphs contained in the final report.

All reports should have numbered pages and sections and a clear identification containing:

- the contract number;
- the version (initial, revision or final);
- and the date of submission to the Commission.

In cases where the contractor does not manage to produce a final report of high editorial quality within the timeframe defined by the contract, the contracting authority can decide to have the final report professionally edited at the expense of the contractor (e.g. deduction of these costs from the final payment).

2.7. Use of results

Any document/data collected or created in electronic format in the context of this contract will be the property of the European Union and will be delivered at the end of the contract to the contracting authority in an electronic format by e-mail and digital storage means.

The contractor will keep records and proof of all contacts and will timely produce them if they are requested from him. These records shall be appropriately archived to enable the verification of the data if the need arises.

Copies of all documents collected/analysed by the contractor must be made available to the contracting authority if requested.

2.8. Organisational arrangements

2.8.1 Duration of the tasks and of the contract

The maximum duration of the tasks to be performed under the contract is **24 months**.

2.8.2 Estimated timing of meetings and reports

| Deliverables / milestones / meetings | Date |
|---|---|
| Kick-off meeting | Within 2 weeks after the signature of the contract |
| Inception report | To be sent maximum 6 weeks after the signature of the contract. |
| Interim report | To be sent within 12 months from the signature of the contract. |
| Draft final report | To be sent within 23 months from the signature of the contract |
| Final report meeting | 1 to maximum 3 weeks after receipt of the draft final report. |
| Final report | To be sent within 24 months from the signature of the contract. |

The Contractor will be requested to keep regular contacts with the Commission to discuss progress, by phone / videoconference, Short progress reports should be provided by email ahead of this regular contact.

The contractor shall be ready to discuss any aspect of the training activities with the Commission in order to solve any possible difficulties at an early stage.

The contractor shall inform swiftly the Commission about any difficulty in implementing the training activities and make proposals for remedy measures and / or requests for support by the Commission.

2.9. Place of performance

The tasks will be performed on the contractor's premises. However, 2 meetings between the contractor and the Commission will be held on Commission premises in Brussels.

2.10. Estimated value of the contract

The total value of the contract, **including travel and subsistence** expenses has been estimated at maximum **400.000 EUR for the duration of 2 years**.

3. CONTENT, STRUCTURE AND GRAPHIC REQUIREMENTS OF THE DELIVERABLES

The reports detailed in 2.3.1, 2.3.2, 2.3.3. and 2.3.4 above must be provided in English. One paper and one electronic copy (MS Word or in HTML format) of each must be submitted to the Commission. The publication of any report requires prior authorisation of the Commission.

All reports must include the following disclaimer: *“The information and views set out in this report are those of the author(s) and do not necessarily reflect the official opinion of the Commission. The Commission does not guarantee the accuracy of the data included in this study. Neither the Commission nor any person acting on the Commission’s behalf may be held responsible for the use which may be made of the information contained therein.”*

3.1 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 reports, the contractor must respect the W3C guidelines for accessible pdf documents as provided at: <http://www.w3.org/WAI/>.

3.2. Other publishable elements

The following elements of the training activities could be published on the European e-Justice Portal and shall therefore be presented in a user-friendly and comparable manner, for instance in the form of factsheets:

- The list and description of the different training staff’s tasks that involve aspects of AML/CFT rules;
- The assessment of the training needs per task that involves aspects of AML/CFT rules;
- The presentation of the current training offer on AML/CFT rules for lawyers in the Member States.

3.3. Graphic requirements

The contractor must deliver 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

4. EVALUATION AND AWARD

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

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

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

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

4.1. Verification of non-exclusion

All tenderers must provide a declaration on honour (see Annex 1), 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, all subcontractors whose share of the contract is above 10 % 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, however not to subcontractors.

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 there has been no change in its situation.

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

4.2. Selection criteria

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

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

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

4.2.1 Declaration and evidence

The tenderers (and each member of the group in case of joint tender) and subcontractors whose capacity is necessary to fulfil the selection criteria must provide the declaration on honour (see Annex 1), signed and dated by an authorised representative, stating that they fulfil the selection criteria applicable to them. In case of joint tender or subcontracting, the criteria applicable to the tenderer as a whole will be verified by combining the various declarations for a consolidated assessment.

This declaration is part of the declaration used for exclusion criteria (see section 4.1) so only one declaration covering both aspects should be provided by each concerned entity.

The Contracting Authority will evaluate selection criteria on the basis of the declarations on honour and of the evidence requested. 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.

