

SPECIFICATIONS – INVITATION TO TENDER N° VT/2008/046

STUDY ON CHILD POVERTY

1. TITLE OF THE CONTRACT

Study on child poverty – Ref. n° VT/2008/046

2. BACKGROUND INFORMATION ON THE PROGRESS PROGRAMME

The Social Agenda (2005-2010) has fixed as its overall strategic goal to promote more and better jobs and to offer equal opportunities for all. The realisation of the Social Agenda relies on a combination of instruments comprising EU legislation, the implementation of open methods of coordination in various policy fields and financial incentives such as the European Social Fund.

The Decision n°1672/20006 establishing a Community programme for employment and social solidarity – PROGRESS was adopted by the European Parliament and the Council on 24 October and published in the OJ on 15 November 2006.

PROGRESS aims at supporting the core functions of the European Community towards fulfilling its Treaty-delegated tasks and powers in its respective areas of competence in the employment and social sphere. PROGRESS mission is to strengthen the EU contribution in support of Member States' commitments and efforts to create more and better jobs and to build a more cohesive society. To that effect, PROGRESS will be instrumental in:

- providing analysis and policy advice on PROGRESS policy areas;
- monitoring and reporting on the implementation of EU legislation and policies in PROGRESS policy areas;
- promoting policy transfer, learning and support among Member States on EU objectives and priorities; and
- relaying the views of the stakeholders and society at large.

More specifically, PROGRESS will support:

- the implementation of the European Employment Strategy (section 1);
- the implementation of the open method of coordination in the field of social protection and inclusion (section 2);
- the improvement of the working environment and conditions including health and safety at work and reconciling work and family life (section 3);
- the effective implementation of the principle of non-discrimination and promotion of its mainstreaming in all EU policies (section 4);
- the effective implementation of the principle of gender equality and promotion of its mainstreaming in all EU policies (section 5).

The present call for tenders is issued in the context of the implementation of the 2008 annual plan of work which is consultable at:
http://ec.europa.eu/employment_social/progress/index_en.htm

3. BACKGROUND TO THE STUDY

Children growing up in poverty and exclusion are likely to become entangled in a 'cycle' which is transmitted from generation to generation. Child poverty is a denial of children's rights, entailing inequality of access to resources and opportunities and is often linked to discrimination. It has severe long-term consequences, preventing children from achieving their full potential, adversely affecting their health, and inhibiting their personal development, education and general well-being.

Tackling child poverty and breaking the spiral of poverty and exclusion from one generation to the next features high on the European Union's political agenda. Child poverty is recognised as a multi-dimensional problem which requires urgent, integrated actions across a wide range of social, economic and cultural policies.

Inspired by the priority given to the issue by the March 2006 European Council, many Member States have taken it to heart. In the 2006-2008 National Reports on Strategies for Social Protection and Social Inclusion governments pledge to develop a strategic, integrated and long-term approach to preventing and addressing poverty and social exclusion among children.

Furthermore in January 2008, on the request of the European Council, the Social Protection Committee also approved a report on "Child Poverty and Well-Being"¹, which identifies the predominant factors affecting child poverty in each country. This report underpinned the key policy messages on social inclusion in the 2008 Joint Report on Social Protection and Social Inclusion.

Using commonly agreed indicators, the SPC report on "Child Poverty and Well-Being" identifies the predominant factors affecting child poverty in each country. Indicators have not been used to name and shame but rather to group countries according to the common challenges they face: joblessness, in-work poverty and insufficient support to families.

4. SUBJECT OF THE CONTRACT

This study is conceived as a follow-up to the work carried out in 2007 by the Commission and the Member States in the context of the focus year of the European Strategy for Social Inclusion, notably in the context of the ISG/SPC report on child poverty and child well-being. This new study should also build on the findings of the study on child poverty carried out by Petra Hoelscher of the University of Dortmund, under the Social Exclusion Action Programme².

The aim of this contract is to assist the development of more coherent and integrated policies to combat child poverty and exclusion in Member States in the context of the European Social Inclusion Strategy. It will achieve this by producing a report which will provide a detailed framework for identifying the combination of policies most likely to reduce and prevent high levels of poverty and social exclusion amongst children in EU countries. The report should also build on the recommendations of the ISG report on child

¹ http://ec.europa.eu/employment_social/spsi/docs/social_inclusion/2008/child_poverty_en.pdf

² A thematic study using transnational comparisons to analyse and identify the combination of policy responses most successful in preventing and reducing high levels of child poverty:
http://ec.europa.eu/employment_social/social_inclusion/docs/child_poverty_study_en.pdf

poverty and well-being to identify those indicators which best reflect the multi-dimensional nature of child poverty and well-being.

