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ENVIRONMENT
Directorate B - Circular Economy & Green Growth
Unit B3- Waste Management & Secondary Materials

CALL FOR TENDERS

ENV/2019/OP/0008

**Study supporting the elaboration of guidelines for best risk
management approaches in the extractive sector**

TENDER SPECIFICATIONS

TABLE OF CONTENTS

1.	INFORMATION ON TENDERING	4
1.1.	How to submit a tender : Registration in the Participant Register and validations by the EU Validation services	4
1.2.	Participation	4
1.3.	Contractual conditions	5
1.4.	Compliance with applicable law	5
1.5.	Joint tenders	5
1.6.	Subcontracting	6
2.	EVALUATION AND AWARD	6
2.1.	Evaluation steps	6
2.2.	Verification of non-exclusion	7
2.3.	Selection criteria	7
2.4.	Compliance with the minimum requirements	10
2.5.	Award criteria	10
2.6.	Technical proposal	12
2.7.	Financial offer	12
3.	TECHNICAL SPECIFICATIONS	13
3.1.	Background	13
3.2.	Objectives and purpose	15
3.3.	Content / Description of the tasks	16
3.4.	Project management	21
3.5.	Intermediate outputs and deliverables	22
3.6.	Final outputs and deliverables	23
3.7.	Details on deliverables	23
3.8.	Performance and quality requirements	23

3.9. Duration of the tasks	23
3.10. Place of performance	23
4. CONTENT, STRUCTURE AND GRAPHIC REQUIREMENTS OF THE FINAL DELIVERABLES	23
4.1. Content.....	23
4.2. Graphic requirements.....	24
ANNEX 1 - DECLARATION ON HONOUR ON EXCLUSION CRITERIA AND SELECTION CRITERIA	25
I – SITUATION OF EXCLUSION CONCERNING THE PERSON.....	25
II – SITUATIONS OF EXCLUSION CONCERNING NATURAL OR LEGAL PERSONS WITH POWER OF REPRESENTATION, DECISION-MAKING OR CONTROL OVER THE LEGAL PERSON AND BENEFICIAL OWNERS...	27
III – SITUATIONS OF EXCLUSION CONCERNING NATURAL OR LEGAL PERSONS ASSUMING UNLIMITED LIABILITY FOR THE DEBTS OF THE LEGAL PERSON	28
IV – GROUNDS FOR REJECTION FROM THIS PROCEDURE.....	28
V – REMEDIAL MEASURES.....	28
VI – EVIDENCE UPON REQUEST	28
VII – SELECTION CRITERIA.....	29
VIII – EVIDENCE FOR SELECTION	30
ANNEX 2 – SUBCONTRACTING LETTER OF INTENT	31
ANNEX 3 – POWER OF ATTORNEY/AGREEMENT MODEL 1	32
ANNEX 3 – POWER OF ATTORNEY/AGREEMENT MODEL 2.....	34
ANNEX 4 – FINANCIAL OFFER TEMPLATE.....	36
ANNEX 5 – CHECKLIST OF DOCUMENTS TO BE SUBMITTED IN THE E-SUBMISSION APPLICATION.....	37
ANNEX 6 – DOCUMENTS WHICH MAY BE REQUESTED BY THE EU VALIDATION SERVICES DURING THE COURSE OF THE PROCEDURE	39
ANNEX 7 – TRAVEL AND SUBSISTENCE COSTS	41

1. INFORMATION ON TENDERING

1.1. How to submit a tender : Registration in the Participant Register and validations by the EU Validation services

In order to submit a tender using e-Submission, tenderers (each member of the group in the case of a joint tender) will need to register in the European Commission's Participant Register - an online register of organisations participating in EU calls for tenders or proposals. On registering, each organisation obtains a Participant Identification Code (PIC, 9-digit number) which acts as its unique identifier in the above register. Instructions on how to create a PIC can be found in the [PIC-management Quick Guide for Economic Operators](#). Tenderers already registered in the Participant Register shall reuse their existing PICs when preparing tenders in e-Submission.

In the e-Submission application the tenderers should fill out the required identification information in line with the instructions in the e-Submission Quick Guide available at: https://webgate.ec.europa.eu/e-Submission/assets/documents/manual/quickGuide_en.pdf. The sole tenderer or all members of a joint tender must be identified with a PIC – Participant Identification Code. No PIC is needed for subcontractors.

It is not required at the level of the tender submission, to attach either Legal Entity Form or Financial Identification Form.

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. To that end, tenderers are invited to upload a self-declaration under the heading ‘other documents’ as part of their offer in e-Submission. See checklist in Annex 5.

1.2. 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.

For British candidates or tenderers:

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

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 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.

1.3. 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.

1.4. 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.

1.5. Joint tenders

Tenderers may choose between presenting a **joint tender** and introducing a tender as a **sole economic operator**. A joint tender is a situation where a tender is submitted by a group of economic operators (natural or legal persons). Joint tenders and sole tenders may also include subcontractors.

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

Whichever type of bid is chosen, the tender shall stipulate the legal status and role of each legal entity in the tender proposed and the monitoring arrangements that exist between them and, failing this, the arrangement they foresee to establish if they are awarded the contract.

The sole tenderer or all members of a joint tender must be identified with a PIC – Participant Identification Code. No PIC is needed for subcontractors.

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.

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).

To this end all members of the group should sign a **power of attorney** (see models in Annex 3). This document must be scanned and included in the offer. For groups not having formed a common legal entity, model 1 should be used, and for groups with a legal entity in place model 2 should be used.

1.6. 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 and provide an indication of the proportion of subcontracting. Consequently, the bid must document their willingness to accept the tasks assigned to them by submitting the form in Annex 2, duly completed and signed. In case a tenderer relies on subcontracting to meet the required level under selection criteria, the subcontractor(s) concerned must upload the relevant supporting documents to that effect with their tender.

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.

2. EVALUATION AND AWARD

2.1. Evaluation steps

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

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

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

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

2.2.Verification of non-exclusion

All tenderers must provide a declaration on honour (see Annex 1), stating that they are not in one of the situations of exclusion listed in that declaration on honour.

The declaration(s) shall be signed by an authorised representative either with advanced electronic signature based on qualified certificates or by scanning and uploading a hand signed copy.

The hand-signed originals of the declaration on honour must be sent by letter to the contracting authority. See Invitation document for more details.

In case of joint tender, each member of the group 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, at any point during the procedure, the supporting documents listed in the declaration on honour.

In any event, the successful tenderer must provide the documents mentioned 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 including subcontractors whose capacity is necessary to fulfil the selection criteria.

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

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

2.3.Selection criteria

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

2.3.1. Declaration and evidence

The tenderers (and each member of the group in case of joint tender) and subcontractors 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 individually. 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 2.2) so only one declaration covering both aspects should be provided by each concerned entity.

The Contracting Authority will evaluate selection criteria on the basis of the declaration on honour and evidence submitted for the legal and regulatory, financial and economic and technical and professional capacity of the tenderers.

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 no 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 in the e-Submission 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.

