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European Commission

Call for tenders 2019 ECFIN 004/D

SELECTION OF CONSULTANTS TO CONDUCT OPERATIONAL ASSESSMENTS AND TAKE PART IN PEFA STUDIES

Open procedure

TENDER SPECIFICATIONS

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1. SCOPE AND DESCRIPTION OF THE PROCUREMENT

1.1. Contracting authority: who is the buyer?

This call for tenders is launched and managed by the European Commission, referred to as the *Contracting authority* for the purposes of this call for tender, assisted by its Directorate General for Economic Affairs.

1.2. Subject: what is this call for tenders about?

The subject of this call for tenders is the **Selection of consultants to conduct operational assessments and take part in PEFA (Public Expenditure and Financial Accountability) studies.**

1.3. Lots: is this call for tenders divided into lots?

This call for tenders is not divided into lots.

1.4. Description: what do we want to buy through this call for tenders?

The main object of the present framework contract is

- a) to analyse the legislative framework, the administrative procedures and the financial circuits of the administrative bodies that manage EU funds in the countries which receive macro-financial assistance in the context of an Operational Assessment.

In addition, the contractor can be called

- b) to take part in the 'Public Expenditure and Financial Accountability' (PEFA) studies which aims at assessing the performance of the public finance management system.

The services that are the subject of this call for tender, including any minimum requirements, are described in detail below and also in *Annex 8 for the operational assessment*.

Variants (alternatives to the model solution described in the Tender Specifications) are not allowed. The *Contracting authority* will disregard any variants described in a tender.

1.4.1. Background and objectives

The European Commission (Commission) has a range of economic cooperation policies under which it grants macroeconomic aid to several countries with a view to promoting their development, enabling them to restore their financial and economic equilibrium or indeed help them to make the transition to a market economy.

Macroeconomic aid is granted either as budgetary support or macro-financial assistance. In the case of budgetary support, payments are made in the form of grants and used exclusively for financing expenditure specified in the budgets of the beneficiary States. Macro financial

assistance, on the other hand, is paid in the form of grants and/or loans directly to the central banks of the beneficiary countries to support their balances of payments and/or their budgetary needs. In both cases, use of the funds must ensure that specific objectives, which are agreed between the Commission and the representatives of these countries in advance, are fulfilled.

The Directorate-General for Economic and Financial Affairs (DG ECFIN) manages the macro-financial assistance; it has therefore developed a broad expertise in the field of monitoring public finances which means it can provide advice to governments of States which are keen to improve the functioning of their financial circuits and corresponding administrative services.

The Commission wants to sign a framework contract in cascade with two specialised consultancy companies with the necessary expertise and proven experience to conduct operational assessment missions or specific analyses relating to the organisation of public finances in the countries in question. See also point 1.6 for the use of a framework contract in cascade.

The framework contract will be for **conducting operational assessments** in order to analyse the legislative framework, the administrative procedures and the financial circuits of the administrative bodies that manage EU funds in the countries that receive macroeconomic aid. These assessments will also relate to reforms implemented, especially in the area of Public Finance Management, particularly with regard to undertakings made in Agreements under the European Neighbourhood Policy (ENP) (http://ec.europa.eu/world/enp/index_en.htm).

The framework contract will also be for taking part, on an **ad hoc basis, in 'Public Expenditure and Financial Accountability' (PEFA) studies**, mainly in neighbouring countries, in cooperation with the World Bank and possibly other financial institutions.

1.4.2. Detailed characteristics of the purchase

The operational assessments involve missions in all or some of the countries indicated in **Section 1.5**.

Only highly qualified personnel, who offer every guarantee of competence and independence, can carry out the work, of which the main part is performed on site.

For each of these operational assessments, a work programme will be drawn up in advance by staff of DG ECFIN. This work programme will take into account the specific situation of the country, the information available in reports published by other institutions and donors, and in particular Public Expenditure and Financial Accountability (PEFA) reports, and the requirements expressed by the various Commission departments.

The objective of these operational assessments will be to provide a detailed analysis of the operation of various administrative bodies (central banks, ministries of finance, auditing bodies) involved in managing EU funds in the countries receiving macroeconomic aid in its various forms (budgetary support and macro-financial assistance) from the Commission.

In all cases, the contractor will be asked to undertake an analysis of the functioning of the central bank, including an in-depth study of its statute, an examination of the departments responsible for accounting and treasury as well as the internal audit bodies and IT procedures. The work with the Ministry of Finance will relate to the procedure for preparing the national budget, the functioning of the treasury service, the efficiency of internal auditing and the reliability of IT procedures. The external audit bodies will be systematically subject to detailed examination.

In the majority of cases, the contractor will be asked to undertake an assessment of existing procedures for managing calls for tender.

Other sectors relating to the control of public finances could be considered, for example analysing customs procedures.

1.4.3. Meetings

At the beginning of the framework contract, the Commission may hold an introductory meeting with the contractor. This meeting will be dedicated to explaining the Commission's expectations, the contractor's working methods and the provisional timetable of missions, if applicable.

After that, and prior to commencement of each specific contract, the Commission may hold a preparatory meeting with the contractor to discuss the practicalities of the work for the specific engagement to be conducted. If necessary, other review meetings may be organised on the basis of the mission or final reports which must be submitted by the contractor. These will be outlined during the request for services for a specific contract.

All the meetings (introductory and for specific contracts) will be organised mainly by videoconference. If so requested by the contractor or if agreed by both parties, meeting can be organised in Brussels at the Commission premises.

1.4.4. Deliverables

Each operational assessment requires on average 40 working days in total on the part of a two-member team of consultants (one Highly qualified expert and one Very qualified expert, one of whom shall be the Team Leader). This usually includes 30 working days on site. Depending on the complexity or the urgency of the assignment the Commission may request the engagement of a third member in the team of the consultants if this is deemed necessary. The consultants are expected to recommend ways of correcting the weaknesses detected during the assessment. These recommendations will take into account the seriousness of the shortcomings detected and deadlines may be proposed to the national authorities for correcting these shortcomings.