5. PARTICIPATION

The call is open to any physical person or legal entity coming within the scope of the Treaties and any other physical person or legal entity from a third country which has concluded with the Communities a specific agreement in the area of public contracts, under the conditions provided for in that agreement.

Where the Multilateral Agreement on Public Contracts concluded within the framework of the WTO applies, the contracts are also open to nationals of States that have ratified this Agreement, under the conditions provided for therein. It should be noted that research and development services, which come under category 8 of Annex II A of Directive 2004/18/CE, are not covered by this Agreement.

In practice, the participation of applicants from third countries that have concluded a bilateral or multilateral agreement with the Communities in the area of public contracts must be allowed, under the conditions provided for in that agreement. Bids submitted by applicants from third countries that have not concluded such an agreement may be accepted, but may also be rejected.

6. TASKS TO BE UNDERTAKEN BY CONTRACTOR

6.1. Objectives

The objective of this contract is to produce a report which will provide a detailed framework for identifying the combination of policies most likely to reduce and prevent high levels of poverty and social exclusion amongst children in EU countries. The report should also identify those indicators which best reflect the multi-dimensional nature of child poverty and well-being.

The findings of the report should be presented at a seminar comprising policy makers, experts and organisations working to combat child poverty and promote child well-being. The final report should incorporate the conclusions of this seminar.

6.2. Description of tasks

The contracting party will undertake four key tasks using as a starting point the diagnosis presented in the SPC report on the nature and main characteristics of child poverty in each Member States and the conclusions of the previous study on child poverty, whilst also drawing on more recent studies and statistical data. These are:

- (1) to provide an in-depth analysis of the determinants of child poverty in each Member States, based on an international comparative assessment using the most recent comparable data available. This analysis should lead to the identification of key challenges for each EU country.
- (2) to provide an overview of the policies in place in Member States to prevent and reduce child poverty, in the following 3 areas: income support, access to the labour market of parents, access to enabling services (and especially child care). In a representative sample of Member States (about 10), the description of the policies in place should be more detailed and with clear references to the key challenges identified in point 6.2(1) above. The extent to which differences in levels of child poverty may be explained by the different policy approaches adopted should also be analysed.

- (3) to identify those indicators which best reflect the multi-dimensional nature of child well-being. This proposal should build on the recommendations of the ISG report on child poverty and well-being and lead to a reduced selection of indicators to cover the dimension of child well-being in the EU social inclusion portfolio.
- (4) to present a draft report at a seminar to be held at the Commission's premises (with the help of the Commission's interpretation services), no later than 11 months after the signature of the contract. This would involve
 - Identifying and inviting the speakers in agreement with the Commission (it may be necessary to foresee fees for some of them);
 - Identifying the participants and agreeing on them with the Commission (about 150 participants such as: policy makers, experts and organisations working in the field of combating child poverty);
 - Drafting the agenda and the minutes in cooperation with the Commission;
 - Handling all relevant documents before and after the seminar;

The report would then be refined and amended by the consultants in the light of this dialogue.

The Commission will be in charge of the overall organisation of the seminar and will bear the costs.

7. GUIDE AS TO HOW ACTIVITIES SHOULD BE CARRIED OUT

7.1. Guidelines specific to this study

As stated above, this study is conceived as a follow-up to the work carried out in 2007 by the Commission and the Member States in the context of the focus year of the European Strategy for Social Inclusion, notably in the context of the ISG/SPC report on child poverty and child well-being. This new study should also build on the findings of the study on child poverty carried out by Petra Hoelscher of the University of Dortmund, under the Social Exclusion Action Programme³.

The contracting party will present its proposal for indicators of well-being to the indicators sub-group of the Social Protection Committee, and take account of the comments made by the members of the Sub-Group.

7.2. Progress guidelines

The PROGRESS Programme aimed at promoting gender mainstreaming in all its five policy sections and commissioned or supported activities. Consequently, the contractor will take the necessary steps to ensure that:

- Gender equality issues are taken into account when relevant for the drafting of the technical offer by paying attention to the situation and needs of women and men;
- Implementation of the requested tasks includes a gender perspective by considering systematically women and men dimension;

³ A thematic study using transnational comparisons to analyse and identify what combination of policy responses are most successful in preventing and reducing high levels of child poverty: http://ec.europa.eu/employment_social/social_inclusion/docs/child_poverty_study_en.pdf

- Performance monitoring includes the collection and gathering of data disaggregated by sex when needed.
- its proposed team and/or staff respects the gender balance at all levels.

Equally, needs of disabled people shall be duly acknowledged and met while executing the requested service. This will in particular entail that where the contractor organises training sessions, conference, issues publications or develops dedicated websites, people with disabilities have equal access to the facilities or the services provided.

Finally, the contracting authority encourages the contractor to promote equal employment opportunities for all its staff and team. This entails that the contractor shall foster an appropriate mix of people, whatever their ethnic origin, religions, age, and ability.