2.3.2. Legal and regulatory capacity criteria and evidence

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

In the course of the procedure the EU Validation Services (at Research Executive Agency) may contact tenderers (each member of the group in the case of a joint tender) via the Participant Register and ask for supporting documents with respect to the legal existence and status. The notifications concerning the legal status validation will be sent to the e-mail address of the contact person indicated in the Participant Register. It is the responsibility of the tenderer (each member of the group in the case of a joint tender) to provide a valid e-mail address and to check it. Please note that a request for supporting documents in no way implies that the tenderer has been successful.

The documents that may be requested by the EU Validation Services during the course of the procedure are listed in Annex 6.

The documents that shall be submitted with the tender in e-Submission are listed in the checklist available in Annex 5.

2.3.3 Economic and financial capacity criteria and evidence

The tenderer must have the necessary economic and financial capacity to perform this contract until its end.

The tenderer must comply with the following selection criteria:

Annual turnover of the last two financial years above EUR 533 000 (five hundred and thirty three thousand euro); 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 and identified subcontractors.

To that end, tenderers are required to upload the following supporting evidence under the heading ‘other documents’ as part of their offer in e-Submission:

- Copy of the profit and loss accounts for the last two years for which accounts have been closed from each concerned legal entity;
- Failing that, appropriate statements from banks;
- If applicable, evidence of professional risk indemnity insurance.

If, for some exceptional reason which the Contracting Authority considers justified, a tenderer is unable to provide one or other of the above documents, it may prove its economic and financial capacity by any other documents 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.

2.3.4 Technical and professional capacity criteria and evidence

a. Criteria and evidence 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 of a list of relevant services provided (i.e. not ongoing but fully completed) in the past six years, with the sums, dates and clients, public or private, accompanied by statements issued by the clients.

- **Criterion A1:** The tenderer must prove experience of working in the field of mineral extraction practices and techniques.
- **Criterion A2:** The tenderer must prove experience in the field of risk management in the extractive sector. Experience must cover the management of risks resulting from the entire life cycle of an extractive site, in particular risks related to the environment.
- **Criterion A3:** The tenderer must prove experience in the field of HSE (health safety and environment) management in the extractive sector.
- **Criterion A4:** The tenderer must demonstrate experience in data collection in different languages, exchanges of information with Member States and other stakeholders as well as organisation of workshops.

Evidence A1 - 4: The tenderer must provide references for at least three projects delivered in these fields in the last six years with a minimum value for each project of € 400 000. A given project may be used to demonstrate compliance with more than one criterion. Each criterion must be demonstrated by at least different two projects.

- **Criterion A5:** The tenderer must prove capacity to draft reports in English.

Evidence A5: The tenderer must provide one document of at least 10 pages (report, study, etc.) in this language that it has drafted and published or delivered to a client in the last two years. The verification will be carried out on 5 pages of the document.

In order to prove their capacity, the tenderer must upload in e-Submission the evidence listed above.

b. Criteria and evidence relating to the team delivering the service:

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

Criterion B1 - Project Manager: At least seven years' experience in project management, including overseeing project delivery, quality control of delivered service, client orientation and conflict resolution experience in projects of a similar size (at least € 600 000) and coverage (at least five countries covered), with experience in management of teams of at least five people.

Evidence B1: CV

Criterion B2 - Language quality check: Collectively the team should have at least C1 level in the Common European Framework for Reference for Languages³ in English, Bulgarian, Finnish, Greek, Polish, Portuguese, Romanian, Spanish and Swedish. All team members should have at least B2 level in English.

Evidence B2: A language certificate or past relevant experience.

Criterion B3 - Experts in mineral extraction and related risk management, applied technologies and their related risks and potential impacts on public health, workers health and the environment. Experience of exchanges of information with Member States, knowledge of relevant EU legislation applicable to the extractive sector: Relevant higher education degree or equivalent professional experience and at least three years' professional experience in the field.

Evidence B3: CV

In order to prove their capacity, the tenderer must upload in e-Submission the evidence listed above.

2.4. Compliance with the minimum requirements

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.

³ See http://www.coe.int/t/dg4/linguistic/Cadre1_en.asp

2.5. Award criteria

The contract will be awarded to 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.

A maximum of 60 points will be attributed to criterion 1, a maximum of 30 points will be attributed to criterion 2, and a maximum of 10 points will be attributed to criterion 3. In addition a minimum threshold will be set up under this system of points:

- Technical sufficiency levels: Selected companies will have to score a minimum of 30, 15 and 5 points under criteria 1, 2 and 3 respectively, with a minimum total of 65 points.

Assessment of the tenders will focus on the quality of the proposed services therefore tenderers should elaborate on all points addressed by these specifications in order to score as many points as possible. The mere repetition of mandatory requirements set out in these specifications, without going into details or without giving any added value, will only result in a very low score. In addition, if certain essential points of these specifications are not expressly covered by the tender, the Commission may decide to give a zero mark for the relevant qualitative award criteria.

1 Quality of the proposed methodology (60 points – minimum threshold 50%)

The degree to which the methodology shows the capacity to analyse, review and evaluate documents and figures, in accordance with the needs of the contracting authority will be assessed under this criterion. Furthermore the tender must demonstrate the capacity to resolve the questions underlying in the tender in a realistic and well-structured way, as well as demonstrate that the methods proposed are suited to the needs set out by the Commission in the Technical Specifications (see part 3).

2 Organisation of the work and allocation of resources (30 points – minimum threshold 50%)

This criterion will assess how the roles and responsibilities of the proposed team and of the economic operators (in case of joint tenders, including subcontractors if applicable) are distributed for each task. It 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 resources and the rationale behind the choice of this allocation. Details should be provided as part of the technical offer and not simply as part of the financial offer.

3 Quality control measures (10 points – minimum threshold 50%)

This criterion will assess the quality control system applied to the service foreseen in these tender specifications 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 control system should be detailed in the tender and specific to the tasks at hand; a generic quality control system will result in a low score.

2.5.1 Ranking and Award

Having examined the tenders from a technical point of view, the evaluation committee will proceed considering which is the economically most advantageous offer taking into account **only those tenders that have obtained at least 65 out of the 100 points that are available for the technical quality of the bid**. The evaluation committee will then proceed with the financial comparison of the tenders retained for further consideration according to the ranking procedure below.

The bid offering the best value for money will be chosen, provided that the minimum number of points cited above is achieved. The ranking of the tenders will be calculated as follows:

- All bids that do not reach the stated technical sufficiency levels for each individual award criteria will not be considered for contract award.
- All bids that have passed the individual levels and score 65 or higher are deemed to be technically sufficient. Then the price is divided by the total number of points awarded to obtain the price-quality ratio. The award of the contract will be made in accordance with the lowest ratio.

The Commission reserves the right not to select any tender if the amounts tendered exceed the budget envisaged for this project.

2.6. Technical proposal

The technical proposal needs to be uploaded in the step "Tender Data" of the wizard of the e-Submission application. The e-Submission application allows attachment of as many documents as necessary.

Tenderers shall include in their bids a **technical proposal addressing the aspects detailed in the technical specifications** in section 3.

The technical proposal shall comply with the technical specifications and provide, as a minimum, the information specifically requested.

Due consideration should be given to the award criteria and method as stipulated under section 2.5 in this document.

Please note that, to grant equal treatment of all tenders, **it is not possible to modify offers after their submission in relation to the technical and financial proposals**.

