



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR MOBILITY AND TRANSPORT
DIRECTORATE-GENERAL FOR ENERGY
SRD - Shared Resource Directorate
The Director

European Commission

Call for tenders MOVE/2020/OP/0008

**Legal, socio-economic and technical assistance in the fields
of Energy and Mobility and Transport**

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, Directorate-General for Energy and Directorate-General for Mobility and Transport, referred to as the *Contracting authority* for the purposes of this call for tenders.

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

The subject of this call for tenders is Legal, socio-economic and technical assistance in the fields of Energy and Mobility and Transport.¹

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

This call for tenders is divided into six lots:

Lot title
<ul style="list-style-type: none">• Lot 1: Legal assistance in the field of energy.• Lot 2: Socio-economic assistance in the field of energy.• Lot 3: Technical assistance in the field of energy.• Lot 4: Legal assistance in the field of mobility and transport.• Lot 5: Socio-economic assistance in the field of mobility and transport.• Lot 6: Technical assistance in the field of mobility and transport.

Tenders may be submitted for the one or different lots. Each lot will be assessed independently of any other lot. Tenders which cover only part of one lot or are declared as being conditional on the award of any other lots are not permitted.

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

The services that are the subject of this call for tender, including any minimum requirements, are described in detail below.

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 For information purposes, please note that contract award notices for the previous DG MOVE/ENER framework contracts can be found at www.ted.europa.eu.

Description of services

The list of services below is not to be considered as exhaustive and the *Contracting authority* may call on any additional services compatible with the purposes of the lot in question. The specific terms of reference, part of each specific contract, shall describe the objectives of each individual assignment.

1. Legal assistance activities in the field of energy (Lot 1) or mobility and transport² (Lot 4)

The assistance required by the *Contracting authority* may take the following forms:

- Analysis and studies concerning the completion and smooth operation of the internal market in energy or transport, including aspects relating to public services and sector specific regulation;
- Systematic transposition check and systematic conformity check of the Member States legislation, regulatory or administrative provisions with (in force or under adoption) EU rules in the field of energy and transport (including the possibility to request translations of the national legislation);
- Analysis of specific cases in order to check their compatibility with EU law;
- Studies on questions likely to be raised in the context of EU legislative initiatives, the application of directives with a view to their adaptation, and an examination of the relevant aspects of national, EU and international law;
- Studies and analysis of the legal or *de facto* national, international or EU situation relating to a particular sector of energy or transport or companies, and/or covering questions relating to market liberalisation with regard to the freedom of establishment of companies and freedom to provide services;
- Assessment and preparation of rules applicable to the energy and transport sectors relating to security, safety, innovation, interoperability, sustainability and environmental protection;
- Studies with a horizontal approach covering all the mode-specific passenger rights regulations (e.g. waterborne, bus and coach, rail and air transport) in conjunction, including the protection of persons with disabilities and with reduced mobility (PRMs). Analysis to provide assessments of the implementation of the passenger rights regulations over the years with a particular focus on the overall framework. Legal analysis of the passenger rights systems in place on national level as well as the Mobility as a Service (MaaS) systems regarding passenger rights;
- Analysis and studies of the legal aspects of EU external energy relations, including protecting and promoting investment in third countries, on production, transit or interconnection issues and in particular, questions relating to legal certainty, regulatory coordination, dispute-settlement procedures, guarantee and risk-coverage

² Any reference to "transport" in these tender specifications must be understood as a reference to "mobility and transport".

mechanisms, the European Energy Charter and other trade and partnership agreements;

- Analysis, studies and assessments to support exchange with third countries of legal, regulatory and economic best practices in energy and transport policies;
- Assistance in the examination of certain legal dossiers relating to energy and transport; analysis and studies of the relationship between EU legislative initiatives and the particular international legal system governing international aviation and other transport modes;
- Analyses and studies concerning regulatory simplification for the energy and transport sectors as well as simplification of transport documentation in the area of freight transport logistics;
- State aid in the fields of energy and mobility and transport (legal aspects);
- Legal assistance on activities covering all aspects related to the European Union's Green Deal.

2. Socio-economic assistance in the field of energy (Lot 2) or mobility and transport (Lot 5)

The services required may take the following forms:

- Economic analysis of the energy and transport markets, including questions relating to market access, market monitoring, market integration and organisation and logistics, analysis of relevant statistics or geographical data, aspects of employment as well as of passenger rights and consumer protection;
- Research, analysis and recommendations concerning the operability of the internal market, the effects of applying competition law, public services and State aid (economic and financial aspects);
- Analysis, assessment and monitoring of the economic and financial situation of companies and organisations active in the energy and transport sectors, and the progress of related projects and activities, including questions concerning infrastructure funding;
- Analysis, assessment and monitoring of appropriations granted by EU Funds, auditing of public and private entities;
- Studies and analysis, including the social, regulatory and fiscal aspects, relating to a specific energy/mobility and transport sector, including questions relating to market liberalisation with regard to the freedom of establishment of companies and the freedom and the capacity to provide services;
- Studies and analysis of policies related to technology/innovation development and deployment, economic performance and contribution to the key policy objectives of competitiveness, sustainability and security of supply;
- Economic/statistical analyses and market studies relating to energy and transport networks and infrastructures in general and specific projects such as feasibility studies, financial assessment of investments, cost-benefit analysis, congestion management, and infrastructure charging and taxation schemes;

- Analysis, studies and assessments to support exchange with third countries of economic and financial best practices in energy and transport policies;
- Development of systems, including IT systems, for forecasting socio-economic developments in the energy or transport sectors, energy and transport systems modelling, aid for the formulation of policy strategies, identification of priorities and subjects requiring harmonisation;
- Assistance concerning the liberalisation of the energy market and related questions: elaboration of economic parameters such as the use of natural gas and charging, and liberalisation indicators;
- Design of projects relating to the security of energy supply and related questions, to the management of the demand for conventional energy sources, to the development and funding of the various renewable energy sectors; study of the relevant geopolitical, economic and commercial aspects of the international trade and energy trade between the EU and third countries;
- Gathering/analysis of statistics and forecasts concerning the utilisation of commercial data and data relating to energy and transport supply and demand;
- Assessment of economic and other measures for the integration of environmental objectives into energy and transport policy;
- Analysis of data submitted by Member States and reports based on such data as is often required by EU legislation;
- Collection and processing of energy and transport related data with a view to conducting economic/statistical studies, analyses and forecasts to support development of EU policy;
- Conduction and processing of public consultations or stakeholder surveys;
- Economic analysis on policies and actions – including lack of these – in the field of energy and transport;
- Economic analysis on policies and actions – including lack of these – in the field of transport and mobility, including multimodality, urban mobility, and transport digitalisation;
- Studies with a horizontal approach covering all the mode-specific passenger rights regulations (e.g. waterborne, bus and coach, rail and air transport) in conjunction, including the protection of persons with disabilities and with reduced mobility (PRMs). Analysis to provide assessments of the implementation of the passenger rights regulations over the years with a particular focus on the overall framework. Economic analysis of the passenger rights systems in place such as the impact on regulatory costs, including compliance and administrative costs incurred by Member States and transport industry as well as enforcement costs for Member States (including National Enforcement Bodies);
- Research, analysis and recommendations concerning social and equality aspects relating to the mobility and transport sector and the energy sector, including but not limited to questions relating to the social impact of digitalisation and automation in transport and energy, actions against any forms of discrimination and the promotion of diversity and inclusion in employment in the sectors (e.g. female employment);

- Assistance and professional support for the organisation and follow of workshops, conferences and meetings, ensuring the smooth running of those events, both online or in face-to-face format, including IT support, invitation and registration of participants, professional chair/moderation, elaboration and analysis of statistics, as well as analysis of outcomes and their presentation;
- Literature research and draft of reports on socio-economic issues related with the mobility and transport sector and the energy sector;
- Analysis of the cost and benefits resulting from proposed regulatory measures in the domain of energy and mobility and transport;
- Examination, evaluation and analysis of feasibility studies and/or economic and financial analysis related to energy and transport;
- Data collection, processing, databases and analysis, including collection of gender-disaggregated data;
- Analysis of socio-economic and sector-specific dimensions of freight transport logistics;
- Economic and financial cost-benefit analysis;
- Analysis of financial instruments for energy or transport;
- Analysis of project finance and corporate finance in the fields of energy and transport;
- Analysis of Private Public Partnerships in the domains of energy and transport (infrastructure), including analyses based on Eurostat data;
- Economic assistance on activities covering all aspects related to the European Union's Green Deal;
- Economic assistance on activities to support the digitalisation in the domains of energy and transport.