The contractor will be required to detail in its activity report accompanying the request for the final instalment the steps and achievements it made towards meeting these contractual provisions.

Reporting and information requirements

PROGRESS will be implemented through a results-based management - RBM. Managing for outcomes and results is about working to maximise results for European citizens. This includes:

- Identifying the most important results for European citizens;
- Managing for these results, including setting clear desired results, implementing plans based upon these results and learning about 'what works' in the process;
- Seizing opportunities to work together whenever this helps achieve the results.

As a first step, a Strategic Framework for the implementation of PROGRESS has been developed in collaboration with Member states and organisations from the civil society. The Strategic Framework provides the framework for implementing PROGRESS, complemented by the Performance Measurement, which defines PROGRESS mandate, its long-term and specific outcomes. See in Annex III of the tender specifications the overview of PROGRESS performance measurement framework. For more information on the strategic framework, please visit PROGRESS website⁴.

The Commission in that context monitors the effect of PROGRESS supported or commissioned initiatives and consider how these initiatives contribute to PROGRESS outcomes as defined in the Strategic Framework. In that context, the contractor will be asked to loyally work in close cooperation with the Commission to define their expected contributions and the set of performance measures against which their contribution will be assessed. The contractor will be asked to collect and report on its own performance on a regular basis to the Commission and/or persons authorised by it. In addition, the contractor will make available to the Commission all documents or information that will allow PROGRESS performance measurement to be successfully completed and to give them the rights of access.

⁴ Progress website - http://ec.europa.eu/employment_social/progress/

8. PROFESSIONAL QUALIFICATIONS

See Annex IV of the draft contract "CVs and classification of experts".

See point 14(2) of the Selection criteria below.

9. TIME SCHEDULE AND REPORTING

See Article I.2. of the draft contract.

9.1. Additional requirements (specific deadlines for the performance of tasks):

The contract will last 12 months from the official start of the contract, which will be on the date of signature of the contract by the last of the two parties. 3 meetings should be held between the team in charge of the study and the representatives of the Commission in Brussels.

In addition, the team in charge of the study should present its proposal for indicators of well-being to the indicators sub-group of the Social Protection Committee.

The first meeting (upon delivery of the inception report) will take place to discuss the methodology, the work plan and the time schedule.

The second meeting will take place upon delivery of the interim report, no later than 5 months after the signature of the contract. In addition to the discussion of the report, this meeting will be the occasion to discuss the organisation of the seminar (keynote speakers, format, etc.)

The third meeting will take place upon delivery of the draft final report, approximately 1 month before the seminar.

In addition, the team in charge will present the work on child well-being indicators and a reduced selection of indicators to cover the dimension of child well-being in the EU social inclusion portfolio to the Indicator Sub-Group of the Social Protection Committee.

In accordance with the General Conditions, the Contractor is under the obligation to acknowledge that the report is delivered on behalf of the Community in all documents and media produced, in particular the final report and all related reports, brochures, press releases, etc.

9.2. Reporting

In addition to regular contacts with Commission officials, the following formal reporting requirements must be observed:

- *An inception report at the latest 1 month after the signature of the contract, including the work plan, the proposed methodology and a detailed time schedule for the study.*
- *At the latest 5 months after the signature of the contract, a draft study covering at least point 6.2(1) above and the general policy overview mentioned in point 6.2(2) above and an interim activity report providing a full description of the work carried out at this stage. Approval of this report will enable interim payment.*
- *Within 11 months after the official start of the contract, a draft final report*

- *Within 12 months after the official start of the contract (one original and two copies, plus electronic version in a web-friendly and publishable format), taking account of the comments by the Commission services on the draft report as well as of the conclusions of the seminar.*

The final study should be in English and also contain:

- an executive summary in English, French and German,
- a final activity report, providing a full description of the work carried out (including proceedings of the seminar),
- a presentation of the deliverables produced and results achieved,
- and any comments, suggestions or recommendations deemed useful

The Reports and related annexes and material will remain the property of the Commission. Any dissemination and publication of these deliverables will be subject to previous agreement and authorisation by the Commission.

9.3. **Publicity**

Publicity and information requirements

1. As a matter of principle, with a view to favouring valorisation by the European Commission of all results obtained and outputs delivered under PROGRESS programme, the Contractor will be required to provide - either upon specific request or in any event with the final activity report - for each of the tasks required under the present Call the following:
 - Presentation of their key points in one page. Key points should be concise, sharp and easily understandable. They shall be provided in English, French and German. Other Community languages would be welcome even if not compulsory.
 - And an executive summary in 5/6 pages in English, French and German unless otherwise more precisely described in the section "tasks to be carried out".
2. In accordance with the General Conditions, the contractor is under the obligation to acknowledge that the present service/activity is delivered on behalf of the Community in all documents and media produced, in particular final delivered outputs, related reports, brochures, press releases, videos, software, etc, including at conferences or seminars, as follows.

