



Specifications – Invitation to tender No VT/2008/0059

STUDY ON STAKEHOLDERS' INVOLVEMENT IN THE IMPLEMENTATION OF THE OMC

1. Title of the contract

STUDY ON STAKEHOLDERS' INVOLVEMENT IN THE IMPLEMENTATION OF THE OPEN METHOD OF COORDINATION IN SOCIAL PROTECTION AND SOCIAL INCLUSION - FINANCED UNDER THE PROGRESS PROGRAMME - Reference n° VT/2008/0059

2. Background

The Social Agenda (2005-2010)¹ 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°1672/2006² 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.

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's* 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 end, PROGRESS is 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 supports:

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

¹ For information on the Social Agenda see: http://ec.europa.eu/employment_social/social_policy_agenda/social_pol_ag_en.html

² Official Journal L 315 of 15.11.2006, p. 1–8

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2006:315:0001:0008:FR:PDF>

- (5) 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 the Progress' website:

http://ec.europa.eu/employment_social/progress/docs/progress_005_en.pdf

EU Member States and the European Commission consider the participation of the stakeholders as one of the central objectives of the coordination of social inclusion policies in the Member States.

Participation of citizens in policy development is crucial for democracy and increases the quality of the policy-making. Good governance, transparency and the involvement of stakeholders in the design, implementation and monitoring of policy is one of the overarching objectives of the Open Method of Coordination on Social Protection and Social Inclusion.

Member States are regularly asked to report on measures to meet this objective. The Joint Report on Social Protection and Social Inclusion provides some evidence that governance of EU and national social policies is actually being strengthened and that stakeholders, including the people directly affected by poverty and exclusion, are increasingly involved in preparing social programmes and measures.

Still, the quality of the involvement leaves a lot to be desired, since the stakeholders' role is still weak in the phase of policy conception and is only rarely extended to the implementation and follow-up of policies. The degree and quality of involvement are also very different across the Member States.

Moreover, there is a need to develop appropriate methodological tools and criteria to assess and compare the extent and the quality of this involvement in the different Member States.

3. Subject of the contract

The study will analyse the key challenges in relation to the governance dimension of the revised Common objectives for the fight against poverty and social exclusion adopted by the Council in March 2006, and in particular of the involvement of stakeholders, and will assess the effectiveness of measures and mechanisms in place in meeting these challenges.

It will be based on action-oriented research and analysis – including on the basis of an appropriate literature review.

It will aim at identifying, describing, and analysing the different ways in which stakeholders are involved in the EU-led open method of coordination in the Member States in a cross-comparative perspective, and proposing a methodology to the Commission for further work on participation and governance-related issues in the context of the Open Method of Coordination.

The study will also analyse – in the light of the existing institutional setting in the Member States – the main characteristics and issues at stake related to the stakeholders' role in designing, monitoring and assessing social inclusion policies at sub-national level.

Finally, the study will identify examples of good practice that could be disseminated among the Member States and discussed at the Social Protection Committee.

The study will ultimately support the implementation of better policies and the improvement of governance in the fields of social inclusion and social protection policy, thereby contributing to the implementation of the Open Method of Coordination in the social sphere. It should help in drawing Commission's guidelines on the degree and quality of the stakeholders' involvement, including through specific assessment grids and indicators.

4. Participation

Please note that the competition is open to any natural person or legal entity coming within the scope of the Treaties and any other natural 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 calls 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.

5. Tasks to be carried out by the contractor

5.1 Description of the tasks

The study will firstly draw on existing research and data and be based on a preliminary review of literature on participation and involvement of stakeholders in the elaboration, monitoring and assessment of the social inclusion policies in the Member States, in the context of the Open Method of Coordination. The study must also take account of international studies and experiences in the broader area of participation to policy-making.

The study should cover the 27 Member States.

The contractor will also select a sample of Member States (minimum of 8 countries) for further analytical work (case studies).

The contracting party will undertake the following tasks:

1. Carry out the study – identifying in particular:

- the actors involved (relevant ministries and agencies; representatives of national, regional and local governments, NGOs; social partners; social services providers; users' associations; voluntary sector; people experiencing poverty, etc.) as well as the criteria set by the public authorities to involve these partners;
- the methods tested by Member States for gathering the views of these actors (national consultative meetings or committees; discussion seminars or fora; working groups; workshops; questionnaires; video-conferences; facilities for "interactive" consultation of small groups of stakeholders; etc.);
- at which stage(s) of the process the involvement takes place (agenda setting; problem analysis; policy development; decision making; implementation; monitoring; evaluation) including any evidence of consultation mechanisms thought for specific groups (e.g. children and young people; migrants; people with disabilities; etc.);
- the nature of this involvement (information; exchange of views; consultation; advice; etc.) and the extent to which Member States have set mechanisms to ensure a real involvement, including setting appropriate time schedule and providing adequate resources;
- the specific initiatives taken by Member States to take account of the voice of people experiencing poverty (participation in consultative seminars; involving NGOs representatives in steering groups; specific enquiries; studies; development of "participatory methodologies"; etc.) and if these initiatives are coupled with an appropriate level of resources and facilitation techniques (e.g. opportunities for capacity building; specific toolkits; training; professional facilitators; etc.);

- the specific arrangements for stakeholders involvement in the implementation phase (round tables, seminars, national or regional conferences; use of National anti-poverty umbrella; setting up a formal stakeholders group) as well as to review and assess progress regularly;
- arrangements to better articulate the priorities set at national level with the responsibilities of regional or local authorities (specific co-ordination committees; work on targets and indicators; multi-annual outcome targets for national policy priorities; methodology or common framework for creating local and regional action plans; etc.) and to strengthen co-operation and co-ordination between central, regional and local authorities;
- any kind of information and guidance (website; media campaigns; ad-hoc publications; dissemination of NAPs; events; public debates; public opinion surveys; etc.) provided to the citizens about social inclusion policies, as well as any kind of information, involvement, debate at the level of the national parliaments related to the elaboration, monitoring and assessment of the national inclusion policies;
- any clear evidence that Member States have been learning from one another throughout these years of implementation of the OMC and examples of good practice across the EU that can assist Member States to strengthen their systems and improve the quality of stakeholders' involvement.