3. Technical assistance activities in the field of energy (Lot 3) or mobility and transport (Lot 6)

The services may take the following forms:

- Technical assistance with the implementation of measures aimed at improving the operation of the internal market in energy and transport;
- Analysis of specific cases in order to check their technical compatibility with EU law;
- Technical assistance with the progress of studies under way, investment and infrastructure projects carried out in the context of the energy and transport “TENs”, Connecting Europe Facility (CEF) and projects of common interest (PCI)

(infrastructure plans and congestion indicators) including technical assistance for market monitoring activities and studies;

- Technical assistance with the implementation of contracts relating to energy and transport under the Framework Programmes for Research and Technological Development (including demonstration), Horizon 2020 and Horizon Europe, and in general to research and innovation;
- Technical assistance with the implementation of the “Energy Framework Programme” and the clustering and progressing of projects and other types of measures, including the Local and Regional Energy Management Agencies;
- Assistance with the technical progress of contracts under the specific programme for “Non-nuclear Energy”;
- Assistance with regard to environmental, safety and standardisation questions relating to energy demand management and efficiency technologies, and the application and market penetration of such technologies;
- Technical assistance to support the implementation of Energy Dialogues with Third Countries and the external aspects of the EU internal energy market;
- Provision of expertise and related technical and logistical support for assistance to third countries in the field of transport;
- Technical assistance with regard to transport, and in particular, inland transport, aviation, maritime transport, intelligent transport systems and satellite navigation systems, and concerning conventional energies and new energies;
- Technical assistance regarding cost benefit analysis and other studies for the standardisation of equipment;
- Technical assistance on measures (including for monitoring, standardisation and harmonisation) in the field of energy and transport security, safety, and protection of the environment;
- Technical assistance on the implementation of advanced technologies to energy and transport, in order to increase efficiency and safety;
- Technical assistance and professional support for the organisation and follow of workshops, conferences and meetings in both fields (energy and transport), ensuring the smooth running of those events, both online or in face-to-face format, including IT support, invitation and registration of participants, professional chair/moderation, elaboration and analysis of statistics, as well as analysis of outcomes and their presentation;
- Technical assistance in the area of equality, such as the animation of a network of diversity ambassadors;
- Technical assistance in the field of emergency and crisis management preparedness, notably as regard the following aspects: inventory of organisational and operational resources, decision-making models, qualitative and quantitative risk analysis, risk options and risk control measures;

- Technical assistance in the area of freight transport logistics, including assistance in the management of the bottleneck notification scheme and other activities emanating from the Logistics Action Plan;
- Technical assistance in the formulation of the technical annexes of funding decisions;
- Technical assistance in the financial engineering of projects;
- Technical assistance for the preparation of guidelines for applicants;
- Data collection and databases, putting in place platforms for data exchange or platforms or web portals for sharing and communicating the necessary information, e.g. best practices on the fields of energy and transport, e.g. the stakeholder platforms;
- Technical controls and/or audits;
- Technical assistance on activities covering all aspects related to the European Union's Green Deal.

Description of human resources required (all the lots)

Below, the profiles required for each lot are listed. The minimum requirements for each profile are set out in **Section 3.2.3**.

- Project manager

In order to ensure that services under this framework contract are properly carried out, the contractor will have to assign a project manager for each lot who will coordinate the team and ensure that the services are delivered within the deadlines and respecting the highest quality standards. He/she will oversee project delivery, quality management of the contract and control, client orientation and conflict resolution. The contractor will also ensure that the presentation of the reports, deliverables, invoices and any supporting documents allows their easy assessment by the *Contracting authority*.

The project manager will be responsible for the project management of the study on a day-to-day basis, monitoring and controlling progresses and target achievements. He/she will demonstrate experience in managing teams and tight deadlines, as well as evaluation studies. He/she will provide the team with a sound logical analytical framework, identifying the most appropriate tools according to the project needs and monitoring challenges and drawbacks associated with the implementation of each tool/method.

He/she is experienced in the management of EU wide projects involving experts with different professional backgrounds and countries. The project manager will also be in close contact with the *Contracting authority* to discuss any integration and changes in the methodology, corrective actions and to overview the progress of the project.

He/she will be responsible for ensuring that the methodology used throughout the study is consistent and answers perfectly to the needs. He/she will bring the expertise to select the

appropriate data collection tools for each of the selected activity and will be able to analyse data and provide insights on the evaluation criteria for the selected activities.

The contractor's project manager will deal directly with the *Contracting authority*. He/she will be responsible for liaising with the experts and the *Contracting authority's* contact point for agreeing all logistics and arrangements for meetings. He/she must ensure the contractor's presence at all necessary meetings and events. That means that the contractor's contact point (project manager himself/herself or the leading expert from the contractor's team) will represent the contractor at all the necessary meetings and events which are directly linked to the implementation of the service.

It is to be noted that different project managers can be appointed for the specific contracts.

- Deputy project manager

The project manager's replacement must be ensured by a deputy project manager.

- Pool of experts

In addition, a pool of experts will be required per lot.

1.4.1. Detailed characteristics of the purchase

Compliance with copyright law and other intellectual property legislation is of utmost importance to the Commission. In providing the services, the contractor must ensure compliance with applicable copyright provisions, other intellectual property legislation and the conditions in these tender specifications.

The Framework Contracts contain detailed provisions on the assignment or licensing of rights (see Articles II.13 and I.10) and the contractor's obligation to comply with intellectual property rights. Although in general the EU will acquire ownership of the results produced under the contract, there may be scenarios where a licence is more appropriate. For example, this might be the case when the *Contracting authority* is procuring a software tool but is not interested in retaining ownership. Being the case, the contractor must ensure that the *Contracting authority* is in a position to use this software when necessary. Should the *Contracting authority* consider that a licence better serves the purpose of the contract, a tailored regime should be specified in the specific contract. As regards pre-existing materials, the Framework Contracts contain well detailed provisions specifying the responsibility of the contractor to clear the relevant rights and modes of exploitation.

If photos, graphics, visuals or any other new or pre-existing materials are used to illustrate the documents, the contractor is responsible for clearing with the respective right holders the necessary copyrights and image rights if any.

The contractors should give the *Contracting authority* access to the data produced through these Framework Contracts. The Contractors should ensure that all the data produced during these Framework Contracts is fully handed-over to the *Contracting authority* and that it is deleted after the expiration of the contract.

1.4.2. Deliverables

1.4.2.1. Activity reports on the implementation of the Framework Contract (not linked to payments)

Each contractor must produce the following reports in English on all the work carried out under this Framework Contract providing information on which procedure for reopening of competition for the award of specific contracts they participated in (and if not, why), and must send one electronic copy (by e-mail or download from a secure website) to the Commission. Upon request, the contractor will provide the source files of the graphics or other elements used in the reports.