Work planned in the context of participation in a PEFA assessment, as well as the implementation methods, will be defined in the request for services for a specific contract.

Participation in a PEFA assessment will need on average 150 working days in total (including on-the-spot mission). The work relating to this type of assessment shall take place in cooperation with the representatives of the various participating administrations. The consultants shall use the methodology as indicated by the PEFA Secretariat (www.pefa.org)

which involves the use of indicators to examine the following areas, in principle: I. Budget reliability II. Transparency of public finances III. Management of assets and liabilities IV. Policy-based fiscal strategy and budgeting V. Predictability and control in budget execution VI. Accounting and reporting VII. External scrutiny and audit.

See also [Template and guidance for the preparation of a PEFA assessment concept note or terms of reference for Central Governments \(EN\)](https://pefa.org/pefa-assessment-templates) available at <https://pefa.org/pefa-assessment-templates> (PEFA assessment templates and instructions).

Deliverables with regard to an Operational Assessment:

A **work plan** (time-planning of the mission programme) must be submitted *within one week from the start date of the contract*.

A **mission report** (in the form of an ‘Aide de mémoire’) must be submitted *within one week of the end of the Operational Assessment mission*. A consultation meeting aimed at clarifying any outstanding issues may be organised, if required, by the Commission within a maximum of 30 calendar days of having received this report.

The **final report** must be submitted *within six weeks from the completion of the mission*. It will set out in detail the work carried out in the country in question as well as conclusions and recommendations; it will be considered a professional opinion, drawn up by an external consultant, on the administrative system of the country analysed.

The various reports must be drafted in English and sent in electronic form. In addition, the contractor will provide five hard copies of the final version of the report.

Deliverables with regard to a PEFA study:

A **final report**, drawn up in close co-operation with the involved representatives of the various participating administrations, must be submitted *upon completion of the mission or a date defined in the specific contract*.

Depending on the needs, additional deliverables (such as work plan, interim report, draft final report etc.) could be defined in the request for services for a specific contract.

The various reports must be drafted in English and sent in electronic form. In addition, the contractor will provide five hard copies of the final version of the report.

Approval of deliverables and related payment:

The Commission will have to analyse and approve the deliverables, at the latest within 60 days from receipt. The Commission will inform the contractor in writing that it either approves the deliverable or that it requests a revision following the observations made. The contractor will provide the revised deliverable or document within one month after receipt of the Commission’s observations. The approval/revision process may be repeated if the Commission considers it necessary or useful

In accordance with article I.6.3 of the Framework Contract, the contractor may claim payment for his services, including reimbursement of expenses (travel, accommodation and subsistence). The Commission may suspend the time limit for payment in accordance with article II.21.7 of the Framework Contract until its approval of the deliverable or any other supporting document for payment.

Publication:

The European Commission retains the rights relating to reports produced under the framework contract and to their use in accordance with article I.10 of the framework contract. Any document based in full or in part on the work carried out under this contract may be disseminated or published only with the Commission's permission.

While the Operational Assessments are for internal use only, the results of the PEFA studies are expected to be disseminated outside of the Commission and thus have extra publishing protocols that have to be observed. These are given below for guidance and are supplemented by the Framework Contract.

The structure and graphic requirements of the deliverables are detailed in *Annex 7*.

1.5. Place of performance: where will the contract be performed?

The services will be performed at the following locations:

- In the countries eligible for macro-financial assistance, which include two groups of countries: the candidate countries and the potential candidate countries for accession to the European Union, and the countries covered by the European Neighbourhood Policy (ENP).
- Where appropriate, other third countries which do not come under the above two categories that are likely to benefit from macro-financial assistance on an ad hoc basis.
- The contractor's premises.

1.6. Nature of the contract: how will the contract be implemented?

The procedure will result in the conclusion of multiple framework contracts in cascade.

A framework contract establishes a mechanism for future repetitive purchases by the *Contracting authority* to be awarded in the form of specific contracts. The signature of a framework contract does not impose an obligation on the *Contracting authority* to conclude specific contracts with a framework contractor.

The framework contract will be concluded in the form of separate but identical contracts with two contractors at most, provided that there are enough tenderers that have access to the procurement, are not excluded, satisfy the selection and award criteria, and comply with the Tender specifications.

The tenders deemed admissible as a result of the evaluation will be ranked in descending order to establish a list of two contractors and a sequence in which they will be offered specific contracts during the implementation of the framework contract will be offered. The modalities of implementation of the framework contract in cascade are set out in Article I.4.3

of the Draft contract (*Annex 10*).

☞ Tenderers need to take full account of the provisions of the Draft framework contract as the latter will define and govern the contractual relationship(s) to be established between the *Contracting authority* and the successful tenderer(s). Special attention is to be paid to the provisions specifying the rights and obligations of the contractor, in particular those on payments, performance of the contract, confidentiality, and checks and audits.

1.7. Volume and value of the contract: how much do we plan to buy?

An indicative estimate of the volumes to be ordered over the whole duration of the framework contract is: 12 operational assessments (on average 3 operational assessments per year) and one PEFA assessment. The nature, scope and frequency of the "Public Expenditure and Financial Accountability" (PEFA) assessments will depend on the needs which will be formulated by the various departments of the Commission and by the States concerned during the validity of the contract. These volumes are estimates only and there is no commitment as to the exact quantities to be ordered. The actual volumes will depend on the assignments which the *Contracting authority* will order through specific contracts. In any case the **framework contract ceiling**, i.e. the maximum amount to be spent under the framework contract, including all renewals and reimbursement of expenses, **EUR 1.000.000** shall not be exceeded.