Please note that proposals deviating from the technical specifications risk being rejected for non-compliance.

The technical specifications and the tenderer's bid shall be integral parts of the contract and will constitute annexes to the contract.

2.7. Financial offer

The maximum budget allocated to this contract is fixed at EUR 800 000 (eight hundred thousand euro) excluding VAT (including fees, travel and all other costs. **Travel and subsistence expenses should be part of the lump sum and will not be refunded separately**). Any offers received that do not respect this maximum budget will be automatically excluded from the evaluation procedure. For guidance purposes see Annex 4.

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 assume 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.

A complete financial proposal (see Annex 4 for guidance) needs to be uploaded in step "Tender Data" of the wizard of the e-Submission application.

The total price (including any options and renewals) needs also to be encoded directly in the e-Submission application (Total amount).

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

3. TECHNICAL SPECIFICATIONS

3.1. Background

The EU is dependent on the import of many raw materials that are necessary for value chains of strategic importance such as connected, clean and autonomous vehicles, smart health, low-carbon industry and hydrogen technologies. In order to improve the security of supply of raw material, the Commission adopted the raw materials initiative⁴ in 2008. This initiative sets out a strategy for tackling the issue of access to raw materials in the EU. It aims to ensure the fair and sustainable supply of raw materials from global markets, the sustainable supply of raw materials within the EU as well as resource efficiency and supply of secondary raw materials through recycling. The Raw Materials Initiative is constantly updated with a list of critical raw materials. The most recent list of 2017 identifies 27 raw materials of high economic importance and at a risk of supply for the EU.

⁴ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52008DC0699>

The Communication "Closing the loop - An EU action plan for the Circular Economy"⁵ describes the 'circular economy' as an economy where the value of products, materials and resources is maintained in the economy for as long as possible, and the generation of waste minimised. Directive 2006/21/EC⁶ on the management of wastes from extractive industries requires Member States to ensure, inter alia, that operators prevent or reduce waste production and its harmfulness by considering waste management in the design phase and in the choice of the methods used for mineral extraction and treatment. The extractive sector contributes to the circular economy objectives not only by providing primary raw materials where necessary but also by increasing its resource efficiency and by providing secondary raw materials as demonstrated in the circular economy action plan^{7 8}.

General and environmental legislation of the EU such as the directives on environmental impact assessment, water and habitats protection apply to the extraction of raw materials. Following a series of mining accidents, the EU adopted the Extractive Waste Directive in 2006. This Directive provides measures to prevent or reduce as far as possible any adverse effects on the environment and any resulting risk for human health that may result from the management of waste from the extractive industries. These measures shall be based, inter alia, on the best available techniques (BAT) without prescribing the use of any technique or specific technology, but taking into account the technical characteristics of the waste facility, its geographical location and the local environmental conditions. The European Commission has organised an exchange of information between experts from EU Member States, industries concerned, non-governmental organisations promoting environmental protection and the Commission in order to identify BAT. On 18 December 2018 the Commission published the BAT Reference Document for the Management of Waste from Extractive Industries⁹ (MWEI BREF).

The MWEI BREF identifies 57 different BAT addressing extractive waste management. These BAT are grouped into 10 generic and 47 risk-specific BAT. The risk-specific BAT require a proper environmental risk and impact evaluation in order to determine their applicability and to identify the relevant and appropriate technique among the techniques listed in each BAT. Although environmental risk and impact evaluation is outlined in BAT 5, this BAT does not further specify best risk management approaches. While the identification of risk management approaches is not within the scope of the MWEI BREF, the identification of risk-specific BAT necessitates guidelines on risk management, such as risk identification and risk assessment to identify the most suitable BAT.

As regards occupational safety and health (OSH), a large body of EU legislation exists with minimum requirements, whereby Member States are free to adopt more stringent protective

⁵ <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52015DC0614>

⁶ <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:02006L0021-20090807>

⁷ <https://publications.europa.eu/en/publication-detail/-/publication/f18472f8-36aa-11e9-8d04-01aa75ed71a1/language-en/format-PDF/source-87989698>,

⁸ http://publications.jrc.ec.europa.eu/repository/bitstream/JRC116131/20190506-d3-jrc-science-for-policy-recovery_of_rm_from_mining_waste_and_landfills_6_05_19_online.pdf

⁹ <https://publications.europa.eu/en/publication-detail/-/publication/f9265d2b-574d-11e9-a8ed-01aa75ed71a1/language-en/format-PDF/source-93598867>

measures. The main measure is the Framework Directive 89/391/EEC¹⁰, and several related Directives have been adopted, including the Extractive Industries Directive 92/104/EEC¹¹ which addresses the exploration for and exploitation of minerals in surface or underground mines and quarries. Workers in the sector are likely to be exposed to particularly high levels of risk. Any risk management measures should be in line with these Directives, and as it is a high-risk sector, it is likely that several Member States have adopted stricter protective measures. Guidelines could only be a tool for employers to help them fulfil the obligations from the OSH Directives. It is important that the risk assessment and evaluation remains a dynamic, adaptable and flexible process according to the context. There is a risk that any fixed indications in this respect could possibly give rise to misunderstandings for employers.

Risk management of a mine or any other extractive facility is a holistic approach that takes into account all risks resulting from the construction and operation of a facility. This approach results from the need to optimise the overall safety and environmental performance of the facility. Therefore, this study addresses the risk management related to the entire life cycle of an extractive site by tackling all environmental and safety aspects of an extractive activity including measures to ensure the stability of a facility, including the waste facility, all processes for mineral extraction and treatment as well as the safety of workers.

The Hydrocarbons Guidance Document¹² identifies best risk management approaches and best available techniques for the oil and gas extracting sector. It provides guidance for the risk management of 13 onshore and 10 offshore activities of the oil and gas extracting sector that have the potentially highest impact on the environment and human health. In addition, it identifies best available techniques for the onshore and selected offshore activities.

3.2.Objectives and purpose

The overall objective of this study is to support the Commission in the identification and promotion of best risk management approaches for the extractive sector. In doing so, the study supports the following needs:

- Providing guidelines for the integrated risk management of an extractive facility taking into account the most relevant risks resulting from the construction and operation of extractive facilities.
- Providing guidelines to operators and competent authorities for the application of the MWEI BREF in the licensing and permitting process of extractive waste facilities.
- Supporting social acceptance of mining projects by identifying the most relevant risks and by providing approaches to avoid or mitigate them.
- Fostering the sustainable supply of raw materials within the EU by identifying key activities most relevant to ensure sustainability of extractive operations
- Encouraging resource efficiency and the recovery of secondary raw materials.

¹⁰ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:31989L0391&from=EN>

¹¹ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:31992L0104&from=EN>

¹² http://ec.europa.eu/environment/integration/energy/pdf/hydrocarbons_guidance_doc.pdf

The purpose of this study is to develop detailed guidelines for risk management in the extractive sector (thereafter called “the guidelines”). The development of the guidelines will include the following elements:

- a) identification of key activities that should be addressed in the guidelines*
- b) collection of information on risk management approaches applied in the EU and worldwide in the extractive sector;*
- c) close interaction with a Technical Advisory Group on the scope and content of the guidelines;*
- d) where relevant and feasible, determination of quantitative indicators for risk management;*
- e) consideration of the entire life cycle of an extractive site from the planning phase to the post-closure phase;*
- f) specification, where relevant, of environmental and operational monitoring needs;*
- g) assessment of the economics of the application of best risk management approaches for the sector;*
- h) identification of best risk management approaches.*

More detailed explanations of the tasks a) to h) are provided below.