This (publication, conference, training session) is supported under the European Community Programme for Employment and Social Solidarity (2007-2013). This programme is managed by the Directorate-General for Employment, Social Affairs and Equal Opportunities of the European Commission. It was established to financially support the implementation of the objectives of the European Union in the employment and social affairs area, as set out in the Social Agenda, and thereby contribute to the achievement of the Lisbon Strategy goals in these fields.

The seven-year Programme targets all stakeholders who can help shape the development of appropriate and effective employment and social legislation and policies, across the EU-27, EFTA-EEA and EU candidate and pre-candidate countries.

PROGRESS mission is to strengthen the EU contribution in support of Member States' commitments and efforts to create more and better jobs and to build a more cohesive society. To that effect, PROGRESS will be instrumental in:

- *providing analysis and policy advice on PROGRESS policy areas;*
- *monitoring and reporting on the implementation of EU legislation and policies in PROGRESS policy areas;*
- *promoting policy transfer, learning and support among Member States on EU objectives and priorities; and*
- *relaying the views of the stakeholders and society at large.*

For more information see:

http://ec.europa.eu/employment_social/progress/index_en.html

For publications it is also necessary to include the following reference: "*The information contained in this publication does not necessarily reflect the position or opinion of the European Commission*"

With regard to publication and any communication plan linked to the present service, the contractor will insert the European Union logo, and if any another logo developed for the employment and social solidarity fields, and mention the European Commission as the contracting authority in every publication or related material developed under the present service contract.

10. PAYMENTS AND STANDARD CONTRACT

In drawing up the bid, the bidder should take into account the provisions of the standard contract comprising the "General terms and conditions applicable to service contracts".

Payments under the contract shall be made in accordance with Article II.4 of the draft contract. Payments shall be executed only if the contractor has fulfilled all his contractual obligations by the date on which the invoice is submitted. Payment requests may not be made if payments for previous periods have not been executed as a result of default or negligence on the part of the Contractor.

10.1. Pre-financing

Following signature of the contract by the last contracting party, within 30 days of the receipt by the Commission of a request for pre-financing payment with a relevant invoice, a pre-financing payment equal to 30% of the total amount referred to in Article I.3.1 in the contract shall be made.

10.2. Interim payment

Requests for interim payments by the contractor shall be admissible if accompanied by:

- an interim technical report in accordance with the instructions in section 9.2,
- the relevant invoices

The Commission will have 60 days to approve or reject the report, and the contractor shall have 30 days in which to submit additional information or a revised report.

Within 30 days of the date on which the Commission approves the report, a payment corresponding to a maximum of 40% of the total referred to in Article 1.3.1 of the contract shall be made.

10.3. Payment of the balance

The request for payment of the balance of the contract will be admissible if accompanied by:

- the final technical report in accordance with the instructions laid down in section 9.2 of this call, provided the report has been approved by the Commission
- the relevant invoices

The Commission will then have 60 days to approve or reject the report; and the contractor 30 days in which to submit additional information or a new report.

Within 30 days of the date on which the report is approved by the Commission, payment of the balance of the total amount referred in Article I.3.1 of the contract shall be made.

11. GROUPINGS OF ECONOMIC OPERATORS OR CONSORTIA

Tenders can be submitted by groupings of service providers/suppliers who will not be required to adopt a particular legal form prior to the contract being awarded, but the consortium selected may be required to assume a given legal form when it has been awarded the contract if this change is necessary for proper performance of the contract⁵. However, a grouping of economic operators must nominate one party to be responsible for the receipt and processing of payments for members of the grouping, for managing the service administration, and for coordination. The documents required and listed in the following points 13 and 14 must be supplied by every member of the grouping.

Each member of the grouping assumes a joint and several liability towards the Commission.

12. PRICES

Under the terms of Articles 3 and 4 of the Protocol on the Privileges and Immunities of the European Communities, the latter are exempt from all charges, taxes and duties, including value added tax; such charges may not therefore be included in the calculation of the price quoted. The amount of VAT is to be indicated separately.

The price must be stated in EUR (€), net of VAT (using, where appropriate, the conversion rates published in the C series of the Official Journal of the European Union on the day when the invitation to tender was issued), and broken down according to the model in Annex III included in the attached standard contract.

Professional fees and direct costs

- Fees, expressed as the number of person-days multiplied by the unit price per working day for each expert proposed. The unit price should cover the experts' fees and administrative expenditure

⁵ These entities can take the form of an entity with or without legal personality but offering sufficient protection of the Commission's contractual interests (depending on the Member State concerned, this may be, for example, a consortium or a temporary association). The contract has to be signed by all members of the group, or by one of the members, which has been duly authorised by the other members of the grouping (a power of attorney or sufficient authorisation is to be attached to the contract), when the tenderers have not formed a legal entity.