The *framework contract ceiling* is also indicated in Heading II.2.6 of the contract notice.

Within three years following the signature of the framework contract(s) resulting from the current call for tenders, the *Contracting authority* may use the negotiated procedure under point 11.1 (e) of Annex 1 to [Regulation \(EU, Euratom\) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules¹ applicable to the general budget of the Union](#) to procure new services from the contractor(s) up to a maximum of 50 % of the initial *framework contract ceiling* if the needs arise due to specific economic situations in some countries not foreseeable at the moment of the launch of the present call. . These services will consist in the repetition of similar services entrusted to the contractor(s) and will be awarded under the same conditions as the current call for tenders.

1.8. Duration of the contract: how long do we plan to use the contract?

The framework contract(s) resulting from the award of this call for tenders will be concluded for at most 48 months. The details of the initial contract duration and possible renewals are set out in Article I.3 of the Draft framework contract.

¹ https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2018.193.01.0001.01.ENG&toc=OJ:L:2018:193:TOC

1.9. Electronic exchange system: can exchanges under the contract be automated?

For all exchanges with the contractor during the implementation of the contract as well as for future possible subsequent proceedings for the purposes of EDES ([European Union's Early Detection and Exclusion System](#)) the *Contracting authority* may use an electronic exchange system meeting the requirements of Article 148 of [Regulation \(EU, Euratom\) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union](#)². At the request of the *Contracting authority*, the use of such a system shall become mandatory for the contractor(s) at no additional cost for the *Contracting authority*. Details on specifications, access, terms and conditions of use will be provided in advance.

2. GENERAL INFORMATION ON TENDERING

2.1. Legal basis: what are the rules?

This call for tenders is governed by the provisions of [Regulation \(EU, Euratom\) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union](#) (the Financial Regulation)².

The *Contracting authority* has chosen to award the contract resulting from this call for tenders through an open procedure pursuant to Article 164(1) (a) of the Financial Regulation. In an open procedure any interested economic operator (any natural or legal person who offers to supply products, provide services or execute works) may submit a tender.

2.2. Rules on access to procurement: who may submit a tender?

Participation in this call for tenders 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 European Union in the field of public procurement on the conditions laid down in that agreement. Where the Agreement on Government Procurement³ concluded within the World Trade Organisation applies, the participation to this call for tenders is open to all natural and legal persons established in the countries that have ratified this Agreement, on the conditions laid down therein.

The rules on access to procurement do not apply to subcontractors. Subcontracting may not be used with the intent to circumvent the rules on access to procurement.

To enable the *Contracting authority* to verify the access, each tenderer must indicate its country of establishment (and in case of joint tender – the country of establishment of each group member) and must present the supporting evidence normally acceptable under the law of that country/-ies. The same document(s) could be used to prove country/-ies of establishment and the delegation(s) of the authorisation to sign as described in **Section 4.3**.

For tenderers established in the United Kingdom:

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 terms of any Withdrawal Agreement. In case such

² Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012 (OJ L 193 of 30.07.2018, p.1).

³ https://www.wto.org/english/tratop_e/gproc_e/gp_gpa_e.htm.

access is not provided by legal provisions in force tenderers from the UK could be rejected from the procurement procedure.

2.3. Registration in the Participant Register: why register?

Any economic operator willing to submit a tender for this call for tenders must be registered in the [Participant Register](#) - an online register of organisations and natural persons participating in European Commission's calls for tenders or proposals (participants).

On registering each participant obtains a Participant Identification Code (PIC, 9-digit number) which acts as its unique identifier in the Participant Register. A participant needs to register only once – the information provided can be further updated or re-used by the participant in other European Commission's calls for tenders or calls for proposals.

At any moment during the procurement procedure the Research Executive Agency Validation Services (hereafter *the EU Validation Services*) may contact the participant and ask for supporting documents on legal existence and status. The requests will be made through the register's messaging system to the e-mail address of the participant's contact person indicated in the register. It is the responsibility of the participant to provide a valid e-mail address and to check it regularly.

The documents that may be requested by *the EU Validation Services* are listed in the [EU Grants and Tenders Rules on Legal Entity Validation, LEAR appointment and Financial Capacity assessment](#).

👉 Please note that a request for supporting documents by the *EU Validation Services* in no way implies that the tenderer has been successful.

2.4. Ways to submit a tender: how can economic operators organise themselves to submit a tender?

Economic operators can submit a tender either as a sole tenderer or as a group of tenderers. In either case subcontracting is permitted.

In order to fulfil the selection criteria set out in **Section 3.2** the tenderer can rely on the capacities of subcontractors or other entities (not subcontractors).

The role of each entity involved in a tender (hereafter referred to as *involved entity*) must be clearly specified: sole tenderer, member of a group or Group leader, subcontractor or an entity on whose capacities the tenderer relies to fulfil the selection criteria⁴. This applies also where the *involved entities* belong to the same economic group.

⁴ Such an entity is not considered a subcontractor, see Section 2.4.3.

2.4.1. Joint tenders

A joint tender is a situation where a tender is submitted by a group (with or without legal form) of economic operators regardless of the link they have between them. The group as a whole is considered a tenderer⁵.

All members of the group assume joint and several liability towards the *Contracting authority* for the performance of the contract as a whole.

Group members must appoint a *Group leader* and a single point of contact authorised to act on their behalf in connection with the submission of the tender and all relevant questions, clarification requests, notifications, etc., that may be received during the evaluation, award and until the contract signature. The model power of attorney attached in *Annex 3* is to be used.

The joint tender must clearly indicate the role and tasks of each member and of the *Group leader* who will act as the *Contracting authority's* contact point for the contract's administrative or financial aspects and operational management. The *Group leader* will have full authority to bind the group and each of its members during contract execution. If the joint tender is successful, the *Contracting authority* shall sign the contract with the Group leader, authorised by the other members to sign the contract on their behalf via power of attorney drawn up in the model attached in *Annex 3*.