The Commission will be fully responsible for drawing conclusions from this work as well as for any decisions regarding follow-up action.

3.3.Content / Description of the tasks

The overall scope of this study is to support the Commission in the identification of best risk management approaches for the extractive sector. The study will identify key safety and environmental issues and related activities including worker’s safety (thereafter called “key activities”) applying a risk based approach. Best risk management approaches will be identified for the activities most crucial for the management of environmental and safety risk management.

BAT for risk treatment have been identified in the MWEI BREF for the management of extractive waste. This study will provide guidance on risk identification and risk assessment to enable the use of the guidelines to identify the most appropriate elements of these BAT for risk treatment. For activities not addressed in the MWEI BREF, the study is expected to identify best risk management approaches including organisational or technical methods for risk treatment.

Task 1: Identification of key activities to be addressed in the guidelines

The objective of this task is to set priorities for the development of best risk management approaches for the onshore extractive sector, excluding oil and gas extraction. This task should identify key activities that are most crucial for the management of the risks of the extractive sector. The assessment should be carried out with a view to identifying best risk management approaches that are not site-specific and are applicable in principle in all EU Member States.

The study will cover the full spectrum of technical risk management of this sector. Excluded are non-technical risks such as uncertainties in the legal, fiscal or social framework

conditions for the extractive sector or issues with limited relevance for the EU such as child labour.

The identified list of key activities should be underpinned with technical justifications based on the risks resulting from these activities. The report should rank or categorize proposed processes by priority (high, medium or low priority to ensure the environmental performance and safety of an installation). This list should be complemented with existing standards and guidance and describe the potential of measures to reduce or avoid risks and impacts associated with these activities.

The identification of the key activities is a crucial step in setting the scene and the scope of the study. Chapters 5 and 6 of a background paper¹³ prepared for the Hydrocarbons Guidance Document illustrate the expected level of detail.

While the Hydrocarbons Guidance Document is a suitable reference for this study with regard to the conceptual approach, the following elements are not to be retained:

- Distinction between planned and unplanned releases: both scenarios are addressed by risk management;
- Distinction between BAT (for planned releases) and risk treatment (for unplanned releases): both scenarios will be addressed as risk treatment;
- Reference to plans such as extractive waste handling/transport, treatment and deposition plans, NORMs monitoring plan water, closure plans, physical stability monitoring plans, dam safety manual without further specification on how to manage risks in these plans: the study will cover these elements explicitly.

Task 2: Establishment of a Technical Advisory Group

As outlined in the background section, the Commission plans to set up a Technical Advisory Group (TAG) with representatives of the Member States, industries concerned, including equipment and material suppliers and service providers, non-governmental organisations promoting environmental protection and organisations promoting workers health and safety. The contractor will contribute to the identification of members of the TAG in close cooperation with the Commission. TAG members should be selected based on their technical, economic, environmental and/or regulatory expertise (especially in permitting or inspecting of extractive sites) as well as on their ability to bring experience from the end-user perspective. The number of TAG members is expected to be around 40 and members should be prepared to provide advice from a broader perspective. Expertise limited to particular interests with a narrow regional or thematic scope is not desirable.

Task 3: Kick-off meeting of the TAG

The contractor will organise a kick-off meeting to launch the gathering and exchange of information to draw-up the guidelines.

¹³ http://ec.europa.eu/environment/integration/energy/pdf/bat_background_paper.pdf

The objectives of the kick-off meeting are to identify:

- the key activities for the extractive sector on which the data collection will focus,
- the life cycle phase(s) to be addressed for each key activity,
- commodities to be addressed, the overall structure of the guidelines (e.g. by commodity or by process) and level of detail,
- nature and extent of the information to be collected,
- data to be collected and elaboration of a data collection strategy,
- ways to ensure the representativeness of the data set needed to identify best risk management approaches,
- ways to deal with potentially confidential business information and sensitive information under competition law, conflicts of interests and related matters,
- timeline for the work,
- specific tasks to be carried out by the TAG members, especially the involvement in the data collection process.

The contractor will prepare the following documents ahead of the meeting:

- a background paper proposing the key activities identified in task 1 and outlining the process of how these issues were identified;
- a strategy for the data collection to elaborate best risk management approaches. This strategy should be based on a comprehensive list of existing references and standards for risk management. This allows to focus the role of the Advisory Group on their experience with the application of risk management protocols in order to identify best risk management approaches.

The contractor will invite the TAG to submit comments and suggestions on the background paper and the information collection strategy ahead of the meeting. The contractor will prepare an updated background paper considering the comments made (summary of comments, accept comments or provide reasons for not accepting them) to facilitate the discussion at the TAG. The updated paper will be sent to the TAG in advance of the kick-off meeting.

The kick-off meeting will be chaired by the Commission.

Task 4: Elaboration of the first draft of the guidelines

The contractor will produce a first draft of the guidelines based on the information collected for consultation with the TAG. The main objective of the consultation is to obtain feedback from the TAG members on the comprehensiveness of the information collected, its relevance, validity and timeliness as well as advice on issues not addressed in this draft.

The structure of the first draft should be as follows:

- Introduction: purpose of the document and context;
- Scope: description of activities covered by the document, interaction with other documents such as the BREF on management of wastes from extractive industries and potential relevance for the implementation of EU and national legislation applicable to the extractive sector;

- General information on risk management approaches in the extractive sector: Concise chapter summarising and describing risk management approaches in the extractive sector: introduction, regulatory context, risk management framework, risk management at corporate and operational levels such as corporate level approaches, operational level approaches, examples of risk management approaches. This document should identify the sector-specific approach for and language used in order to foster the acceptance of the guidelines by the sector. Chapter 3 on “Risk Management Approaches in Hydrocarbons Exploration and Production” of the Hydrocarbons Guidance Document should be used as a reference.
- Best risk management approaches for the key activities:
 - Based on the conclusions on the scope and the key activities drawn by the Commission following the kick-off meeting, the contractor will produce draft chapters for each key activity.
 - Each key activity should be addressed in a separate chapter containing the necessary information for use as a stand-alone document.
 - The chapter should describe the activity and elaborate best risk management approaches.
 - Risk management approaches will be described for all elements of risk management outlined in ISO 31000 (scope, context, criteria – risk identification – risk assessment - risk treatment – communication and consultation – monitoring and review) taking into account and applying the sector specific approach and language used as elaborated in the chapter “General information on risk management approaches in the extractive sector”.
 - With regard to operational and environmental monitoring, the information collected should include, where applicable, information on the frequency of the measurement/sampling/monitoring, the averaging period, the period over which values have been collected, the monitoring method, an indication of measurement/sampling/monitoring uncertainties.
 - Specific questions and requests for additional information from the TAG should be spelled out in each chapter.
 - Relevant references are listed in each chapter.
- Glossary of terms and abbreviations;

The first draft will be shared with the TAG, inviting the group to address the specific questions and requests for additional information as well as to provide general comments and advice. The release of the first draft of the guidelines to the TAG is expected to trigger a phase of continuous exchange of information that will allow the contractor to gradually advance the guidelines. Interaction with the TAG will be via e-mail exchanges, exchanges on a shared platform to be provided by the contractor (e.g. sharepoint), video- and phone conferences and by physical meetings. The contractor will offer the TAG the possibility to gather information at the site of TAG members by targeted visits. The contractor should be prepared to carry out up to 10 such visits involving project team members. Furthermore, the contractor should be prepared to participate with the project team in up to 3 ad hoc workshops with several TAG members. Such workshops may be called for by members of the TAG on topics such as fostering a common understanding of the project or integrating and consolidating contributions in a joint effort.