- Other direct costs such as:

Travel expenses for contractor's staff

Reporting expenses

Translation and printing costs

Shipping of documents

Documentation

Any unavoidable expenses necessary for the contract's purposes.

The price should not exceed €350,000 in total

13. EXCLUSION CRITERIA AND SUPPORTING DOCUMENTS

1) Bidders must provide a declaration on their honour, duly signed and dated, that they are not in one of the situations referred to in Articles 93 and 94 a) of the Financial Regulation.

Those articles are as follows:

"Article 93:

Applicants or tenderers shall be excluded if:

- a) they are bankrupt or being wound up, are having their affairs administered by the courts, have entered into an arrangement with creditors, have suspended business activities, are the subject of proceedings concerning those matters, or are in any analogous situation arising from a similar procedure provided for in national legislation or regulations;
 - b) they have been convicted of an offence concerning their professional conduct by a judgement which has the force of res judicata;
 - c) they have been guilty of grave professional misconduct proven by any means which the contracting authority can justify;
 - d) they have not fulfilled their obligations relating to the payment of social security contributions or the payment of taxes in accordance with the legal provisions of the country in which they are established or with those of the country of the contracting authority or those of the country where the contract is to be performed;
 - e) they have been the subject of a judgement which has the force of res judicata for fraud, corruption, involvement in a criminal organisation or any other illegal activity detrimental to the Communities' financial interests;
 - f) they are currently subject to an administrative penalty referred to in Article 96(1)⁶.
- (...)

Article 94:

Contracts may not be awarded to candidates or tenderers who, during the procurement procedure:

⁶ "Article 96(1): The contracting authority may impose administrative or financial penalties on the following:
(a) candidates or tenderers in the cases referred to in point (b) of Article 94;
(b) contractors who have been declared to be in serious breach of their obligations under contracts covered by the budget(...)"

- a) are subject to a conflict of interest;
- b) are guilty of misrepresentation in supplying the information required by the contracting authority as a condition of participation in the procurement procedure or fail to supply this information;(...)"

2) The tenderer to whom the contract is to be awarded shall provide, within a time limit defined by the contracting authority and preceding the signature of the contract, the evidence referred to in Article 134 of the implementing Rules, confirming the declaration referred to in point 1 above.

Article 134 of the Implementation Arrangements – Supporting documents

1. The contracting authority shall accept, as satisfactory evidence that the candidate or tenderer is not in one of the situations described in points (a), (b) or (e) of Article 93 of the Financial Regulations, production of a recent extract from the judicial record or, failing that, a recent equivalent document issued by a judicial or administrative authority in the country of origin or provenance showing that these requirements are met.

2. The contracting authority shall accept, as satisfactory evidence that the candidate or tenderer is not in the situation described in point (d) of Article 93 of the Financial Regulations, a recent certificate issued by the competent authority of the State concerned.
Where no such document or certificate is issued in the country concerned, it may be replaced by a sworn or, failing that, a solemn statement made by the interested party before a judicial or administrative authority, a notary or a qualified professional body in his country of origin or provenance.

3. Depending on the national legislation of the country in which the tenderer or applicant is established, the documents referred to in paragraphs 1 and 2 above shall relate to legal entities and/or physical persons, including, where considered necessary by the awarding authority, company directors or any person with powers of representation, decision-making or control in relation to the tenderer.

See Annex I (which may be used as a checklist) for the supporting documents accepted by the European Commission to be provided by applicants, tenderers or tenderers to whom the contract will be awarded.

3) The contracting authority may waive the obligation of a candidate or tenderer to submit the documentary evidence referred to in Article 134 of the Implementing Rules, if such evidence has already been submitted to it for the purposes of another procurement procedure launched by DG EMPL and provided that the issuing date of the documents does not exceed one year and that they are still valid.

In such a case, the candidate or tenderer shall declare on his honour that the documentary evidence has already been provided in a previous procurement procedure and confirm that no changes in his situation have occurred.

14. SELECTION CRITERIA

In order for the Commission to determine the sound economic, financial and technical capacity of an entity to execute this contract, the following should be provided:

14.1. Economic and financial capacity:

- proof of turnover in the last financial year at least equivalent to 100% of the price of the contract;

- full set of financial statements (comprising at least a balance sheet and profit and loss account) for the last two financial years (of the annual budget of the last 2 years in the case of semi-public or non-profit organisations), where the bidder is required by law to produce such statements. Where the relevant company law requires these financial statements to be audited, the audits statement should be included. Where the bidder is not required to produce full financial statements, other documents establishing financial capacity should be submitted (e.g. internal reports, management accounts, appropriate bankers' statements evidence of professional risks indemnity insurance, etc.)