The cost of drafting, producing and distributing these reports forms part of the overall cost related to the performance of the contract.

a) Mid-term report

A mid-term activity report on all the work carried out by the contractor in performance of each framework contract during the first two years of the framework contract will be produced at the request of the *Contracting authority*.

The report must show:

- The services performed during that period, in terms of quantity and price, broken down by type and by user;
- A qualitative analysis, including recommendations for optimising the impact of the actions undertaken, particularly in terms of cost effectiveness.

The reports, if requested, must be sent to the Commission within 30 calendar days of the end of the 24 month reference period. They will be deemed to have been accepted by the Commission if, within 30 calendar days of receipt of the report, the Commission has not addressed any comments to the contractor.

b) Final activity report

One month before the end of the overall duration of each Framework Contract, each contractor must submit a final activity report. This report describes the work performed and the results obtained during the entire the duration of the Framework Contract. In particular it must indicate:

- An overview of the specific contracts, their value and scope, categorised by requesting DG, under which the requested services have been executed;
- Any problems encountered (solved or pending) and lessons learnt (qualitative analysis, including recommendations for optimising and evaluating the impact of the actions undertaken, particularly in terms of cost effectiveness).

1.4.2.2. Reports for specific contracts (linked to payments)

The specific terms of reference shall determine the number and type of deliverables, as well as the required content of these deliverables and the timeline to follow. As a rule, the contractors shall deliver the following:

1. an inception report;
2. an interim report;

3. a final report.

Nevertheless, a specific request for services may foresee a different type and / or number of interim and / or final deliverables.

All deliverables shall be first submitted as drafts. The *Contracting authority* can submit comments on a draft deliverable, which the contractor is bound to take into account by submitting a new version of the report, by providing additional information or in any other manner as requested. If so indicated in the specific Terms of reference, the contractor must be ready to additionally adapt the deliverables on a rolling basis, e.g. regarding transposition and conformity checks of national legislation, based on the information provided by the *Contracting authority*, e.g. in the cases where the specific contract relates to the transposition check of complex directives. In the latter cases, all other contractual terms will remain unchanged.

If so indicated in a specific request for services, the quality of the (draft) final report will be evaluated against pre-determined quality criteria (see point 3.7 below).

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

The *Contracting authority* shall be informed without delay of any likely difficulty in meeting a deadline.

Payments under specific contracts:

The contractor can expect the following payments under a specific contract:

- An interim payment - after the approval, by the *Contracting authority*, of the interim report or other interim deliverable as specified in the specific terms of reference - in the amount of 30% of the price agreed in the specific contract, and
- The final payment.

However, where the total duration of the specific contract is 5 months or less, the *Contracting authority* may explicitly only foresee a final payment in the specific terms of reference.

1.4.2.3. Content, structure and graphic requirements of the deliverables:

All reports under a specific contract must be delivered in an electronic version (CD-ROM, DVD, USB flash drive or sent by e-mail), in PDF format as well as MS Word format, or, in the case of data in Excel format. Additionally, the final report shall be delivered in hard copy version. The number of hard copies of the final report to be delivered will be defined in the specific Request for services, but it shall not exceed 10.

All written deliverables must be drafted in proper English - unless another language is explicitly and exceptionally foreseen in a specific terms of reference, and must be fully comprehensible in terms of grammatical structure, e.g. complete sentences, punctuation,

explanation of abbreviations, etc.), using clear and non-technical language for a non-specialised audience. Technical explanations shall be given in annexes.

If a report includes confidential information, the Contractor must clearly refer to the relevant information as confidential, briefly indicating the reason for confidentiality; the confidential information must be submitted separately as the *Contracting authority* will publish the final report (the study).

As regards of the format of the **final** report (the study), a Word template will be provided to the contractor after the signature of the framework contract. The contractor must fill in the cover page of the final report 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.

The final report must include 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.”

The graphic requirements: the deliverables must be 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

1.4.2.3.1. Graphic and technical 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

1.4.2.3.2. 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/>.

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

The services will be performed on the contractor's premises. However, meetings between the contractor and the *Contracting authority* will be held on Commission premises in Brussels or Luxembourg, unless otherwise explicitly indicated in a specific request for services, with the possibility for virtual meetings if requested by the *Contracting authority* during the performance of the contract.

The contractors should, as a rule, be able to provide the requested services in all EU Member States, in the EFTA/EEA countries (Switzerland, Iceland, Liechtenstein and Norway), in the Candidate Countries and any other country where energy/mobility and transport issues are likely to be of European Union's interest. The requirement does not imply an obligation of the tenderers to have a representation in all those countries mentioned: it is sufficient that the tenderers are able to demonstrate, in their tenders, how the necessary coverage and/or contacts can be achieved.

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

The procedure will result in the conclusion of multiple framework contracts with reopening of competition.

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 4 (four) contractors at most provided that there are enough tenderers whose tenders are retained after the evaluation.

Multiple framework contracts with reopening of competition are implemented through specific contracts for which all contractors are invited to compete on the basis of the same or, if necessary, more precisely formulated terms laid down in these tender specifications. A specific contract shall be awarded to the contractor who has submitted the most economically advantageous specific tender on the basis of the award criteria set out in point 3.7 below.

👉 Tenderers need to take full account of the provisions of the draft 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?

For information purposes, under the current framework contract ref. 2016-298, around 90 studies were performed divided as follows:

- 8 studies for Lot 1. The maximum amount awarded under Lot 1 was EUR 239.800. The average value of specific contracts was around EUR 153.000;
- 27 studies for Lot 2. The maximum amount awarded under Lot 2 was EUR 470.760. The average value of specific contracts was around EUR 215.000 €;

- 20 studies for Lot 3. The maximum amount awarded under Lot 3 was EUR 528.300. The average value of specific contracts was around EUR 172.000;
- 7 studies for Lot 4. The maximum amount awarded under Lot 4 was EUR 249.890. The average value of specific contracts was around EUR 205.000;
- 19 studies for Lot 5. The maximum amount awarded under Lot 5 was EUR 357.520. The average value of specific contracts was around EUR 235.000;
- 9 studies for Lot 6. The maximum amount awarded under Lot 6 was EUR 575.280. The average value of specific contracts was around 200.000 €.

An indicative estimate of the volumes to be ordered over the whole duration of the framework contract is given in the financial model in **Annex 6**. 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 quantities 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, shall not be exceeded.

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

Within three years following the signature of the contract 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 rules applicable to the general budget of the Union](#)¹ to procure new services from the contractor(s) up to a maximum of 50 % of the initial contract value. These services will consist in the repetition of similar services entrusted to the contractor(s) and will be awarded under the following conditions: same quality award conditions as for the initial contract.

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

The 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 contract.

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](#)¹. 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)³.

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 Procurement⁴ 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**.

³ 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).

⁴ https://www.wto.org/english/tratop_e/gp_gpa_e.htm.

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.

🔔 **Please provide information about the SME status of the participant in the Participant Register by filling in the SME Declaration section in the Participant Register. The section becomes available only when updating/modifying the details of the registered organisation.**

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 and financial capacity. 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 economic operator (sole tenderer) or as a group of economic operators (joint tender). 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 that are not subcontractors.

The role of each entity involved in a tender (hereafter referred to as “involved entity”) must be clearly specified in the eSubmission application: i) sole tenderer, ii) Group leader of a group of tenderers, iii) member of a group of tenderers, or iv) subcontractor. For an entity on whose capacities the tenderer relies to fulfil the selection criteria (that is not a subcontractor), this role is defined in the commitment letter (**Annex 5.2**). This applies also where the involved entities belong to the same economic group.