Task 5: Elaboration of the second draft of the guidelines

The second draft will take into account the information provided by the TAG and will elaborate best risk management approaches in detail:

- Best risk management approaches should be described in sufficient detail to give a clear indication of the actions and options available, their risk reduction/prevention potential, cross media effects, technical considerations relevant to their applicability (e.g. geological context), economics and driving force for implementation. Abstract reference to plans without further specification to manage risks is not sufficient, instead essential elements of such plans are to be elaborated by the contractor.
- Risk treatment should be presented as a tool box sorted by ambition level and applicability without prescribing particular techniques for risk treatment in case of a given risk assessment. Reference to BAT in the MWEI BREF should be made wherever risk treatment is addressed in this BREF.
- The contractor should attempt to obtain quantitative parameters for risk identification, risk assessment and risk treatment, e.g. number of years of projected stability of a dam, expected dam failure rate, environmental performance of risk treatment options for releases to water, air and soil. The guidelines should not only elaborate available information but also identify knowledge gaps towards quantitative risk management.
- All essential elements related to the key activities, the associated risks and candidate best risk management approaches should be described.
- Candidates for best risk management approaches should be identified.
- Specific questions and requests for additional information from the TAG should be spelled out in each chapter.

Further elaboration of the second draft of the guidelines should focus on consolidating this draft, ensuring consistency of risk management approaches in the different key activities and assessing experience in the application of the approaches in practice.

For the latter, the contractor will gather risk management protocols for a limited but representative number of installations and perform audits of their performance. This action will require visits to extractive sites. The contractor should be prepared to carry out up to 10 such visits involving senior staff members. The contractor will include the information obtained during these onsite visits in the elaboration of the 2nd draft of the guidelines.

As outlined in the chapter “elaboration of the first draft”, the contractor should offer the possibility of gathering additional information by visits involving project team members. Furthermore, the contractor should be prepared to arrange participation of the project team in up to 3 ad hoc workshops with several members of the TAG. Such workshops may be called for by members of the TAG on topics such as integrating and consolidating contributions in a joint effort.

The second draft will be shared with the TAG inviting the group to address the specific questions and requests for additional information as well as to provide general comments and advice. Based on the input received from the TAG, the contractor will further elaborate the second draft for consultation with the TAG to prepare the final meeting of this group.

Task 6: Final meeting of the TAG and elaboration of the final version of the guidelines

The final meeting of the TAG aims at reviewing the second draft of the guidelines with a view to concluding the technical discussions within this group. At least four weeks in advance of the meeting, the contractor will provide to the TAG:

- a detailed background paper with an assessment of the comments received on the second draft;
- the draft final guidelines.

At the final meeting, the TAG will review the draft final guidelines and advise the Commission on the best approaches for risk management of the key activities. The final meeting will be chaired by the Commission.

Based on the conclusions of the Commission, the contractor will revise the draft final version of the guidelines. This version will be provided to the TAG for a commenting period of 4 weeks. The TAG will be invited to scrutinise the revised guidelines in order to ensure that the guidelines reflect the conclusions of the final meeting. The contractor will support this process by assessing the comments received and by proposing either adjustments to the text or justification for retaining it.

3.4. Project management

The contractor is responsible for the

- management of the project in close cooperation with the Commission.
- preparation of all meetings. The contractor will propose draft agendas, invitation letters and prepare the minutes. Furthermore, attendance lists and name tags are to be provided by the contractor.
- TAG members attend project meetings at their own expense. The Commission may cover the travel expenses of one representative of an environmental NGO and one representative of a union but this will not be financed within the scope of this contract
- Meeting rooms for the inception meeting, kick-off meeting, possible sub-group and final meetings of the TAG will be provided by the Commission.
- Organisation of phone conferences or video conferences with the Commission, if there is a need to discuss certain issues.
- Establishment of efficient communication tools for interaction with and within the TAG. This involves at least an internet platform for the sharing of documents such as sharepoint.

Travel costs of the contractor to Brussels, possible site visits and participation in workshops are to be covered by the contractor.

The contractor will include an additional meeting with the TAG or a subgroup in its contingency planning.

Main steps for drawing-up the guidelines, timetable and expected deliverables:

Step No	Project development step	Expected time for the step (months)	Accumulated time (months)	Deliverable / Comments
1	Inception meeting	1	1	Inception report
2a	Activate TAG	3	4	Draft list of members
2b	Identification of key activities	8	9	Background paper for kick-off meeting with scoping section
3	Kick-off meeting of TAG	2	11	Minutes of the meeting
4	Elaboration of 1 st draft	5	16	1 st draft
5a	TAG comments and gap filling			Table on comments and information received including assessment and follow-up action taken
5b	Elaboration of 2 nd draft	8	24	2 nd draft
6a	TAG comments and gap filling			Table on comments and information received including assessment and follow-up action taken
6b	Elaboration of final draft of the guidelines for TAG meeting	5	29	Final draft of the guidelines for TWG meeting, background paper
12	Final meeting of TAG	2	31	Minutes of the meeting
13	Elaboration of final guidelines	5	36	Final guidelines

3.5. Intermediate outputs and deliverables

The contractor is to provide the following reports:

Inception Report No later than 1 month after signature of the contract.

Following an inception meeting, the inception report shall outline the scope of issues, the details of the methodology to be used, as proposed in the original tender, as well as a clear timetable for the work, fine-tuning, if necessary, the timetable the tenderer provided in his offer. The inception report should especially describe expected hindrances in performing the study, and include proposals for overcoming such possible obstacles for achieving the objectives of the study.

1st draft of the guidelines No later than 16 months after signature of the contract.

2nd draft of the guidelines No later than 24 months after signature of the contract.

3.6.Final outputs and deliverables

Final guidelines:

The final guidelines shall be submitted no later than 36 months after signature of the contract. The final version of the guidelines shall take fully into account the comments made by the Commission.

3.7.Details on deliverables

All deliverables, including the final report, shall be provided in English. After approval by the Commission, the final report shall be submitted in pdf and word format. In addition, tables and other files that are embedded in the word document shall be provided separately.

3.8.Performance and quality requirements

Deliverables are to be submitted within the deadlines specified.

3.9.Duration of the tasks

The tasks shall be completed within **36 months** of the signature of the contract. The execution of the tasks may not start before the contract has been signed.

3.10. Place of performance

The inception meeting, kick-off, possible subgroup and final meetings of the TAG shall take place at the Commission's premises in Brussels.