14.2. **Technical capacity:**

The senior members of the core team should have:

- a high level of expertise in policy analysis in the area of social inclusion and social protection, and especially in the field of child poverty and social exclusion;
- an extensive knowledge of the European and international literature on child poverty and child well-being;
- a high level of expertise in the field of social indicators and an extensive knowledge of related international data sources;
- A sound analytical capacity of the above mentioned indicators and data sources;
- solid work experience in managing similar activities;

The management team should have experience in similar activities, organisation capacity, good analytical and drafting capacity and in-depth knowledge of the EU social inclusion process. They should have adequate coverage of working languages. To this end, please provide details of education and professional qualifications (i.e. CVs) of the project manager, the proposed experts for the project and a list of studies in the last 5 years in the social inclusion and social protection field

15. **AWARD CRITERIA**

The contract will be awarded to the bid offering the best price/quality ratio, taking account of the following criteria:

1. The quality and consistency of the tender (**maximum 50%**)

- the degree of understanding of the nature of the assignment, its context and results to be achieved (**maximum 25%**).
- the quality and appropriateness of the strategy proposed for the realisation of the publication, a well articulated theoretical framework (**maximum 25%**).

2. The content of the bid and proposed methodology (**maximum 50%**)

- the work plan: actions proposed to mobilise the sources of information available and existing research in the field (**maximum 15%**).
- type of analysis provided: interpretation and presentation of quantitative and qualitative information (**maximum 20%**).
- A detailed timetable including the allocation of human resources at the different stages of the work (**maximum 15%**).

Please note that the contract will not be awarded to any bid that receives less than 70 % in the award criteria.

The points will then be divided by the price, with the highest scoring bid being chosen.

The contracting authority reserves the right to abandon the procurement procedure or not to award a contract.

16. CONTENT AND PRESENTATION OF BIDS

16.1. Content of bids

Tenders must include:

- all information and documents necessary to enable the Commission to appraise the bid on the basis of the selection and award criteria (see points 14 and 15 above);
- a bank ID form duly completed and signed by the bank;
- a "legal entity" form duly completed;
- the price;
- the detailed CVs of the proposed experts;
- the name and function of the contractor's legal representative (i.e. the person authorised to act on behalf of the contractor in any legal dealings with third parties);
- proof of eligibility: bidders must indicate the state in which they have their registered office or are established, providing the necessary supporting documents in accordance with their national law.

16.2. Presentation of bids

Bids must be submitted in triplicate (i.e. one original and two copies).

They must include all the information required by the Commission

They must be clear and concise.

They must be signed by the legal representative.

They must be submitted in accordance with the specific requirements of the invitation to tender, within the deadlines laid down.

Annex I - Supporting documents to be provided by successful bidder

Exclusion criteria (Article 93(1) FR)	Supporting documents to be provided by applicants, tenderers or bidders (Article 134 IR)
1. Exclusion from a procurement procedure, Article 93(1) FR : <i>« Candidates or tenderers shall be excluded from participation in a procurement procedure if:</i> 1.1. (subparagraph a) ▪ <i>they are bankrupt or being wound up,</i> ▪ <i>are having their affairs administered by the courts,</i> ▪ <i>have entered into an arrangement with creditors have suspended business activities, are the subject of proceedings concerning those matters,</i> ▪ <i>or are in any analogous situation arising from a similar procedure provided for in national legislation or regulations¹;</i> 1.2. (subparagraph b) <i>they have been convicted of an offence concerning their professional conduct by a judgment which has the force of res judicata²;</i>	Recent extract from the judicial record or recent equivalent document issued by a judicial or administrative authority in the country of origin or provenance or Where no such certificate is issued in the country concerned : sworn or, failing that, a solemn statement made by the interested party before a judicial or administrative authority, a notary or a qualified professional body in his country of origin or provenance
	Cf. supporting documents for Article 93(1)(a) FR above

¹ See also Article 134(3) IR : Depending on the national legislation of the country in which the tenderer or candidate is established, the documents referred to in paragraphs 1 and 2 shall relate to legal persons and/or natural persons including, where considered necessary by the contracting authority, company directors or any person with powers of representation, decision-making or control in relation to the candidate or tenderer.

² Cf. footnote n° 1.