Changes in the composition of the group during the procurement procedure (after the submission deadline and before contract signature) shall lead to rejection of the tender except in case of:

- a merger or takeover of a member of the group (universal succession), provided that the new entity has access to procurement (see **Section 2.2**) and is not in an exclusion situation, or
- exclusion or rejection of a member by the *Contracting authority* where the member has no access to procurement, is in an exclusion situation or does not meet a relevant selection criterion.

In either case the selection criteria must be still fulfilled by the group and the terms of the originally submitted tender may not be altered substantially, i.e. all the tasks assigned to the excluded/rejected entity must be taken over by the group, the change must not make the tender non-compliant with the Tender specifications, and the evaluation of award criteria of the originally submitted tender may not be modified.

2.4.2. Subcontracting

Subcontracting is the situation where the contractor enters into legal commitments with other economic operators, which will perform part of the contract on its behalf. The contractor retains full liability towards the *Contracting authority* for performance of the contract as a whole.

⁵ References to *tenderer* or *tenderers* in this document shall be understood as covering both sole tenderers and groups of economic operators submitting a joint tender.

The following shall not be considered subcontracting:

- a) Use of workers posted to the contractor by another company owned by the same group and established in a Member State (“intra-group posting” as defined by Article 1, 3, (b) of [Directive 96/71/EC concerning the posting of workers in the framework of the provision of services](#)).
- b) Use of workers hired out to the contractor by a temporary employment undertaking or placement agency established in a Member State (“hiring out of workers” as defined by Article 1, 3, (c) of [Directive 96/71/EC concerning the posting of workers in the framework of the provision of services](#)).
- c) Use of workers temporarily transferred to the contractor from an undertaking established outside the territory of a Member State and that belongs to the same group (“intra-corporate transfer” as defined by Article 3, (b) of [Directive 2014/66/EU on the conditions of entry and residence of third-country nationals in the framework of an intra-corporate transfer](#)).
- d) Use of staff without employment contract (“self-employed persons working for the contractor”) to perform substantially the same tasks as the staff with employment contract (“employees”), without the tasks of the self-employed persons being particular well-defined parts of the contract.
- e) Use of suppliers and/or transporters by the contractor, in order to perform the contract at the place of performance, unless the economic activities of the suppliers and/or the transporting services are within the subject of this call for tender (see **Section 1.4**).
- f) Performance of part of the contract by members of an EEIG (European Economic Interest Grouping), when the EEIG is itself a contractor or a group member.

The persons mentioned in points a), b), c) and d) above will be considered as “personnel” of the contractor as defined in the contract.

All contractual tasks may be subcontracted unless the *Technical specifications* expressly reserve the execution of certain critical tasks to the sole tenderer itself, or in case of a joint tender, to a member of the group.

By filling in the form available in **Annex 4**, tenderers are required to give an indication of the proportion of the contract that they intend to subcontract, as well as to identify and describe briefly the envisaged contractual roles/tasks of subcontractors meeting any of these conditions (hereafter referred to as *identified subcontractors*):

- on whose capacities the tenderer relies upon to fulfil the selection criteria as described under **Section 3.2**;
- whose individual share of the contract, known at the time of submission, is above 20%.

Any such subcontractor must provide the tenderer with a commitment letter drawn up in the model attached in **Annex 5.1** and signed by its authorised representative.

Changes concerning subcontractors identified in the tender (withdrawal/replacement of a subcontractor, additional subcontracting) during the procurement procedure (after the submission deadline and before contract signature) require the prior written approval of the *Contracting authority* subject to the following verifications:

- any new subcontractor is not in an exclusion situation;
- the tenderer still fulfils the selection criteria and the new subcontractor fulfils the selection criteria applicable to it individually, if any;
- the terms of the originally submitted tender are not altered substantially, i.e. all the tasks assigned to the former subcontractor are taken over by another involved entity, the change does not make the tender non-compliant with the Tender specifications, and the evaluation of award criteria of the originally submitted tender is not modified.

Subcontracting to subcontractors identified in a tender that was accepted by the *Contracting authority* and resulted in a signed contract, is considered authorised.

2.4.3. Entities on whose capacities the tenderer relies to fulfil the selection criteria

In order to fulfil the selection criteria a tenderer may also rely on the capacities of other entities, regardless of the legal nature of the links it has with them. It must in that case prove that it will have at its disposal the resources necessary for the performance of the contract by producing a commitment letter in the model attached in **Annex 5.2**, signed by the authorised representative of such an entity, and the supporting evidence that those other entities have the respective resources.

If the contract is awarded to a tenderer intending to rely on another entity to meet the minimum levels of economic and financial capacity, the *Contracting authority* may require the entity to sign the contract or, alternatively, to provide a joint and several first-call financial guarantee for the performance of the contract.

With regard to technical and professional selection criteria, a tenderer may only rely on the capacities of other entities where the latter will perform the works or services for which these capacities are required (i.e. the latter will assume the role of subcontractors).

☞ Relying on the capacities of other entities is only necessary when the capacity of the tenderer is not sufficient to fulfil the required minimum levels of capacity. Abstract commitments that other entities will put resources at the disposal of the tenderer will be disregarded.

3. EVALUATION AND AWARD

The evaluation of the tenders that comply with the submission conditions will consist of the following elements:

- Check if the tenderer has access to procurement (see **Section 2.2**);
- Verification of administrative compliance (if the tender is drawn up in one of the official EU languages and signed by duly authorised representative(-s) of the tenderer);
- 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 defined in the Tender specifications;
- Evaluation of tenders on the basis of the award criteria.