The place of performance of all other tasks shall be the contractor's premises or any other place indicated in the tender, with the exception of the Commission's premises.

4. CONTENT, STRUCTURE AND GRAPHIC REQUIREMENTS OF THE FINAL DELIVERABLES

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

4.1. Content

4.1.1. Final study report

The final study report must include:

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

- the following disclaimer:

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

4.1.2. Publishable executive summary

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

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

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

4.1.3. Requirements for publication on Internet

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

For full details on the Commission policy on accessibility for information providers, see: http://ec.europa.eu/ipg/standards/accessibility/index_en.htm

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

4.2. Graphic requirements

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

http://ec.europa.eu/dgs/communication/services/visual_identity/index_en.htm

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

**ANNEX 1 - DECLARATION ON HONOUR ON
EXCLUSION CRITERIA AND SELECTION CRITERIA**

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

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

The person is not required to submit the declaration on exclusion criteria if the same declaration has already been submitted for the purposes of another award procedure of the same contracting authority¹⁴, provided the situation has not changed, and that the time that has elapsed since the issuing date of the declaration does not exceed one year.

In this case, the signatory declares that the person has already provided the same declaration on exclusion criteria for a previous procedure and confirms that there has been no change in its situation:

Date of the declaration	Full reference to previous procedure

I – Situation of exclusion concerning the person

➤ declares that the above-mentioned person is in one of the following situations:	YES	NO
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¹⁴ The same EU institution, agency, body or office.

a) it is bankrupt, subject to insolvency or winding-up procedures, its assets are being administered by a liquidator or by a court, it is in an arrangement with creditors, its business activities are suspended or it is in any analogous situation arising from a similar procedure provided for under EU or national laws or regulations;	<input type="checkbox"/>	<input type="checkbox"/>
b) it has been established by a final judgement or a final administrative decision that the person is in breach of its obligations relating to the payment of taxes or social security contributions in accordance with the applicable law;	<input type="checkbox"/>	<input type="checkbox"/>
c) it has been established by a final judgement or a final administrative decision that the person is guilty of grave professional misconduct by having violated applicable laws or regulations or ethical standards of the profession to which the person belongs, or by having engaged in any wrongful conduct which has an impact on its professional credibility where such conduct denotes wrongful intent or gross negligence, including, in particular, any of the following:		
(i) fraudulently or negligently misrepresenting information required for the verification of the absence of grounds for exclusion or the fulfilment of selection criteria or in the performance of a contract or an agreement;	<input type="checkbox"/>	<input type="checkbox"/>
(ii) entering into agreement with other persons with the aim of distorting competition;	<input type="checkbox"/>	<input type="checkbox"/>
(iii) violating intellectual property rights;	<input type="checkbox"/>	<input type="checkbox"/>
(iv) attempting to influence the decision-making process of the contracting authority during the award procedure;	<input type="checkbox"/>	<input type="checkbox"/>
(v) attempting to obtain confidential information that may confer upon it undue advantages in the award procedure;	<input type="checkbox"/>	<input type="checkbox"/>
d) it has been established by a final judgement that the person is guilty of the following:		
(i) fraud, within the meaning of Article 3 of Directive (EU) 2017/1371 and Article 1 of the Convention on the protection of the European Communities' financial interests, drawn up by the Council Act of 26 July 1995;	<input type="checkbox"/>	<input type="checkbox"/>
(ii) corruption, as defined in Article 4(2) of Directive (EU) 2017/1371 and Article 3 of the Convention on the fight against corruption involving officials of the European Communities or officials of Member States of the European Union, drawn up by the Council Act of 26 May 1997, and conduct referred to in Article 2(1) of Council Framework Decision 2003/568/JHA, as well as corruption as defined in the applicable law;	<input type="checkbox"/>	<input type="checkbox"/>
(iii) conduct related to a criminal organisation, as referred to in Article 2 of Council Framework Decision 2008/841/JHA;	<input type="checkbox"/>	<input type="checkbox"/>
(iv) money laundering or terrorist financing, within the meaning of Article 1(3), (4) and (5) of Directive (EU) 2015/849 of the European Parliament and of the Council;	<input type="checkbox"/>	<input type="checkbox"/>
(v) terrorist-related offences or offences linked to terrorist activities, as defined in Articles 1 and 3 of Council Framework Decision 2002/475/JHA, respectively, or inciting, aiding, abetting or attempting	<input type="checkbox"/>	<input type="checkbox"/>

to commit such offences, as referred to in Article 4 of that Decision;		
(vi) child labour or other offences concerning trafficking in human beings as referred to in Article 2 of Directive 2011/36/EU of the European Parliament and of the Council;	<input type="checkbox"/>	<input type="checkbox"/>
e) it has shown significant deficiencies in complying with the main obligations in the performance of a contract or an agreement financed by the Union's budget, which has led to its early termination or to the application of liquidated damages or other contractual penalties, or which has been discovered following checks, audits or investigations by a contracting authority, the European Anti-Fraud Office (OLAF) or the Court of Auditors;	<input type="checkbox"/>	<input type="checkbox"/>
f) it has been established by a final judgment or final administrative decision that the person has committed an irregularity within the meaning of Article 1(2) of Council Regulation (EC, Euratom) No 2988/95;	<input type="checkbox"/>	<input type="checkbox"/>
g) it has been established by a final judgment or final administrative decision that the person has created an entity under a different jurisdiction with the intent to circumvent fiscal, social or any other legal obligations in the jurisdiction of its registered office, central administration or principal place of business.	<input type="checkbox"/>	<input type="checkbox"/>
h) (<i>only for legal persons</i>) it has been established by a final judgment or final administrative decision that the person has been created with the intent provided for in point (g).	<input type="checkbox"/>	<input type="checkbox"/>
i) for the situations referred to in points (c) to (h) above the person is subject to: i.facts established in the context of audits or investigations carried out by the European Public Prosecutor's Office after its establishment, the Court of Auditors, the European Anti-Fraud Office (OLAF) or the internal auditor, or any other check, audit or control performed under the responsibility of an authorising officer of an EU institution, of a European office or of an EU agency or body; ii.non-final administrative decisions which may include disciplinary measures taken by the competent supervisory body responsible for the verification of the application of standards of professional ethics; iii. facts referred to in decisions of entities or persons being entrusted with EU budget implementation tasks; iv.information transmitted by Member States implementing Union funds; v.decisions of the Commission relating to the infringement of Union competition law or of a national competent authority relating to the infringement of Union or national competition law; or vi.decisions of exclusion by an authorising officer of an EU institution, of a European office or of an EU agency or body.	<input type="checkbox"/>	<input type="checkbox"/>

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

Not applicable to natural persons, Member States and local authorities

➤ The signatory declares that a natural or legal person who is a member of the administrative, management or supervisory body of the above-mentioned legal person, or who has powers of representation, decision or control with regard to the above-mentioned legal person (this covers e.g. company directors, members of management or supervisory bodies, and cases where one natural or legal person holds a majority of shares), or a beneficial owner of the person (as referred to in point 6 of article 3 of Directive (EU) No 2015/849) is in one of the following situations:	YES	NO	N/A
Situation (c) above (grave professional misconduct)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Situation (d) above (fraud, corruption or other criminal offence)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Situation (e) above (significant deficiencies in performance of a contract)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Situation (f) above (irregularity)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Situation (g) above (creation of an entity with the intent to circumvent legal obligations)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Situation (h) above (person created with the intent to circumvent legal obligations)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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