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, (see **Section 3.1**).

In any 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 former entity must be taken over by the new entity member of 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.

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,

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.

- (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”), 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 tenders (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.

👉 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 the required documents 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 specified in the procurement documents;
- 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.

Tenderers found to be in an exclusion situation will be rejected.

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 authority*⁸.

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 tenders. 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 and are still up-to-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.

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 do not need to prove specific legal and regulatory capacity to perform the contract.

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

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.

Lot 1

Criterion F1	
Minimum level of capacity	Average yearly turnover of the last 2 financial years above EUR 1 500 000.
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	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.

Lot 2

Criterion F1	
Minimum level of capacity	Average yearly turnover of the last 2 financial years above EUR 3 000 000.
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	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.

Lot 3

Criterion F1	
Minimum level of capacity	Average yearly turnover of the last 2 financial years above EUR 3 000 000.
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	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.

Lot 4

Criterion F1	
Minimum level of capacity	Average yearly turnover of the last 2 financial years above EUR 1 500 000.
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	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.

Lot 5

Criterion F1	
Minimum level of capacity	Average yearly turnover of the last 2 financial years above EUR 3 000 000.
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	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.

Lot 6

Criterion F1	
Minimum level of capacity	Average yearly turnover of the last 2 financial years above EUR 3 000 000.
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	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.

The evidence of economic and financial capacity does need not to be provided with the tender but may be requested by the *Contracting authority* or the *EU Validation Services* at any time during the procedure. **Please note that a request for evidence in no way implies that the tenderer has been successful.**

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.

Criteria relating to all tenderers for all the lots

Please note that “tenderer” refers to the tenderer as whole, including, where applicable, the consortium members and / or the subcontractors, and not to the individual team-members, unless otherwise specified.

- **Criterion A1:** The tenderer must prove the experience in successfully delivering studies or assignments in the field of the lot concerned – legal (Lots 1 and 4), socio-economic or financial (Lots 2 and 5) **or** technical nature (Lots 3 and 6), **and** in the field of energy policies (Lots 1-3) **or** mobility or transport policies (Lots 4-6).

Evidence A1: The tenderer must submit references, including the sums, dates and information on the client, to at least two studies or assignments for each lot applied for, which are relevant to the lot(s) concerned. At least two studies per lot must have been delivered or completed in the last three years, representing together a total budget of at least EUR 200,000. The references¹⁰ shall be accompanied by written statements

¹⁰ In this context, please note that the Contracting authority will treat all tenders confidentially.

issued by the clients, public or private, which confirm the information provided by the tenderer and which certify that the contract was performed according to the contractual terms.

In the case of framework contracts, only specific contracts corresponding to assignments delivered under such framework contracts shall be considered.

- **Criterion A2:** The tenderer must prove capacity to work in English.

Evidence A2: The tenderer must provide references to at least two projects delivered in the last three years showing the necessary language coverage. The tenderer must provide one document of at least ten pages (report, study, etc.) in English that it has drafted and published or delivered to a client in the last three years. The verification will be carried out on five pages of the document.

- **Criterion A3:** The tenderer must prove its capacity to work and handle documentation in the languages of at least six EU countries.

Evidence A3: the tenderer must provide references for two projects delivered in the last three years. The combination of the two projects must cover the required geographical coverage.

Note for criteria A1 to A3: The tenderers may refer to the same studies and/or projects to cover Criteria A1-A3 above. The tenderers bidding for more than one lot may prove their compliance with the selection criteria *Technical and Professional Capacity* with the same projects for all lots they submit their tender, with the exception of the studies or assignments referred to under Criterion A1. For Criterion A1, the studies or assignments must be different (due to the different subject matter of each lot).

Criteria relating to the team delivering the service for all the lots:

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

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

- **Criterion B1 - Project manager:** A project manager with at least 10 years of experience in project management, including overseeing project delivery, quality control of delivered service, client orientation and conflict resolution experience in project of a similar size (at least EUR 100,000) and coverage (geographical scope at least five countries), and experience in management of team of at least five people. Relevant higher education degree or equivalent professional experience is required.
- **Criterion B2 - Deputy project manager:** A deputy project manager with at least five years' experience in project management, including overseeing project delivery, quality control of delivered service, client orientation and conflict resolution experience in project of a similar size (at least EUR 100,000) and coverage (at least five countries covered), with experience in management of team of at least five people. Relevant higher education degree or equivalent professional experience is required.

Note for B1 to B2: In the case the tenderer will submit an offer for more than one lot, the tenderer must designate a different project manager and a deputy project manager, each person compliant with the Criterion B1 and B2 above, for each lot.

- **Criterion B3:** Pool of minimum experts per lot, each having the following qualifications:
 - For Lot 1:
 - At least two members of the team must have a university degree in law and ten years' professional experience¹¹ in Union law relating to energy or any related issue (Category I: Senior legal expert).
 - At least eight members of the team must have a university degree in law and five years' professional experience in Union law relating to energy or any related issue (Category II: Legal expert).

At least two of the experts listed in the points above must have professional experience specifically in European and international nuclear law. These experts are to be included in either Category I or II.
 - For Lot 2:
 - At least two members of the team must have a university degree in economics¹² and ten years' professional experience in economics, finance or statistical analysis (Category I: Senior expert).
 - At least seven members of the team must have a university degree in economics and five years' professional experience in economics, finance or statistical analysis (Category II: Expert).
 - At least seven members of the team must be data analysts. They need to have at least two years' experience in qualitative and quantitative data collection, data analysis or modelling techniques. They must collectively have knowledge of at least five EU languages, including English, French and German (Category III: Data analyst).
 - At least one member of the team must have a university degree relevant to European affairs, event management or communication and two years' professional experience in the field of communication and or event organisation (Category IV: Communication expert).

¹¹ Professional experience can constitute previous projects or assignments that relate to any legal act, regulation or measure, adopted or in preparation, concerning the common energy policy of the EU, in accordance with article 194 (i) and Titles XVI and XXI of the Treaty of the Functioning of the European Union.

¹² Please note that a university degree in economic sciences, such as business administration, management, accounting, business strategy, finance and statistics, is equivalent to a university degree in economics.

- At least two members of the team must have a university degree in law and five years' professional experience in labour law/employment law (Category V: Legal expert).
 - At least one member of the team must have a university degree in law and five years' professional experience in consumer law (Category V: Legal expert).
 - At least one member of the team must have a university degree and five years' professional experience in the field of gender studies, sociology or related humanities field (Category VI: Social expert).
- For Lot 3:
 - At least two members of the team must have a university degree in science or technology and ten years' professional experience in the fields of energy or any related issue (Category I: Senior expert).
 - At least seven members of the team must have a university science or technology degree and five years' professional experience in the fields of energy or any related issue (Category II: Expert).
 - At least five members of the team must be data analysts. They need to have at least two years' experience in qualitative and quantitative data collection, data analysis or modelling techniques. They must collectively have knowledge of at least five EU languages, including English, French and German (Category III: Data analyst).
 - At least one member of the team must have a university degree relevant to European affairs, event management or communication and two years' professional experience in the field of communication and or event organisation (Category IV: Communication expert).
 - For Lot 4:
 - At least two members of the team must have ten years' professional experience in Union law relating to mobility and transport or any related issue (Category I: Senior legal expert).
 - At least eight member of the team must have a university degree in law and five years' professional experience in Union law relating to mobility and transport or any related issue¹³. (Category II: Legal expert).

¹³ Professional experience can constitute previous studies or assignments that relate to any legal act, regulation or measure, adopted or in preparation, concerning the common transport policy of the EU, or Trans-European Networks for transport, in accordance with articles (4) (2) (g) and (h) and Titles VI and XVI of the Treaty of the Functioning of the European Union.