The *Contracting authority* will evaluate the abovementioned elements in the order that it considers to be the most appropriate. If the evaluation of one or more elements demonstrates that there are grounds for rejection, the tender will be rejected and will not be subjected to further full evaluation. The unsuccessful tenderers will be informed of the ground for rejection without being given feedback on the non-assessed content of their tenders. Only tenderer(s) for whom the verification of all elements did not reveal grounds for rejection can be awarded the contract.

The evaluation will be based on the information and evidence contained in the tenders and, if applicable, on additional information and evidence provided at the request of the *Contracting authority* during the procedure. If any of the declarations or information provided proves to be false, the *Contracting authority* may impose administrative sanctions (exclusion or financial penalties) on the entity providing the false declarations/information.

For the purposes of the evaluation related to exclusion and selection criteria the *Contracting authority* may also refer to publicly available information, in particular evidence that it can access on a national database free of charge.

3.1. Exclusion criteria

The objective of the exclusion criteria is to assess whether the tenderer is in any of the exclusion situations listed in Article 136(1) of the Financial Regulation.

As evidence of non-exclusion each tenderer needs to submit with its tender a Declaration on Honour⁶ in the model available in *Annex 2*.⁷ The declaration must be signed by an authorised representative of the entity providing the declaration.

⁶ The European Single Procurement Document (ESPD) may not be used yet in European Commission's calls for tenders.

The initial verification of non-exclusion of tenderers will be done on the basis of the submitted declarations and consultation of the [European Union's Early Detection and Exclusion System](#). The documents mentioned as supporting evidence in the Declaration on Honour need to be provided whenever requested and where this is necessary to ensure the proper conduct of the procedure within a deadline given by the Contracting authority⁸.

Annex 1 specifies which of the *involved entities* participating in a tender need to provide the Declaration on Honour and, when requested by *the Contracting authority*, the supporting evidence.

Please note that a request for evidence in no way implies that the tenderer has been successful.

3.2. Selection criteria

The objective of the selection criteria is to assess whether the tenderer has the legal, regulatory, economic, financial, technical and professional capacity to perform the contract.

The selection criteria for this call for tenders, including the minimum levels of capacity, the basis for assessment and the evidence required, are specified in the following subsections.

Tenders submitted by tenderers not meeting the minimum levels of capacity will be rejected.

When submitting its tender each tenderer shall declare on honour that it fulfils the selection criteria for the call for tender. The model Declaration on Honour available in *Annex 2* shall be used.

The initial assessment of whether a tenderer fulfils the selection criteria will be done on the basis of the submitted declaration(s).

The subsections below specify which selection criteria evidence must be provided with the tender or may be requested later, at any time during the procurement procedure⁹. In any case,

⁷ Unless the same declaration has already been submitted for the purposes of another award procedure of the European Commission, the situation has not changed, and the time elapsed since the issuing date of the declaration does not exceed one year.

⁸ The obligation to provide the supporting evidence will be waived in the following situations:

- if the same documents have already been provided in a previous award procedure of the European Commission, have been issued no more than one year before the date of their request by the *Contracting authority* and are still valid at that date;
- if such evidence can be accessed by the *Contracting Authority* on a national database free of charge, in which case the economic operator shall provide *the Contracting authority* with the internet address of the database and, if needed, the necessary identification data to retrieve the document;
- if there is a material impossibility to provide such evidence.

⁹ The obligation to provide the supporting evidence will be waived in the following situations:

- if the same documents have already been provided in a previous award procedure of the European Commission, have been issued no more than one year before the date of their request by the *Contracting authority* and are still valid at that date;

to the extent that there is no ground for a waiver, the evidence must be provided, upon request and within a deadline given by the Contracting authority. The evidence must be provided in accordance with the applicable basis for assessment of each criterion: in case of a consolidated assessment – only by the *involved entities* who contribute to the fulfilment of the criterion, and in case of individual assessment – by each *involved entity* to whom the criterion applies individually.

3.2.1. Legal and regulatory capacity

Tenderers must prove that they have legal capacity to perform the contract and the regulatory capacity to pursue the professional activity necessary to carry out the work subject to this call for tenders.

The legal and regulatory capacity shall be proven by one of the evidence documents listed below:

- Proof of enrolment in a relevant trade or professional register
- Proof of authorisation that the tenderer is authorised to perform the contract in its country of establishment
- Proof that the tenderer is a member of a specific professional organisation

3.2.2. Economic and financial capacity

Tenderers must comply with the following selection criteria in order to prove that they have the necessary economic and financial capacity to perform the contract.

Criterion F1	
Minimum level of capacity	Average yearly turnover of the last two financial years above EUR 500.000
Basis for assessment	This criterion applies to the tenderer as a whole, i.e. a consolidated assessment of the combined capacities of all <i>involved entities</i> will be carried out.
Evidence	<p>1/ A completed simplified presentation of the balance sheet and profit & loss accounts from each concerned <i>involved entity</i>, as per Excel template provided in Annex 9.</p> <p>2/ Copy of the profit and loss accounts and balance sheet for the last two years for which accounts have been closed from each concerned <i>involved entity</i>, or, failing that, appropriate statements from banks. The most recent year must have been closed within the last 18 months.</p>

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- if such evidence can be accessed by the *Contracting Authority* on a national database free of charge, in which case the economic operator shall provide the *Contracting authority* with the internet address of the database and, if needed, the necessary identification data to retrieve the document.

Criterion F2	
Minimum level of capacity	A professional risk indemnity insurance.
Basis for assessment	This criterion applies to the sole tenderer or to the group leader in case of a joint tender.
Evidence	Recent copy of professional risk indemnity insurance.

☞ All of the above specified evidence of economic and financial capacity must be provided with the tender.

3.2.3. Technical and professional capacity

Tenderers must comply with the following selection criteria in order to prove that they have the necessary technical and professional capacity to perform the contract.