4.2.2 Legal and regulatory capacity

Tenderers must prove that they are allowed to pursue the professional activity necessary to carry out the work subject to this call for tenders.

Tenderers must indicate the state in which they have their registered office or domicile, providing the necessary supporting documents in accordance with their national law.

In the course of the procedure, the EU Validation Services may contact tenderers via the Participant Register and ask for supporting documents with respect to the legal existence and status. Please note that a request for supporting documents in no way implies that the tenderer has been successful.

4.2.3 Economic and financial capacity criteria

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

Criterion F1: Turnover of the last two financial years above EUR 200 000; 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.

In the course of the procedure the EU Validation Services may contact tenderers via the Participant Register and ask for supporting documents with respect to economic and financial capacity. Please note that a request for supporting documents in no way implies that the tenderer has been successful.

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

4.2.4 Technical and professional capacity criteria and evidence

A. Criteria relating to tenderers

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

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

- **Criterion A1:** The tenderer must prove experience in the field of legal training including development of legal training activities and content.

Evidence A1: the tenderer must provide at least 2 references for projects delivered in these fields in the last 10 years with a minimum value for each project of € 75 000.

- **Criterion A2:** The tenderer must prove its capacity to work in all EU countries.

Evidence A2: the tenderer must provide references for projects delivered in the last ten years covering the required geographical scope and/or the tenderer must prove that it has contacts in the EU countries not covered by its project experience in order to ensure the required geographical coverage; for this purpose, the tenderer must provide letters of intent from the contact points.

- **Criterion A3:** The tenderer must prove capacity to draft reports in English.

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

Documents certifying technical and professional capacity must be provided and included in the section 'qualification' -> 'selection criteria' -> 'technical and professional capacity' -> 'member name' in the e-Submission application.

B. Criteria relating to the team delivering the service:

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

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

B1 - Project Manager: At least 8 years' experience in legal training, including management and development of legal training activities and content experience in at least one project of a similar size (at least € 100 000) and coverage (at least ten countries covered), with experience in management of team of at least 6 people.

Evidence: CV

B2 - Language quality check: at least half of the members of the team should have at least C1 level in the Common European Framework for Reference for Languages⁹ in English.

Evidence: a language certificate or past relevant experience.

B3 – Senior expert in legal training: At least ten years of professional experience. Relevant higher education degree or equivalent professional experience and at least eight years' professional experience in the field of legal training.

Evidence: CV

B3 – Expert in legal training: At least eight years of professional experience. Relevant higher education degree or equivalent professional experience and at least four years' professional experience in the field.

Evidence: CV and a language certificate or past relevant experience

CV.

Documents certifying technical and professional capacity must be provided and included in the section 'qualification' -> 'selection criteria' -> 'technical and professional capacity' -> 'member name' in the e-Submission application.

4.3 Award criteria

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

⁹ See http://www.coe.int/t/dg4/linguistic/Cadre1_en.asp

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

This criterion will assess the clarity, relevance, feasibility, timeliness and quality of the methodology proposed for the tasks to be undertaken.

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

This criterion will assess how the roles and responsibilities of the proposed team and of the different economic operators (in case of joint tenders, including subcontractors if applicable) are distributed for each task. It also assesses the global allocation of time and resources to the project and to each task or deliverable, and whether this allocation is adequate for the work. The tender should provide details on the allocation of time and human resources and the rationale behind the choice of this allocation. Details should be provided as part of the technical offer. It is not a budget requested as part of the financial offer.

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

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

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

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

| | | | | | | | | | | |
|--------------------|---|-------------------|---|-----|---|-----|---|--|---|-----|
| score for tender X | = | cheapest price* | * | 100 | * | 0.4 | + | total quality score (out of 100) for all award criteria of tender X | * | 0.6 |
| | | price of tender X | | | | | | | | |

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

Remarks:

Tenderers’ attention is drawn to the fact that the Commission will be in a position to make a proper assessment of the tenders on the basis of the above qualitative criteria only if they contain full particulars relating to all aspects of this specification. Lack of detail and vague and perfunctory information will be penalised.

As the tenders will be evaluated on the basis of the quality of the services proposed, they should fully explore all the points included in this specification so as to obtain the best possible mark.

Simply repeating the guidelines given in the specification of this invitation to tender without going into detail or expanding on them will result in a very poor mark.

Furthermore, if any essential points of this specification are not expressly covered by the tender, the Commission may decide to give a zero mark for the relevant quality award criteria.

5. ANNEXES

1. Declaration by the Tenderer (relating to the exclusion and selection criteria)
2. Financial Offer Form