At least three of the experts listed in the points above must have professional experience specifically in Union and international law relating to maritime transport or any related issue. These experts are to be included in either Category I or II.

▪ For Lot 5:

- At least two members of the team must have a university degree in economics and ten years' professional experience in economics, transport management, finance or statistical analysis (Category I: Senior expert).
- At least seven members of the team must have a university degree in economics and five years' professional experience in transport, economics, finance or statistical analysis, economic or transport modelling, social sciences (Category II: Expert).
- At least seven members of the team must have a university degree and two years' professional experience in data collection, statistical analysis stakeholder engagement, qualitative and quantitative analysis or techniques. They must collectively have knowledge of at least five EU languages, including English, French and German (Category III: Data analyst).
- At least one member of the team must have a university degree relevant to European affairs, event management or communication and two years' professional experience in the field of communication and or event organisation (Category IV: Communication expert).
- At least two members of the team must have a university degree in law and five years' professional experience in labour law/employment law (Category V: Legal expert).
- At least one member of the team must have a university degree in law and five years' professional experience in consumer law (Category V: Legal expert).
- At least one member of the team must have a university degree and five years' professional experience in equality and non-discrimination matters (in line with the equality requirements and discrimination grounds enshrined in Articles 8 and 10 TFEU) (Category VI: Social expert).

▪ For Lot 6:

- At least two members of the team must have a university degree in science or technology and ten years' professional experience in the fields of energy or any related issue (Category I: Senior expert).
- At least seven members of the team must have a university degree in science or technology and five years' professional experience in the

fields of mobility and transport or any related issue (Category II: Expert).

- At least five members of the team must be data analysts. They need to have at least two years' experience in qualitative and quantitative data collection, data analysis or modelling techniques. They must collectively have knowledge of at least five EU languages, including English, French and German (Category III: Data analyst).
- At least one member of the team must have a university degree relevant to European affairs, event management or communication and two years' professional experience in the field of communication and or event organisation (Category IV: Communication expert).

In order to carry out the services, in reply to each request for services the contractor will submit a list of experts to the Contracting Authority which will give its approval to the list proposed by the contractor. The Contracting Authority may also request the replacement of any of the experts proposed if he/she does not meet the requirements set out in the request for services according to the provisions of the framework contract. The experts proposed shall have the minimum requirements indicated in the selection criteria above. The fees by category of expert are set out in the Price Schedules (*Annex 6*). Additional expertise could be required in specific request for services. The additional expertise required will correspond to one of the categories indicated above.

- **Criterion B4:** Editor proof-reader/ Quality assurance – Language quality check: at least six members of the team, including the project manager, must have at least C1 level in the Common European Framework for Reference for Languages¹⁴ in English. Similarly, two members of the team should have at least C1 level in French and two team members in German.

Evidence B4: A language certificate or past relevant experience described in the CV¹⁵. Further, the tenderer must submit a declaration of the means to be used by the contractor to provide editing and proofreading services in English, such as an external service provider or an internal expert with relevant qualifications and experience, in which case they will be described in the CV.

Evidence for B1 to B4:

- A table summarising the competences and planned functions and expertise areas of the minimum profiles forming the team referred to above. Competences include the background (economic, legal, technical, etc.), specific expertise (e.g. legal analysis of the law of particular Member State(s), financial analysis, statistics) and languages.

¹⁴ See http://www.coe.int/t/dg4/linguistic/Cadre1_en.asp

¹⁵ Past relevant experience can refer to, for example, projects carried out in English, a university degree obtained in English or scientific research carried out in English. A self-declaration on proficiency in English will not be accepted as evidence.

- Detailed Curriculum Vitae of each team member proposed for carrying out the work, including his or her educational background, degrees and diplomas, professional experience, research work, publications and linguistic skills. The CV's for project manager, deputy project manager and all experts shall be presented, preferably, in accordance to the Commission Recommendation on a common European format for curricula vitae, published in OJ L79 of 22 March 2002, p. 66.

Note for B1 to B4: All staff not employed by the tenderer (or, in the case of a joint tender, by any of the member of the consortia) will provide a declaration that he/she is willing to participate in the implementation of this framework contract in the team of the tenderer.

For any replacement of personnel, Articles II.4.8 and II.4.9 of the Framework Contract apply.

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*).]

3.3. Compliance with the minimum requirements specified in the procurement documents

By submitting a tender, the tenderer commits to perform the contract in full compliance with the terms and conditions of the procurement documents for this call for tenders. 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.

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

1. Price - 40%

Tenderers must provide a price per person/day for each staff category. The person-day price must be a flat rate, meaning, that it includes all administrative costs (as backstopping costs, insurance, reports, communication costs, translation costs, use of contractor's facilities, etc.) incurred directly and indirectly by the contractor in performance of the tasks which may be entrusted to him/her. This price will constitute a maximum price per person-day that shall be fixed and not subject to revision during the whole duration of the Framework contract, including possible renewal. It shall be valid for any services under a specific contract. Nevertheless, the contractors may apply a lower price per person-day when bidding for a specific contract.

Travel expenses related to the framework contract management meetings described in **Section 1.5** will not be reimbursed separately but must be included in the prices per profile in the financial offer.

For each lot the tenderers are required to complete Price Schedules in **Annex 6**.

The price of each tender that shall be taken into account in order to determine the most economically advantageous tender is the total price resulting from the addition of the total price of Price Schedules in **Annex 6**.

The estimated weighting coefficients indicated in the Price Schedules in **Annex 6** are indicated purely for the purpose of the financial evaluation of each tender. These Price Schedules cannot under any circumstances be considered to constitute a commitment on the part of the *Contracting authority* to conclude specific contracts for the related services and quantities, and cannot give rise to any right or legitimate expectation on the part of the contractors.

The Price Schedule will be integral part of the Annex II (Contractor's tender) of the Framework Contract.

- for Lot 1, the Price Schedule to be filled in is in Annex 6a;
- for Lot 2, the Price Schedule to be filled in is in Annex 6b;
- for Lot 3, the Price Schedule to be filled in is in Annex 6c;
- for Lot 4, the Price Schedule to be filled in is in Annex 6d;
- for Lot 5, the Price Schedule to be filled in is in Annex 6e;
- for Lot 6, the Price Schedule to be filled in is in Annex 6f.

Any omission or amendment to the original price table may cause the bid to be considered null and void.

Accordingly, the financial offer must be completed in full and signed by a person able to engage the tenderer financially. Any incomplete tender will be excluded from the evaluation procedure. Tendering parties must leave the presentation of this price form unchanged. Omissions or changes to the original table may lead to elimination.

The price considered for evaluation will be the total price of the tender, covering all the requirements set out in the tender specifications.

2. Quality – 60%

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

The quality of the tender will be evaluated based on the following criteria to be applied to the three lots:

- Quality award criterion 1: Appropriateness and quality of the approach for the services to be requested;
- Quality award criterion 2: Methodology;
- Quality award criterion 3: Appropriateness of the organisation of the work and resources ;
- Quality award criterion 4: Quality of the measures implemented for a continuous high performance throughout the contract period, including quality control measures;
- Quality award criterion 5: Case studies (see *Annex 7*)

For the quality criterion number 5, for each of the six lots, tenderers should draw up a proposition for handling a hypothetical case study presented in *Annex 7* to these Tender Specifications.

- For Lot 1, the case study is in Annex 7a;
- For Lot 2, the case study is in Annex 7b;
- For Lot 3, the case study is in Annex 7c.
- For Lot 4, the case study is in Annex 7d;
- For Lot 5, the case study is in Annex 7e;
- For Lot 6, the case study is in Annex 7f.