Criterion T1	
The tenderer must prove experience in the field of public finance management, public finance management evaluations, policy formulation, survey techniques, data collection, accounting and auditing standards and drafting reports and recommendations.	
Minimum level of capacity	At least 10 similar (in scope and complexity) projects completed in the last three years preceding the tender submission deadline, with a minimum value for each of them of € 40,000.00.
Basis for assessment	This criterion applies to the <i>tenderer as a whole</i> , i.e. the combined capacities of all <i>involved entities</i> .
Evidence	<p>A list of projects meeting the minimum level of capacity.</p> <p>The list shall include details of their start and end date, total project amount and scope, role and amount invoiced. In case of projects still on-going only the portion completed during the reference period will be taken into consideration.</p> <p>As supporting documents, for <u>at least the three</u> most relevant projects: certificates/statements of satisfactory execution issued by the clients, specifying that they have been carried out in a professional manner and have been fully completed, must accompany the list of projects.</p>

Criterion T2	
The contractor shall have a team which shall comprise of the profiles of at least 3 ‘Highly qualified’ experts and at least 3 ‘Very qualified’ experts .	
Minimum level of capacity	<p><u>- Category I expert: Highly qualified expert</u></p> <p>About 15 years of relevant professional experience is required, including at least seven years in the field of</p>

	<p>auditing or monitoring public finances and public finance management.</p> <p>Fluency in both written and spoken English.</p> <p>Excellent reporting skills.</p> <p><u>Category II expert: Very qualified expert</u></p> <p>About 10 years of relevant professional experience is required, including at least five years in the field of auditing or monitoring public finances and public finance management.</p> <p>Fluency in both written and spoken English.</p> <p>Excellent reporting skills.</p>
Basis for assessment	This criterion applies to the <i>tenderer as a whole</i> , i.e. the combined capacities of all <i>involved entities</i> .
Evidence	CVs (with clear indication of the intended function in the delivery of the service under current call) + C1 level language ¹⁰ certificate or equivalent

☞ All of the above specified evidence of technical and professional capacity must be provided with the tender.

☞ Involved entities must not be subject to conflicting interests which may negatively affect the contract performance. Where the *Contracting authority* has established such conflicting interests, it may conclude that the tenderer or an involved entity does not possess the required professional capacity to perform the contract to an appropriate quality standard.

The presence of conflicting interests shall be examined during the evaluation phase based on the statements made through the Declarations on Honour and, where applicable, the commitment letters (*Annex 5.1 and Annex 5.2*).

¹⁰ See Common European Framework for Reference for languages in English
http://www.coe.int/t/dg4/linguistic/Cadre1_en.asp

3.3. Compliance with the minimum requirements of the Tender specifications

By submitting a tender a tenderer commits to perform the contract in full compliance with the terms and conditions of the procurement documents for this call for tender. Particular attention is drawn to the minimum requirements specified in **Section 1.4** of these specifications and to the fact that tenders must comply with applicable data protection, 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.

The minimum requirements shall be observed throughout the entire duration of the contract. Compliance with these requirements is mandatory and cannot be subject to any assumptions, limitations, conditions, or reservations on the part of a tenderer.

⚠ Tenders that are not compliant with the applicable minimum requirements shall be rejected.

3.4. Award criteria

The objective of the award criteria is to evaluate the tenders with a view to choosing the most economically advantageous tender, as follows:

Tenders will be evaluated on the basis of the following award criteria and their weighting:

1. Price - 40% weighting

The price considered for evaluation will be the total price of the tender (defined as 'grand total' in the financial form (Table 6C in *Annex 6*), covering all the requirements set out in the Tender Specifications.

2. Quality - 60% weighting

The quality of the tender will be evaluated based on the following criteria:

Award criterion 1: Quality of the proposed methodology (40 points – minimum threshold 50%)

The quality of the proposed approach, in particular showing a thorough understanding of the work programme included in *Annex 8 for operational assessment* and of the services for both the operational assessment and the participation to the PEFA studies that are the subject of this call for tender (see **Section 1.4**), will be evaluated, based on relevance, effectiveness, and feasibility of the methodology for collecting data and information about the different administrative bodies, and producing the required level of analysis.

Award criterion 2: Organisation of the work and resources (40 points – minimum threshold 50%)

Sub-criterion 2.1 (30 points – minimum threshold 50%) This criterion will assess globally how the roles and responsibilities of the proposed team of the economic operator - and possibly their partnership network -, are distributed for each task for both the operational

assessment and the participation to the PEFA studies, (including members of the group for joint tenders and subcontractors, if applicable) over the lifetime of the Framework Contract.

Sub-criterion 2.2 (10 points – minimum threshold 50%) This criterion also assesses, the specific allocation of time and resources to each task or deliverable with regard to the **scenario of one operational assessment of 40 working days for a team of 2 consultants (see Section 4.2)**, and whether this allocation is adequate. The tender shall provide sufficient details on the allocation of time and resources and the rationale behind the choice of this allocation. Those details shall be provided as part of the technical offer and not solely as part of the financial offer (see *Annex 6*).

Award criterion 3: Quality control measures (20 points – minimum threshold 50%)

This criterion will assess the quality control system applied to the service foreseen in these tender specifications, for both the operational assessment and the participation to the PEFA studies, concerning the quality of the deliverables, the language quality check, and continuity of the service in case of absence of a member of the team. The quality system should be detailed in the tender in a form of a quality plan and specific to the tasks at hand; a generic quality system will result in a low score.

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

3.5. Award (ranking of tenders)

Tenders (passing the minimum quality thresholds) shall be ranked according to the best price-quality ratio in accordance with the formula below:

Score for tender X	=	$\frac{\text{Lowest price}}{\text{Price of tender X}}$	*	100	*	Price weighting (40%)	+	Total quality score (out of 100) for all award criteria of tender X	*	Quality criteria weighting (60%)
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The tenders ranked **first and second** after applying the formula will be awarded a **framework** contract.