Exclusion criteria (Article 93(1) FR)	Supporting documents to be provided by applicants, tenderers or bidders (Article 134 IR)
1.3. (subparagraph c) <i>they have been guilty of grave professional misconduct proven by any means which the contracting authority can justify;</i>	Declaration by the candidate or tenderer that he is not in the situation described
1.4. (subparagraph d) <i>they have not fulfilled obligations relating to the payment of social security contributions or the payment of taxes in accordance with the legal provisions of the country in which they are established or with those of the country of the contracting authority or those of the country where the contract is to be performed³;</i>	Recent certificate issued by the competent authority of the State concerned confirming that the candidate is not in the situation described or Where no such certificate is issued in the country concerned : sworn or, failing that, a solemn statement made by the interested party before a judicial or administrative authority, a notary or a qualified professional body in his country of origin or provenance
1.5. (subparagraph e) <i>they have been the subject of a judgment which has the force of res judicata for fraud, corruption, involvement in a criminal organisation or any other illegal activity detrimental to the Communities' financial interests⁴;</i>	Cf. supporting documents for Article 93(1)(a) FR above
1.6. (subparagraph f) <i>they are currently subject to an administrative penalty referred to in Article 96(1)⁵</i>	Declaration by the candidate or tenderer that he is not in the situation described

³ Cf. footnote n°1.

⁴ Cf. footnote n° 1.

⁵ Article 96(1) FR: the contracting authority may impose administrative or financial penalties on the following:

(a) candidates or tenderers in the cases referred to in point (b) of Article 94

(b) contractors who have been declared to be in serious breach of their obligations under contracts covered by the budget.

Exclusion criteria (Article 94 FR)	Supporting documents to be provided by applicants, tenderers or bidders (Article 134 IR)
2. Exclusion from a procurement or grant award procedure Article 94 FR : « <i>Contracts may not be awarded to candidates or tenderers who, during the procurement procedure:</i>	
2.1. (subparagraph a) <i>are subject to a conflict of interest;</i>	Statement by the applicant, tenderer or bidder confirming the absence of conflict of interests, to be submitted with the application, bid or proposal
2.2. (subparagraph b) <i>are guilty of misrepresentation in supplying the information required by the contracting authority as a condition of participation in the contract procedure or fail to supply this information»⁶.</i>	– No specific supporting documents to be supplied by the applicant, tenderer or bidder It is the responsibility of the authorising officer, represented by the evaluation committee, to check that the information submitted is complete⁷ and to identify any misrepresentation.

⁶ Cf. Article 146(3) of the FR Implementing Rules: « ...the evaluation committee may ask candidates or tenderers to supply additional material or to clarify the supporting documents submitted in connection with the exclusion and selection criteria, within a specified time-limit. » and Article 178(2) of the FR Implementing Rules: « The evaluation committee may ask an applicant to provide additional proof or to clarify the supporting documents establishing financial and operational capacity, within a specified time-limit. »

⁷ Cf. footnote n°1.

[Model]

**Declaration of honour
with respect to
the Exclusion Criteria and absence of conflict of interest**

The undersigned *[name of the signatory of this form, to be completed]*:

- ☐ in his/her own name *(if the economic operator is a natural person or in case of own declaration of a director or person with powers of representation, decision making or control over the economic operator¹)*
- or
- ☐ representing *(if the economic operator is a legal person)*

official name in full *(only for legal person)*:

official legal form *(only for legal person)*:

official address in full:

VAT registration number:

declares that the company or organisation that he/she represents / he/she:

- a) is not bankrupt or being wound up, is not having its affairs administered by the courts, has not entered into an arrangement with creditors, has not suspended business activities, is not the subject of proceedings concerning those matters, and is not in any analogous situation arising from a similar procedure provided for in national legislation or regulations;
- b) has not been convicted of an offence concerning professional conduct by a judgment which has the force of *res judicata*;
- c) has not been guilty of grave professional misconduct proven by any means which the contracting authorities can justify;

¹To be used depending on the national legislation of the country in which the candidate or tenderer is established and where considered necessary by the contracting authority (see art. 134(4) of the Implementing Rules).

- d) has fulfilled all its obligations relating to the payment of social security contributions and the payment of taxes in accordance with the legal provisions of the country in which it is established, with those of the country of the contracting authority and those of the country where the contract is to be carried out;
- e) has not been the subject of a judgement which has the force of *res judicata* for fraud, corruption, involvement in a criminal organisation or any other illegal activity detrimental to the Communities' financial interests;
- f) is not a subject of the administrative penalty for being guilty of misrepresentation in supplying the information required by the contracting authority as a condition of participation in the procurement procedure or failing to supply an information, or being declared to be in serious breach of his obligation under contract covered by the budget.

In addition, the undersigned declares on their honour:

- g) they have no conflict of interest in connection with the contract; a conflict of interest could arise in particular as a result of economic interests, political or national affinities, family or emotional ties or any other relevant connection or shared interest;
- h) they will inform the contracting authority, without delay, of any situation considered a conflict of interest or which could give rise to a conflict of interest;
- i) they have not made and will not make any offer of any type whatsoever from which an advantage can be derived under the contract;
- j) they have not granted and will not grant, have not sought and will not seek, have not attempted and will not attempt to obtain, and have not accepted and will not accept any advantage, financial or in kind, to or from any party whatsoever, constituting an illegal practice or involving corruption, either directly or indirectly, as an incentive or reward relating to award of the contract.
- k) that the information provided to the Commission within the context of this invitation to tender is accurate, sincere and complete.
- l) that in case of award of contract, they shall provide the evidence that they are not in any of the situations described in points a, b, d, e above².