These case studies are examples of the types of tasks the chosen contractor is likely to perform, but do not necessarily reflect actual future tasks. The tenderers are requested to explain their proposed approach and methodology to carry out the services requested through each case studies.

Quality award criteria

Quality award criterion	Explanation of the criterion's scope	Maximum number of points per criterion (weighting)	Minimum points to be obtained (60% per criterion)
Award criterion 1: Appropriateness and quality of the approach for the services to be requested	This criterion will assess the appropriateness and quality of the approach proposed for each concerned lot, showing in particular comprehensive and up-to date understanding of the background, trends and future challenges involved, i.e. regarding energy policies or mobility and transport policies respectively, with the clear and structured focus on the	20	12

	developments in the European Union, including regulatory initiatives.		
Award criterion 2: Methodology	<p>This criterion will assess the appropriateness and quality of the proposed methodologies and tools proposed for each concerned lot of this framework contract.</p> <p>The description of the methodologies and tools proposed should be as precise as possible, explaining the rationale behind the choices proposed by the tenderer and demonstrating a state-of-the-art knowledge of the fields concerned.</p> <p>The description should include for each methodology and tool the identification of adequate sources of information, data collection and analysis methods, the presentation of sampling methodologies, approaches to consultation activities and use of the information to achieve the results set out in the future requests for services.</p>	20	12
Award criterion 3: Appropriateness of the organisation of the work and resources	<p>This criterion will assess elements related to the organisation of the work and allocation of human resources for the implementation of projects. Tenderers should describe clearly how, for each specific project, they will define:</p> <p>*The composition of the team regarding the use of the specific methods and tools proposed and the thematic expertise in the domain of the future specific contracts. The process of identifying experts and their level of expertise according to the tasks of the services requested shall guarantee as far as possible, a geographical, and gender balance, taking into account the specific tasks of the expert and the type of expertise required;</p> <p>*The team size, structure and work method (definition and distribution of roles and responsibilities for each task) to ensure a rapid response and timely availability of the specific expertise required;</p> <p>*The supervision of the project and communication with the <i>Contracting authority</i>;</p> <p>*The organisation of resources in order to ensure quality control with regard to both validating the</p>	30	18

	<p>information collected and in-depth proof-reading of deliverables/reports prior to their submission (including language checks/final editing, accuracy of calculations and removing spurious details).</p> <p>In the case of joint tenders, tenderers must also define the structure set up to coordinate the work between partners and explain how each partner will provide its best expertise.</p>		
Award criterion 4: Quality of the measures implemented for a continuous high performance, including quality control	<p>This criterion will assess the quality control system applied to the services foreseen in these tender specifications concerning the quality of the deliverables, the control and guarantee of deadlines, the language quality check, and continuity of the service in case of absence of a member of the team.</p> <p>Under this criterion the quality of the proposed approach for the communication between the <i>Contracting authority</i> and the project manager and the contractor's approach for the storage and the provision of data and information collected for the specific assignments will be also evaluated.</p>	10	6
Award criterion 5: Case study (one per lot)	<p>The case study aims to assess the coherence and relevance of the proposed approach related to:</p> <ul style="list-style-type: none"> * Feasibility, credibility and appropriateness of the replies to the case study; * Quality of the proposed methodology and approach to carry out the various activities taking into account the range of risk factors covered, the range of methods to be used, the range of sources of information consulted as well as the way to influence policy-making. Tenderers must list in particular the tools and methods they propose to use for each task with the concepts and theories followed. This description must be as precise as possible; * Organisation of the work and resources for the case study, i.e. the quality of the proposed approach to identify experts in the field of the case study. 	20	12
Total		100	60

The result of the technical evaluation is the sum of the number of points obtained as a result of the evaluation of each criterion. Only those tenders which are awarded at least 60% for each criterion will be considered for the award of the contract.

3.5. Award (ranking of tenders)

Tenders shall be ranked according to the best price-quality ratio in accordance with the formula below:

score for tender X	=	$\frac{\text{cheapest price of the tender}}{\text{price of the tender X}}$	*	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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Should the outcome of the formula lead to two or more tenders with the same result, the tenders with lower price will be ranked higher than the tenders with higher price.

👉 The contract shall be awarded to the first 4 (four) ranked tenders, which comply with the minimum requirements specified in the procurement documents and are submitted by tenderers with access to procurement, not in an exclusion situation and fulfilling the selection criteria. The ranking will determine who will be invited to compete for specific contracts during the implementation of the framework contract.

3.6. Implementation of Framework Contract with reopening of competition

According to Article I.4.3 of the Framework Contract, the *Contracting authority* orders services by sending a *request for services* by e-mail or via *e-PRIOR* to all contractors of the concerned lot.

The contractors send their specific tenders to the *Contracting authority* within the time limits indicated in the request for services (at least 20 working days) by e-mail or via *e-PRIOR*. This deadline can exceptionally be subject to modification in the specific requests.

The contractors will provide the *Contracting authority* with a written proposal for the tasks required, including an outline of the methodologies proposed, a work programme with a timetable and the total budget broken down by categories of experts, prepared on the basis of the price schedule annexed to the framework contract. The tenderers should also provide with their proposal the list of staff members that will form the team and indicate their role and assignment in the team. A detailed curriculum vitae will be provided if none has been provided earlier, notably at the time of the tender. It will include his or her educational background, degrees and diplomas, professional experience, research work, publications and linguistic skills which are relevant for the assignment. The CVs shall be presented preferably in accordance with the Commission Recommendation on a common European format for curricula vitae, published in OJ L79 of 22 March 2002, p. 66. The *Contracting authority* evaluates the specific tenders and selects the most economically advantageous one on the basis of the award criteria set out below. When doing so, it takes into account any conflicting interests which may negatively affect the performance of the specific contract (see Article II.7

of the Framework Contract). It then awards and sends the specific contract to the successful contractor.

Contractors shall take all necessary measures to prevent any situation that could compromise the impartial and objective implementation of the framework contract. During the implementation of the framework contract, the contractors must declare any changes in their situation regarding the contractual relations referred to in this paragraph.

The contractor must send the specific contract signed and dated back to the Contracting authority by the date set in award notification letter.

The specific contracts will be awarded to the best proposal received, on the basis of award criteria. The award criteria are specific to each lot as described below.

3.7. Award criteria for specific contracts under all lots

Following the signature of the Multiple Framework Contracts with reopening of competition, and when specific needs arise, the *Contracting authority* will invite contractors to respond to specific requests for services within the areas described in Lot 1, Lot 2, Lot 3, Lot 4, Lot 5 and Lot 6.

The following award criteria are set to determine the best value for money tender to which the specific contracts will be awarded.

The *Contracting authority* responsible for the specific contract may break down the criteria defined below into sub-criteria adapted to the particular features of the contract.