👉 The contract shall be awarded to the first two ranked tenders, which comply with the Tender Specifications and are submitted by tenderers with access to procurement, not in an exclusion situation and fulfilling with the selection criteria. **The ranking will determine the sequence in which the contractors will be offered specific contracts during the implementation of the framework contract.**

4. FORM AND CONTENT OF THE TENDER

4.1. Form of the tender: how to submit the tender?

Tenders are to be submitted via the e-Submission application according to the instructions laid down in the Invitation to tender letter and the [e-Submission Quick Guide](#).

👉 Make sure you prepare and submit your electronic tender in e-Submission early enough to ensure it is received within the deadline specified under Heading IV.2.2 of the contract notice. A tender received after this deadline will be rejected.

4.2. Content of the tender: what documents to submit with the tender?

The documents to be submitted with the tender in e-Submission are listed in *Annex 1*.

The following requirements apply to the technical and financial offer (to be uploaded as Technical tender and Financial tender in e-Submission):

- *Technical offer.*

The technical offer must provide all the information needed to assess the compliance with **Section 1.4** of these specifications and the award criteria in **Section 3.4**. Tenders deviating from the minimum requirements or not covering all the requirements may be rejected on the basis of non-compliance and not evaluated further.

The technical offer shall provide a well-structured, concise and detailed description of:

- the contractor's understanding of the key issues underlying operational assessments and PEFA studies;
- the technical tools and the methodology which will be used to conduct the services;
- the manner in which the work will be conducted, how the team's work (including subcontracting, joint tenders, network) will be structured, from the analysis of the work programme drawn up by the Commission to the delivery of the final report;
- the quality plan specifying how to control and ensure high quality and effective monitoring of the services.
- a **realistic scenario** for **one operational assessment** of 40 working days in total (including 30 working days on site) for a team of 2 consultants (with valid profiles as indicated in Section 3.2.3) with the purpose of providing the services as stipulated in the indicative work programme in Annex 8.
- a **realistic scenario** for the participation to **one PEFA study**, with a team of consultants (with valid profiles as indicated in Section 3.2.3) to be proposed by the contractor, of 150 working days in total (including on-the-spot mission) with the purpose of providing the services as stipulated at point 1.4.

- *Financial offer.*

The financial offer shall be prepared using the Financial models (Table 6A – 6B and 6C) in *Annex 6*. A complete financial offer, i.e. the breakdown of the price into staff categories as indicated in **Section 3.2.3**, needs to be uploaded. The Financial Models shall be completed, duly signed and uploaded in e-Submission. The presentation of the Financial Form is

compulsory and must remain unchanged. Omissions or changes to the original table may lead to rejection of the tender.

It is the responsibility of each tenderer to ensure that the total amount of the tender inserted in the relevant field of the e-Submission application corresponds to the amount indicated in the uploaded financial offer. In case of discrepancies, only the amount indicated in the financial offer will be taken into account.

The financial offer shall:

- be expressed in euros. 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.
- be quoted free of all duties, taxes and other charges, i.e. also free of VAT. The tenderer may indicate the amount of VAT but it must be shown separately.

† The European Union Institutions are exempt from such charges in the EU under Articles 3 and 4 of the Protocol on the Privileges and Immunities of the European Union of 8 April 1965 annexed to the Treaty on the Functioning of the European Union. Exemption is granted to the Commission by the governments of the Member States, either through refunds upon presentation of documentary evidence or by direct exemption.

For those countries where national legislation provides an exemption by means of a reimbursement, the amount of VAT must be shown separately. In case of doubt about the applicable VAT system, it is the tenderer's responsibility to contact his or her national authorities to clarify the way in which the European Union is exempt from VAT.

The financial offer shall:

- be based on the **scenario** (see **Section 4.2** ‘content of technical offer’) **for one operational assessment** of 40 working days for a team of 2 consultants (with valid profiles/categories as indicated in **Section 3.2.3**) with 30 working days on site, with the purpose of providing the services as stipulated in the indicative work programme in **Annex 8**.
- be based on the **scenario** (see **Section 4.2** ‘content of technical offer’) **for the participation to one PEFA study** for a team of consultants (with valid profiles/categories as indicated in **Section 3.2.3**) to be indicated by the tenderer, of 150 working days in total (including on-the-spot mission), with the purpose of providing the services as stipulated at point 1.4.
- be presented as a **daily rate** (fee) for the **two categories of staff** and their expected number of days to work, which will then result in the calculation of a total amount of fees for one operational assessment and for one PEFA study.
- be used to identify the most economically advantageous offers and their ranking (see award formula **Section 3.5**)
- constitute the future contractual basis for the pricing of the specific contracts; as such it will be an integral part of the Framework Contract (Annex II to the Contract)

The total price of the offer is calculated by applying the following formula (as per table 6C in *Annex 6*):

(total price one operational assessment x 12)+ (total price one PEFA study x 1)

Attention should be given to the following:

- ➔ An appropriate balance between the different staff categories must be applied.
- ➔ The staff fees must include all direct, indirect and overhead costs (social security, project management, quality control, training, support resources such as communication, printing of reports, translation/interpretation costs incurred by the contractor in gathering information and conducting interviews during the mission, etc.).
- ➔ The staff fees must also include travel and subsistence costs for services provided on the contractor's premises and in the Commission's offices in Brussel and Luxembourg, if applicable.
- ➔ Any other travel and subsistence expenses that are directly linked to the execution of the tasks shall be reimbursed on the production of supporting documents and in application in accordance with article I.5.3 of the framework contract.
- ➔ No other types of reimbursable costs are allowed unless exceptionally and explicitly agreed with the contracting authority before signature of the specific contract.