➤ declares that a natural or legal person that assumes unlimited liability for the debts of the above-mentioned legal person is in one of the following situations:	YES	NO	N/A
Situation (a) above (bankruptcy)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Situation (b) above (breach in payment of taxes or social security contributions)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

IV – Grounds for rejection from this procedure

(4) declares that the above-mentioned person:	YES	NO
Was previously involved in the preparation of the procurement documents used in this award procedure, where this entailed a breach of the principle of equality of treatment including distortion of competition that cannot be remedied otherwise.	<input type="checkbox"/>	<input type="checkbox"/>

V – Remedial measures

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

VI – Evidence upon request

Upon request and within the time limit set by the contracting authority the person must provide information on natural or legal persons that are members of the administrative, management or supervisory body or that have powers of representation, decision or control, including legal and natural persons within the ownership and control structure and beneficial owners.

It must also provide the following evidence concerning the person itself and the natural or legal persons on whose capacity the person intends to rely, or a subcontractor and concerning the natural or legal persons which assume unlimited liability for the debts of the person:

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

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

The person is not required to submit the evidence if it has already been submitted for another award procedure of the same contracting authority¹⁵. The documents must have been issued no more than one year before the date of their request by the contracting authority and must still be valid at that date.

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

Document	Full reference to previous procedure
<i>Insert as many lines as necessary.</i>	

VII – Selection criteria

	YES	NO	N/A
(1) declares that the above-mentioned person complies with the selection criteria applicable to it individually as provided in the tender specifications:			
(a) It has the legal and regulatory capacity to pursue the professional activity needed for performing the contract as required in section 2.3.2 of the tender specifications;	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

¹⁵ The same institution or agency.

(b) It fulfills the applicable economic and financial criteria indicated in section 2.3.3 of the tender specifications;	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(c) It fulfills the applicable technical and professional criteria indicated in section 2.3.4 of the tender specifications.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

(2) if the above-mentioned person is the sole tenderer or the leader in case of joint tender, declares that:	YES	NO	N/A
(d) the tenderer, including all members of the group in case of joint tender and including subcontractors if applicable, complies with all the selection criteria for which a consolidated assessment will be made as provided in the tender specifications.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

VIII – Evidence for selection

The person is not required to submit the evidence if it has already been submitted for another procurement procedure of the same contracting authority¹⁶. The documents must have been issued no more than one year before the date of their request by the contracting authority and must still be valid at that date.

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

Document	Full reference to previous procedure
<i>Insert as many lines as necessary.</i>	

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

Full name

Date

Signature

¹⁶ The same institution of agency.

ANNEX 2 – SUBCONTRACTING LETTER OF INTENT

"Title of the call for tender"

The undersigned:

Name of the company/organisation:

Address:

Declares hereby the intention to collaborate in the execution of the tasks subject to the above call for tender, in accordance with the terms of the offer to which the present form is annexed, if the contract is awarded to *(name of the tenderer)*.

Declares hereby accepting the general conditions attached to the tendering specifications for this call for tender, and in particular art. II.24 in relation with checks and audits.

Full name

Date

Signature

.....

ANNEX 3 – POWER OF ATTORNEY/AGREEMENT MODEL 1

(DESIGNATING ONE OF THE COMPANIES OF THE GROUP AS LEADER AND GIVING A MANDATE TO IT)

We the undersigned:

- Signatory 1 (Name, Function, Company, Registered address, VAT Number)
- Signatory 2 (Name, Function, Company, Registered address, VAT Number)
-
- Signatory N (Name, Function, Company, Registered address, VAT Number),

Each of them having the legal capacity required to act on behalf of his/her company, **HEREBY AGREE AS FOLLOWS:**

In case the European Commission awards Contract (« **the Contract** ») to Company 1, Company 2, ..., Company N (« **the Group Members** »), based on the joint offer submitted by them on for the supply of and/or the provision of services for ... (« **the Supplies and/or the Services** »).

(1) As co-signatories of the Contract, all the Group Members:

- (a) Shall be jointly and severally liable towards the European Commission for the performance of the Contract.
- (b) Shall comply with the terms and conditions of the Contract and ensure the proper execution of their respective share of the Supplies and/or the Services.

(2) To this effect, the Group Members designate Company X as **Group Leader**. [*N.B.: The Group Leader has to be one of the Group Members*]

- (3) Payments by the European Commission related to the Supplies or the Services shall be made through the Group Leader’s bank account .[*Provide details on bank, address, account number, etc.*].

- (4) The Group Members grant to the Group Leader all the necessary powers to act on their behalf in connection with the Supplies and/or the Services. This mandate involves in particular the following tasks:
 - (a) The Group Leader shall sign any contractual documents—including the Contract and Amendments thereto—and issue any invoices related to the Supplies or the Services on behalf of the Group Members.

 - (b) The Group Leader shall act as single point of contact for the European Commission in connection with the Supplies and/or the Services to be provided under the Contract. It shall co-ordinate the provision of the Supplies and/or the Services by the Group Members to the European Commission, and shall see to a proper administration of the Contract.

Any modification to the present agreement / power of attorney shall be subject to the European Commission’s express approval.

This agreement / power of attorney shall expire when all the contractual obligations of the Group Members towards the European Commission in connection with the Supplies and/or the Services to be provided under the Contract have ceased to exist. The parties cannot terminate it before that date without the Commission’s consent.

Signed in on

Name
 Function
 Company

Name
 Function
 Company
 ETC

ANNEX 3 – POWER OF ATTORNEY/AGREEMENT MODEL 2

(CREATING THE GROUP AS SEPARATE ENTITY, APPOINTING A GROUP MANAGER AND GIVING A MANDATE TO HIM/HER)

We the undersigned:

- Signatory 1 (Name, Function, Company, Registered address, VAT Number)
- Signatory 2 (Name, Function, Company, Registered address, VAT Number)
-
- Signatory N (Name, Function, Company, Registered address, VAT Number),

Each of them having the legal capacity required to act on behalf of his/her company, HEREBY AGREE AS FOLLOWS:

In case the European Commission awards Contract (« **the Contract** ») to Company 1, Company 2, ..., Company N (« **the Group Members** »), based on the joint offer submitted by them on for the supply of and/or the provision of services for ... (« **the Supplies and/or the Services** »).

(1) As co-signatories of the Contract, all the Group Members:

- (a) Shall be jointly and severally liable towards the European Commission for the performance of the Contract.
- (b) Shall comply with the terms and conditions of the Contract and ensure the proper execution of their respective share of the Supplies and/or the Services.

(2) To this effect, the Group Members have set up under the laws of the Group (« **the Group** »). The Group has the legal form of a [*Provide details on registration of the Group: VAT Number, Trade Register, etc.*].

(3) Payments by the European Commission related to the Supplies or the Services shall be made through the Group's bank account . [*Provide details on bank, address, account number, etc.*].

(4) The Group Members appoint Mr/Ms as **Group Manager**.