Quality award criteria

Quality award criterion	Explanation of the criterion's scope	Maximum number of points per criterion (weighting)	Minimum points to be obtained (60 % per criterion)
Award criterion 1: Appropriateness and quality of the approach for the services to be requested	This criterion will assess the appropriateness and quality of the approach proposed showing in particular comprehensive and up-to date understanding of the background, trends and future challenges involved, i.e. regarding energy policies or mobility and transport policies respectively, with the clear and structured focus on the developments in the European Union.	20	12
Award criterion 2: Methodological quality	This criterion will assess the appropriateness and quality of the proposed methodologies and tools proposed for answering the specific request for services: The description of the methodologies and tools proposed should be as precise as possible, explaining the rationale behind the choices proposed by the tenderer and demonstrating a state-of-the-art knowledge of the fields	30	18

	<p>concerned.</p> <p>The description should include for each methodology and tool the identification of adequate sources of information, data collection and analysis methods, the presentation of sampling methodologies, approaches to consultation activities and use of the information to achieve the results set out in the future requests for services.</p>		
<p>Award criterion 3: Appropriateness of the organisation of the work and resources</p>	<p>This criterion will assess elements related to the organisation of the work and allocation of human resources for the implementation of the specific project. Tenderers should describe clearly:</p> <p>The composition of the team regarding the use of the specific methods and tools proposed and the thematic expertise in the particular domain. The experts team structure shall guarantee as far as possible, a geographical, and gender balance, taking into account the specific tasks of the expert and the type of expertise required.</p> <p>The team size, structure and work method (definition and distribution of roles and responsibilities for each task) to ensure a rapid response and timely availability of the specific expertise required.</p> <p>The supervision of the project and communication with the <i>Contracting authority</i>. The organisation of resources in order to ensure quality control with regard to both validating the information collected and in-depth proof-reading of deliverables/reports prior to their submission (including language checks/final editing, accuracy of calculations).</p>	40	24
<p>Award criterion 4: Quality control</p>	<p>This criterion will assess the control and guarantee of deadlines, the language quality check, and continuity of the service in case of absence of a member of the team.</p> <p>Under this criterion the following elements could be also assessed (to be identified in each specific request for services):</p> <ul style="list-style-type: none"> • Specific aspects of the draft final report • The proposed approach for the communication between the <i>Contracting authority</i> and the project manager and the contractor's approach for the storage and the provision of data and information collected for the specific assignment will be also evaluated. 	10	6

The maximum total quality score will be 100 points. In addition to reaching the individual thresholds (60% of each criterion), the tenders must score minimum **70 points in total**; otherwise they will be rejected and will not be ranked.

Financial evaluation

Each offer will be assessed in terms of the total price offered for the proposal, calculated on the basis of the unit prices broken down by staff category as fixed in the Framework Contract. As stated in point 3.4 Prices fixed in the Framework Contract for all lots being maximum prices, tenderers can offer lower prices when competing for a specific contract.

3.8. Award (ranking of the tenders for the specific request for services)

The contract will be awarded to the best value for money tender by applying the following formula:

score for tender X	=	cheapest price of the tender	*	100	*	price weighting (30 %)	+	total quality score (out of 100) for all award criteria of tender X	*	Quality criteria weighting (70%)
		price of the tender X								

To this end, for **all lots**, a weight of 70/30 is given to quality and price.

Following the award procedure, the specific contract will be concluded with the best ranked tenderer.

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 eSubmission application according to the instructions laid down in the Invitation to tender letter and the [eSubmission Quick Guide](#).

👉 Make sure you prepare and submit your electronic tender in eSubmission early enough to ensure it is received within the deadline specified under Heading IV.2.2 of the contract notice.

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

The documents to be submitted with the tender in eSubmission are listed in *Annex 1*.

The following requirements apply to the technical and financial offer to be uploaded in eSubmission:

- *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. 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.

Tenderers are free to choose where the personal data will be processed or stored as long as they comply with the contractual obligations on data processing (Art.I.9.2 and Art. II.9) and, in particular, with the requirements for transfer of personal data to third countries and international organisations laid down in Chapter V of Regulation (EU) 2018/1725¹⁶.

Tenderers must specify in their technical offer the location where the personal data will be processed and stored only where this location is outside the territory of the European Union or the European Economic Area. If no location is specified in the tender, the *Contracting authority* will consider that the personal data will be processed and stored only within the territory of the European Union or the European Economic Area.

- *Financial offer.*

A complete financial offer, including the breakdown of the price needs to be uploaded. For this purpose, the Financial Model in *Annex 6* shall be completed and uploaded in eSubmission. The total amount of the offer as indicated in cell <indicate here the exact cell of the Financial offer form workbook> must be encoded in the field “Total amount excl. taxes” under the section “Tender data” in eSubmission.

¹⁶ Regulation (EU) 2018/1725 of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC, OJ L 295/39, 21.11.2018, <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32018R1725&from=EN>

It is the responsibility of each tenderer to ensure that the total amount of the tender inserted in the eSubmission field “Total amount excl. taxes” 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.
- quoted free of all duties, taxes and other charges, i.e. also free of VAT.

The eSubmission field “Total taxes amount” must indicate 0 (zero) EUR as the *Contracting authority* is exempt from taxation.]

☞ 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.

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.

4.3. Signature policy: how can documents be signed?

Where a document needs to be signed, the signature must be either hand-written or a qualified electronic signature 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.

For electronic signatures see: <https://webgate.ec.europa.eu/fpfis/wikis/x/iwX4Dg>

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 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 secrets¹⁷.
- 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 disclosure¹⁸, 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

¹⁷ 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.

¹⁸ See Article 4 (2) of the REGULATION (EC) No 1049/2001 regarding public access to European Parliament, Council and Commission documents.

Contracting authority reserves the right to make its own assessment of the confidential nature of any information contained in the tender.

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>Subcontracting/subcontractor</i>	See Section 2.4.2
<i>Treaties</i>	The EU Treaties: https://europa.eu/european-union/law/treaties_en

ANNEXES

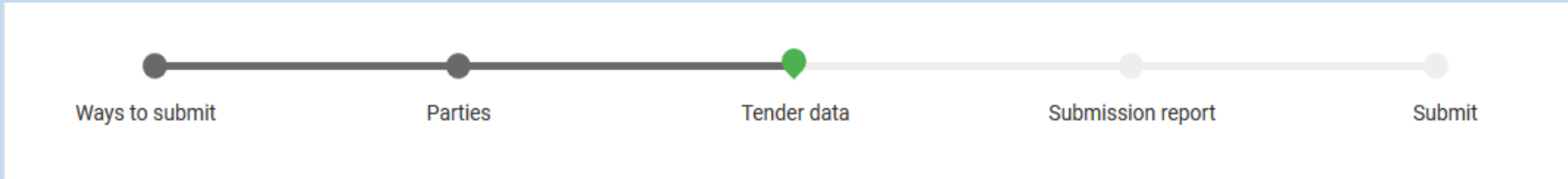




Annex 1. List of documents to be submitted with the tender or during the procedure

Description	Sole tenderer	Joint tender		Identified Subcontractor	Entity on whose capacity is being relied	When and where to submit the document?	Instructions for uploading in eSubmission (if applicable)	
		Group leader	Member of the group				How to name the file?	Where to upload?
1. Identification and information about the tenderer.								
eSubmission view								
<div><div></div><div>Ways to submit</div><div></div><div>Parties</div><div></div><div>Tender data</div><div></div><div>Submission report</div><div></div><div>Submit</div></div>								
<div>Declaration on Honour on Exclusion and Selection Criteria (see Section 3.1)</div> <div>model in Annex 2. Declaration on Honour on exclusion and selection criteria</div>	<div></div>	<div></div>	<div></div>	<div></div>	<div></div>	<div>With the tender in eSubmission</div>	<div>Declaration on Honour'</div>	<div>With the concerned entity under 'Parties' →'Identification tenderer' →'Attachments'→'Declaration on Honour'.</div> <div>For entities on whose capacity is being relied and who are not subcontractors, the document must be uploaded in the section of the Sole tenderer or Group leader:</div> <div>→'Identification tenderer'</div>

								→'Attachments'→'Other documents'.
Evidence that the person signing the documents is an authorised representative of the entity ¹⁹	☒	☒	☒			With the tender in eSubmission	'Authorisation to sign' documents'.	With the concerned entity under 'Parties' → 'Identification tenderer' → 'Attachments' → 'Other documents'.
Power of attorney (see Section 2.4.1) model in Annex 3. Power of attorney			☒			With the tender in eSubmission	'Power of attorney'	In the Group leader's section under 'Parties' → 'Identification tenderer' → 'Attachments' → 'Other documents'.
List of identified subcontractors (see Section 2.4.2) model in Annex 4. List of identified subcontractors	☒	☒				With the tender in eSubmission	"List of identified subcontractors"	In the Sole tenderer's or the Group leader's section under 'Parties' → 'Identification tenderer' → 'Attachments' → 'Other documents'.
Commitment letter (see Section 2.4.2 and 2.4.3)				☒ (model in Annex 5.1)	☒ (model in Annex 5.2)	With the tender in eSubmission	'Commitment letter'	With the concerned entity under 'Parties' → 'Identification tenderer' → 'Attachments' → 'Other documents'.
Evidence of non-exclusion (see Section 3.1)	☒	☒	☒	☒	☒	Only upon request by the Contracting authority	n.a.	n.a.