4.3. Signature policy: how can documents be signed?

Where a document needs to be signed, the signature must be either hand-written, a qualified electronic signature or an advanced electronic signature based on a qualified certificate as defined in [Regulation \(EU\) No 910/2014 on electronic identification and trust services for electronic transactions in the internal market \(the eIDAS Regulation\)](#).

For hand-written signatures: see **Section 1** of the Invitation to tender.

All documents must be signed by the signatories (when they are individuals) or by their duly authorised representatives.

For the following documents, when signed by representatives, tenderers must provide evidence for the delegation of the authorisation to sign:

- The Tender report;
- The Declaration on Honour of the tenderer (in case of joint tender – the Declarations on Honour of all group members);
- If applicable (in the case of joint tender) the power(s) of attorney drawn up using the model attached in *Annex 3*).

The delegation of the authorisation to sign on behalf of the signatories (including, in the case of proxy(-ies), the chain of authorisations) must be evidenced by appropriate written evidence (copy of the notice of appointment of the persons authorised to represent the legal entity in signing contracts (together or alone), or a copy of the publication of such appointment if the legislation which applies to signatory requires such publication or a power of attorney). A document that the Contracting authority can access on a national database free of charge does

not need to be submitted if the Contracting authority is provided with the exact internet link and, if applicable, the necessary identification data to retrieve the document.

4.4. Confidentiality of tenders: what information and under what conditions can be disclosed?

Once the *Contracting authority* has opened a tender, it becomes its property and shall be treated confidentially, subject to the following:

- For the purposes of evaluating the tender and, if applicable, implementing the contract, performing audits, benchmarking, etc., the *Contracting authority* is entitled to make available (any part of) the tender to its staff and the staff of other Union institutions, agencies and bodies, as well to other persons and entities working for the *Contracting authority* or cooperating with it, including contractors or subcontractors and their staff provided that they are bound by an obligation of confidentiality.
- After the signature of the award decision tenderers whose tenders were received in accordance with the submission modalities, who have access to procurement, who are not found to be in an exclusion situation referred to in Article 136(1) of the FR, who are not rejected under Article 141 of the FR, whose tenders are not found to be incompliant with the procurement documents, and who make a request in writing will be notified of the name of the tenderer to whom the contract is awarded, the characteristics and relative advantages of the successful tender and the price of the offer and/or contract value. The *Contracting authority* may decide to withhold certain information that it assesses as being confidential, in particular where its release would prejudice the legitimate commercial interests of economic operators or might distort fair competition between them. Such information may include, without being limited to, confidential aspects of tenders such as unit prices included in the financial offer, technical or trade secrets¹¹.
- The *Contracting authority* may disclose the submitted tender in the context of a request for public access to documents, or in other cases where the applicable law requires its disclosure. Unless there is an overriding public interest in disclosure¹², the *Contracting authority* may refuse to provide full access to the submitted tender, redacting the parts (if any) that contain confidential information, the disclosure of which would undermine the protection of commercial interests of the tenderer, including intellectual property.

☞ The *Contracting authority* will disregard general statements that the whole tender or substantial parts of it contain confidential information. Tenderers need to mark clearly the information they consider confidential and explain why it may not be disclosed. The *Contracting authority* reserves the right to make its own assessment of the confidential nature of any information contained in the tender.

¹¹ For the definition of trade secrets please see Article 2 (1) of DIRECTIVE (EU) 2016/943 on the protection of undisclosed know-how and business information (trade secrets) against their unlawful acquisition, use and disclosure.

¹² See Article 4 (2) of the REGULATION (EC) No 1049/2001 regarding public access to European Parliament, Council and Commission documents.

APPENDIX: LIST OF REFERENCES

<i>Award criteria</i>	See Section 3.4
<i>Contracting authority</i>	See Section 1.1
<i>Entities on whose capacities the tenderer relies to fulfil the selection criteria</i>	See Section 2.4.3
<i>EU Validation services</i>	See Section 2.3 EU Grants and Tenders Rules on Legal Entity Validation, LEAR appointment and Financial Capacity assessment
<i>Exclusion criteria</i>	See Section 3.1
<i>Financial Regulation</i>	Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union
<i>Framework contract</i>	See Section 1.6
<i>Framework contract ceiling</i>	See Section 1.6
<i>Group leader</i>	See Section 2.4.1
<i>Identified subcontractors</i>	See Section 2.4.2
<i>Involved entities</i>	See Section 2.4
<i>Joint tender</i>	See Section 2.4.1
<i>Participating entities</i>	See Section 1.1
<i>Participant Register</i>	See Section 2.3 https://ec.europa.eu/info/funding-tenders/opportunities/portal/screen/how-to-participate/participant-register
<i>Selection criteria</i>	See Section 3.2
<i>Sole tenderer</i>	See Section 2.4
<i>Treaties</i>	The EU Treaties: https://europa.eu/european-union/law/treaties_en

Annexes

Annex 1. List of documents to be submitted with the tender or during the procedure

See separate form.

Annex 2. Declaration on honour on exclusion and selection criteria

See separate form.

Annex 3. Power of attorney

See separate form.

Annex 4. List of identified subcontractors

See separate form.

Annex 5.1. Commitment letter by an identified subcontractor

See separate form.

Annex 5.2. Commitment letter by an entity on whose capacities is being relied

See separate form.

Annex 6. Compulsory financial offer form

See separate form.

Annex 7. Structure and graphic requirements of the deliverables

See separate form.

Annex 8. Example of an indicative work programme for Operational Assessment

See separate form.

Annex 9. Simplified presentation of balance sheet and profit & loss account as per Excel template

See separate form.

Annex 10. Draft framework contract

See separate document.

Annex 11. Flat rate ceilings for accommodation and daily subsistence allowances

See separate form.