(5) The Group Members grant to the Group Manager all the necessary powers to act alone on their behalf in connection with the Supplies and/or the Services. This mandate involves in particular the following tasks :

- (a) The Group Manager shall sign any contractual documents—including the Contract and Amendments thereto—and issue any invoices related to the Supplies or the Services on behalf of the Group Members.

- (b) The Group Manager shall act as single point of contact for the European Commission in connection with the Supplies and/or the Services to be provided under the Contract. He/she shall co-ordinate the provision of the Supplies and/or the Services by the Group Members to the European Commission, and shall see to a proper administration of the Contract.

Any modification to the present agreement / power of attorney shall be subject to the European Commission's express approval.

This agreement / power of attorney shall expire when all the contractual obligations of the Group Members towards the European Commission in connection with the Supplies and/or the Services to be provided under the Contract have ceased to exist. The parties cannot terminate it before that date without the Commission's consent.

Signed in on

Name

Function

Company

ANNEX 4 – FINANCIAL OFFER TEMPLATE

(for guidance purposes only)

(to be completed and signed by the tenderer only or the lead tenderer in the case of joint bids)

Price and Estimated budget breakdown

Calculation of the costs (incl. travel, overheads, consumables and any other related costs)

Type of service provider	Position within the project team	Number of working days	Allocation of tasks	Proportion of the contract in %	Costs in €
Lead contractor					

	Sub-total	.....		.....	.....
Sub-contractor 1					

	Sub-total	.....		.....	.....
Sub-contractor 2					

	Sub-total	.....		.....	.....
Sub-contractor 3					

	Sub-total	.....		.....	.....
Travel/other costs¹⁷ (if applicable)					
	Total	.....		.....	.....

Signature of Tenderer

Date

¹⁷ Will be reimbursed on a lump-sum basis.

ANNEX 5 – CHECKLIST OF DOCUMENTS TO BE SUBMITTED IN THE E-SUBMISSION APPLICATION

The purpose of the table below is to facilitate the preparation of the tender by providing an overview of the documents that must be included (marked by ■) depending on the role of each economic operator in the tender (joint tender leader in joint bid, partner in joint bid, sole tenderer, subcontractor).

Some of the documents are only relevant in cases of joint bids or when subcontractors are involved. Additional documents might be necessary depending on the specific characteristics of each tender.

Description	Joint tender leader in joint bid	Partners in joint bid	Sole tenderer	Sub-contractor(s)
Power of attorney of partners in joint bid indicating the group leader (see Annex 3)		■		
Evidence that the person signing the documents is an authorised representative of the tenderer	■	■	■	
Letter of intent of subcontractor (see Annex 2)				■
SME declaration (See section 1.1)	■	■	■	
Exclusion and selection Criteria form (See Annex 1)	■	■	■	■
Evidence of Economic and financial capacity (see section 2.3.3)	■	■	■	■ ¹⁸
Evidence of Technical and professional capacity (see section 2.3.4)				
Go to the following page to fill in the CV: http://europass.cedefop.europa.eu/en/documents/curriculum-vitae	■	■	■	■

¹⁸ If relied upon to fulfil economic and financial capacity

The following sections must be provided in the bid, their absence would mean rejection of the bid for incompleteness:

Description	Joint tender leader or sole tenderer
Technical Offer (see section 2.6)	■
Financial Offer (See section 2.7 and Annex 4)	■

Once all information and documents have been encoded and uploaded in the e-Submission application and you consider that the tender is complete, the application will require you to download the Tender Report generated by the e-Submission application. It will have to be signed (hand signature or electronic signature) and uploaded, as explained in the [e-Submission Quick Guide for economic operators](#).

Description	Joint tender leader in joint bid	Partners in joint bid	Sole tenderer	Sub-contract or	Where to upload a document in e-Submission
Tender Report	■		■		In Step "Tender Report" of the e-Submission wizard

**ANNEX 6 – DOCUMENTS WHICH MAY BE REQUESTED BY THE EU
VALIDATION SERVICES DURING THE COURSE OF THE PROCEDURE**

- Signed [legal entity identification form](#)
- Natural Person
- Private Law Body
- Public Law Body
 - **Official VAT document** or — if the entity is not registered for VAT — the proof of VAT exemption, not older than 6 months.
 - Signed **Financial Identification Form, and**
 - the following additional documents, where relevant:

Private body	Registration extract (not older than 6 months).
Public body	Copy of the act, law, decree or decision that established the organisation as a public body (or, if this doesn't exist, any other official legal document that proves this).
Non-profit organisation	Copy of an official document attesting that the organisation has a legal or statutory obligation not to distribute profits to shareholders or individual members. The certificate of tax exemption may only constitute an indication of the non-profit status of the entity which has to be assessed together with other elements.
Research organisation	Copy of an official document attesting that one of the main objectives of the entity is carrying out research or technological development.
Secondary or higher education establishment	Copy of an official document attesting that the organisation is recognised such as 'secondary or higher education establishment' by the national education system and is entitled to deliver diplomas recognized by the State.
International organisation	Copy of the relevant international treaty creating the organisation under international public law.

International organisation of European interest	
Natural person	Copy (legible) of valid identity card or passport
Entities without legal personality	<p>- Copy of an official document attesting that the representatives of the entity have the capacity to undertake legal obligations on its behalf.</p> <p>- Copy of an official document attesting that the entity has the same operational and financial capacity as that of a legal entity: i.e.</p> <ul style="list-style-type: none"> • a document showing patrimony/asset/capital that is separated and different from those of the members/owners of the entity, and • a copy of the rules providing that creditors can rely on this patrimony/asset/capital and — in case of liquidation/insolvency — are reimbursed before the patrimony/asset/capital is divided between the owners/members.

ANNEX 7 – TRAVEL AND SUBSISTENCE COSTS

(Only applicable if the organisation of workshops/conferences is specified in the tender specifications –
Not applicable to contractor's own staff)

Travel costs must be based on the following:

- Train: first-class rail travel for journeys less than 400 km (one way).
- Flight: economy class air travel for distances of more than 400 km. Business class is allowed for a flight of 4 hours or more without stopovers.
- Private car: the travel shall be reimbursed at the same rate as the first-class rail ticket, or by default at the rate of 0.22 € per km.

Different travel options will not be accepted and will entail the refusal of the offer. Amounts must be quoted in EURO. Prices must be fixed amounts and be calculated exclusive of all duties and taxes.

Maximum rates for accommodation and meals.

Destination	Hotel ceiling in euros	Daily allowance in euros
Belgium	148	102
Bulgaria	135	57
Czech Republic	124	70
Denmark	173	124
Germany	128	97
Estonia	105	80
Ireland	159	108
Greece	112	82
Spain	128	88
France	180	102
Croatia	110	75
Italy	148	98
Cyprus	140	88
Latvia	116	73
Lithuania	117	69
Luxembourg	148	98
Hungary	120	64
Malta	138	88
Netherlands	166	103
Austria	132	102
Poland	116	67
Portugal	101	83
Romania	136	62
Slovenia	117	84
Slovak Republic	100	74
Finland	142	113
Sweden	187	117
United Kingdom	209	125

Rates for hotel and subsistence for countries not included in the above table will be provided by the Commission services if necessary.