¹⁹ 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.

						At any time during the procedure		
Evidence of legal existence and status	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>			Only upon request by <i>the EU Validation services</i> At any time during the procedure In the Participant Register	n.a.	n.a.
Evidence of legal capacity (see Section 3.2.1)						n.a.		n.a.
Evidence of economic and financial capacity F1 (see Section 3.2.2)	<p>The documents must be provided</p> <p>only by the <i>involved entities</i></p> <p>who contribute to reaching the minimum capacity level</p> <p>for criterion F1</p>					Only upon request by <i>the EU Validation services</i> At any time during the procedure	n.a.	With the Group leader or the sole tenderer under 'Parties' → 'Identification tenderer' → 'Attachments' → 'Economic and financial capacity'.
Evidence of technical and professional capacity T1 (see Section 3.2.3)	<p>The documents must be provided</p> <p>only by the <i>involved entities</i></p>					With the tender in eSubmission	<i>Criterion A1...</i> <i>Criterion A2...</i>	With the Group leader or the sole tenderer under 'Parties' → 'Identification tenderer' → 'Attachments' → 'Technical and professional capacity'.

	who contribute to reaching the minimum capacity level for criterion T1							
2. Tender data. <i>eSubmission view</i> <div></div>								
<i>Failure to upload the following documents in eSubmission will lead to rejection of the tender.</i>								
[Technical offer (see Section 4.2)]						With the tender in eSubmission	'Technical offer'	Under section 'Tender Data' → 'Technical offer'
Financial offer (see Section 4.2) [model in Annex 6]						With the tender in eSubmission	'Financial offer'	Under 'Tender Data' → 'Financial offer'

Annex 2. Declaration on Honour on exclusion and selection criteria



declaration-honour
-2019-en.docx

Annex 3. Power of attorney

Call for tenders MOVE/2020/OP/0008 -

Legal, socio-economic and technical assistance in the fields of Energy and Mobility and Transport

POWER OF ATTORNEY

The undersigned:

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

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

HEREBY AGREES TO THE FOLLOWING:

- 1) To submit a joint tender as a member of a group of tenderers (the Group), constituted by Company 1, Company 2, Company N (Group members), and led by Company 1 (Group leader), in accordance with the conditions specified in the tender specifications and the terms specified in the tender to which this Power of attorney is attached.
- 2) If the *Contracting authority* awards the contract resulting from this call for tenders to the *Group* on the basis of the joint tender to which this power of attorney is attached, all *Group members* shall be considered parties to the contract in accordance with the following conditions:
 - (a) All *Group members* shall be jointly and severally liable towards the *Contracting authority* for the performance of the contract.
 - (b) All *Group members* shall comply with the terms and conditions of the contract and ensure the proper delivery of their respective share of the services and/or supplies subject to the contract.
- 3) Payments by the *Contracting authority* related to the services and/or supplies subject to the Contract shall be made through the bank account of the *Group leader*: [Provide details on bank, address, account number].
- 4) The *Group members* grant to the *Group leader* all the necessary powers to act on their behalf in the submission of the tender and the conclusion of the contract, including:
 - (a) The *Group leader* shall submit the tender on behalf of all *Group members* and indicate in the "Tender Contact Info" section in eSubmission the name and e-mail address of an individual - single point of contact authorised to communicate officially with the *Contracting authority* in connection with the submitted tender on behalf of all *Group members*, including in connection with all relevant questions, clarification requests, notifications, etc., that may be received during the evaluation, award and until the contract signature.
 - (b) The *Group leader* shall sign any contractual documents — including the contract, and amendments thereto — and issue any invoices related to the performance of the contract on behalf of all *Group members*.

(c) The *Group leader* shall act as a single contact point with the *Contracting authority* in the delivery of the services and/or supplies subject to the contract. It shall co-ordinate the delivery of the services and/or supplies by the *Group* to the *Contracting authority*, and shall see to a proper administration of the contract.

Any modification to the present Power of attorney shall be subject to the *Contracting authority*'s express approval. This Power of attorney shall expire when all the contractual obligations of the *Group* have ceased to exist. The parties cannot terminate it before that date without the *Contracting authority*'s consent.

Place and date:

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

Annex 4. List of identified subcontractors

Identification details	Roles/tasks during contract execution	Proportion of subcontracting (% of contract volume)
[Full official name Registered address Statutory registration number VAT registration number]		
[Full official name Registered address Statutory registration number VAT registration number]		
[REPEAT AS MANY TIMES AS THE NUMBER OF IDENTIFIED SUBCONTRACTORS]		
Other subcontractors that do not need to be identified under Section 2.4.2		
TOTAL % of subcontracting		0,00%

Annex 5.1. Commitment letter by an identified subcontractor

[Letterhead, if any]

European Commission

Call for tenders Ref. MOVE/2020/OP/0008

Attn:

[Insert date]

Commitment letter by identified subcontractor

I, the undersigned,

Name:

Function:

Company:

Registered address:

VAT Number:

having the legal capacity required to act on behalf of the company **[insert name of the entity]** hereby confirm that our company agrees to participate as subcontractor in the offer of [insert name of the tenderer] for the call for tenders MOVE/2020/OP/0008 – Legal, socio-economic and technical assistance in the fields of Energy and Mobility and Transport.

In the event that the tender of the aforementioned tenderer is successful, **[insert name of the subcontractor]** commits itself to make available the resources necessary for performance of the contract as a subcontractor and to carry out the services that will be subcontracted to it in compliance with the terms of the contract. It further declares that it is not subject to conflicting interests which may negatively affect the contract performance and that it accepts the general conditions attached to the tender specifications for the above call for tenders, in particular the contractual provisions related to checks and audits.

Done at:

Name:

Position:

Signature:

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

[Letterhead, if any]

European Commission

Call for tenders Ref. MOVE/2020/OP/0008

Attn:

[Insert date]

Commitment letter by an entity on whose capacity is being relied

I, the undersigned,

Name:

Function:

Company:

Registered address:

VAT Number:

having the legal capacity required to act on behalf of the company *[insert name of the entity]* hereby confirm that our company **authorises the *[insert name of the tenderer]* to rely on its financial and economic capacity in order to meet the minimum levels** required for the call for tenders MOVE/2020/OP/0008 – Legal, socio-economic and technical assistance in the fields of Energy and Mobility and Transport.

In the event that the tender of the aforementioned tenderer is successful, *[insert name of the entity]* commits itself to make available the resources necessary for performance of the contract. It further declares that it is not subject to conflicting interests which may negatively affect the contract performance, and that it accepts the general conditions attached to the tender specifications for the above call for tenders, in particular the contractual provisions related to checks and audits.

Done at:

Name:

Position:

Signature:

Annex 6. Financial offer form

Annex 6 is published as a separate document.

Annex 7. Case studies

Annex 7 is published as a separate document.