For situations described in (a), (b) and (e), production of a recent extract from the judicial record is required or, failing that, a recent equivalent document issued by a judicial or administrative authority in the country of origin or provenance showing that those requirements are satisfied. Where the Tenderer is a legal person and the national legislation of the country in which the Tenderer is established does not allow the provision of such documents for legal persons, the documents should be provided for natural persons, such as the company directors or any person with powers of representation, decision making or control in relation to the Tenderer.

For the situation described in point (d) above, recent certificates or letters issued by the competent authorities of the State concerned are required. These documents must provide evidence covering all taxes and social security contributions for which the Tenderer is liable, including for example, VAT, income tax (natural persons only), company tax (legal persons only) and social security contributions.

² Mandatory for contracts of value above €133 000 only (see art. 134(2) of the Implementing Rules). The contracting authority can nevertheless request such evidence for contracts with a lower value.

For any of the situations (a), (b), (d) or (e), where any document described in two paragraphs above is not issued in the country concerned, it may be replaced by a sworn or, failing that, a solemn statement made by the interested party before a judicial or administrative authority, a notary or a qualified professional body in his country of origin or provenance.]

By signing this form, the undersigned acknowledges that they have been acquainted with the administrative and financial penalties described under art 133 and 134 b of the Implementing Rules (Commission Regulation 2342/2002 of 23/12/02), which may be applied if any of the declarations or information provided prove to be false.

Full name

Date

Signature

PROGRESS Ultimate Outcome

Member States implement laws, policies and practices in a manner that contributes to the desired outcomes of the Social Agenda

PROGRESS works toward its ultimate outcome by helping strengthen the EU's support for Member States' efforts to create more and better jobs and to build a more cohesive society. PROGRESS seeks to contribute to (i) an **effective legal regime** in the EU in relation to the Social Agenda; (ii) **shared understanding** across the EU with regard to Social Agenda objectives; and (iii) **strong partnerships** working toward Social Agenda objectives.

In operational terms, support provided by PROGRESS facilitates (i) provision of analysis and policy advice; (ii) monitoring and reporting on the implementation of EU legislation and policies; (iii) policy transfer, learning and support among Member States; and (iv) relaying to decision-makers the views of the stakeholders and society at large.

Legal Regime

Outcome:

Compliance in Member States with EU law related to PROGRESS areas.

Performance Indicators

1. Transposition rate of EU law on matters related to PROGRESS policy areas
2. Effectiveness of application in Member States of EU law on matters related to PROGRESS policy areas.
3. EU policies and legislation are grounded in thorough analysis of situation and responsive to conditions, needs and expectations in Member States in PROGRESS areas
4. Extent to which PROGRESS-supported policy advice feeds into the development and implementation of EU legislation and policies
5. Cross-cutting issues are addressed in PROGRESS policy sections
6. EU policies and legislation display a common underlying logic of intervention in relation to PROGRESS issues
7. Gender mainstreaming is systematically promoted in PROGRESS

Shared Understanding

Outcome:

Shared understanding and ownership among policy/decision-makers and stakeholders in Member States, and the Commission, of objectives related to PROGRESS policy areas.

Performance Indicators

1. Attitudes of decision-makers, key stakeholders and general public regarding EU objectives in PROGRESS policy areas
2. Extent to which national policy discourses or priorities reflect EU objectives
3. Extent to which principles of good governance (including minimum standards on consultation) are respected in policy debate
4. Extent to which the outcomes of policy debates feed into the development of EU law and policy.
5. Greater awareness of policy-and decision-makers, social partners, NGOs, networks regarding their rights/obligations in relation to PROGRESS policy areas
6. Greater awareness of policy-and decision-makers, social partners, NGOs, networks regarding EU objectives and policies in relation to PROGRESS policy areas

Strong Partnerships

Outcome:

Effective partnerships with national and pan-European stakeholders in support of outcomes related to PROGRESS policy areas.

Performance Indicators

1. Existence of common ground/consensus among policy and decision-makers and stakeholders on EU objectives and policies
2. Identification and involvement by the EU of key actors in a position to exert influence or change at EU and national levels
3. Effectiveness of partnerships in relation to outcomes related to PROGRESS policy areas.
4. Number of individuals served or reached by networks supported by PROGRESS.
5. Extent to which advocacy skills of PROGRESS-supported networks have improved
6. Satisfaction of EU and national authorities with the contribution of networks
7. Extent to which PROGRESS-supported networks take a cross-cutting approach