This will be done through study visits and/or sending questionnaire(s) or conducting telephone interviews to get viewpoints from relevant organisations, including national, regional and local authorities, research institutes, and civil society's representatives. An assessment grid setting the main elements and criteria to assess the quality of the participation of the stakeholders in the implementation of the OMC will also be prepared.

The template for discussion that will be used to guide the exchange, the assessment grid, the questionnaire or other material will have to be discussed and agreed upon in advance by the Contracting Authority.

For each Member State, and based on the assessment grid mentioned above, a country report will present in short the situation in each of the Member State – in English and in the language of the country which the report is referring to – should be drafted with indications of the people interviewed.

2. Organise a seminar

The contractor will present the interim findings of this work in a draft report – including a first draft of recommendations on “quality participation assessment criteria” – and test these at a two half-day seminar during the eleventh month of the contract. This would involve relevant policy makers, experts and social partners and NGOs working in the area of fighting poverty and social exclusion. The costs of the seminar are to be covered by the contractor.

The organisation of the seminar must include:

- identifying the participants and agreeing this with the Commission (about 70 participants);
- identifying appropriate venue, including in terms of accessibility for participants with disabilities;
- reserving seminar rooms with appropriate audiovisual equipment, technical support and a stand for documentation;
- providing coffee breaks and refreshments during the seminar;
- sending invitations to participants and being responsible for the communication on all organisational issues;
- drafting the agenda and the minutes in cooperation with the Commission;
- handling all relevant documents, before and after the seminar;
- identifying and inviting the speakers in agreement with the Commission (it may be necessary to foresee fees for some of them);

- handling the accommodation and transport reservation and reimbursement of participants, speakers and experts.

3. Finalise the study

- amend the study in the light of the conclusions of the seminar;
- include in the final study a 5/6 pages executive summary for wide dissemination;
- in addition to the study and executive summary, realise an 8 pages paper leaflet in English, French and German for wide dissemination.

The contractor shall also maintain a **public website** in English, German and French with outputs of the activities conducted in the framework of the contract. The website will contain extensive links to relevant national and Commission websites.

On the site it should be clearly stated that the Commission is associated to the site, without having responsibilities with regard to the information disseminated.

5.2 Execution of tasks detailed in the contract

Quality and participatory process

The credibility and legitimacy of the whole exercise which is at stake will very much depend on the process that will be followed mainly for defining the conceptual framework. Therefore, the Contracting Authority attaches the utmost importance to the process that will guide the carrying-out of the services to be performed by the Contractor. Quality and participatory process is consubstantial of the requested services and an absolute prerequisite for their successful performance.

Deliverables of the study

The study shall consist of the following deliverables:

- An **assessment grid** – to be agreed upon with the Commission – setting the main elements and criteria to assess the quality of the participation of the stakeholders in the implementation of the OMC.
- **27 Country reports**, based on the assessment grid. These reports should not be longer than 2/3 pages for each country and should be made available in EN and the language of the country which they refer to.
- A minimum of **8 "case studies" reports** on the selected sample of Member States mentioned above under point 5.1.
- A **report presenting the outcome of the examination of stakeholders' involvement in the implementation of the OMC – including recommendations on “quality participation assessment criteria”**. This report should not be longer than 50 pages and should be made available in EN, FR and DE and in electronic and paper format.
- **Discussion paper** – This part of the report should be of 15 pages maximum (in addition to the key points mentioned below, under point 7.3). It would serve the purpose of feeding into the debate that the European Commission will conduct together with the Member states' authorities for further work on participation and governance-related issues in the context of the Open Method of Coordination. The paper should be made available in EN, FR and DE and in electronic and paper format.
- A **final activity report** in English and only in paper format presenting the main elements related to the conduct of the study by the Contractor. It should also comprise among other things as annexes missions and meetings reports.

5.3 How the activities should be carried out

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/proposal 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;
- 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.

5.4 Contacts with the Contracting Authority

In executing this contract, the Contractor will be expected to work closely with the Contracting Authority and the Contractor should, to that end, foresee the need for at least 4 meetings. Moreover, the possibility of oral presentations, with the Commission in Brussels to display the conclusions of the work carried out so far with the view of refining and amending if needed the various deliverables, should be foreseen.

Budgetary provisions should therefore be earmarked. To perform the services requested, missions abroad will be necessary. The planning of missions to be submitted with the inception note will have to be first approved by the Contracting Authority. Budgetary provisions should also be earmarked in case publication(s) or data related to the proposed services have to be purchased for the purpose of fulfilling the contract.

6. Professional qualifications required

See Annex IV of the draft contract.

7. Time schedule and reporting

See Article I.2 of the contract.

The period of execution of the contract is maximum **18 months**. The contract will actually start after both parties have signed the contract.

7.1 Reporting

The study is expected to produce an inception report, and interim report and a final report, on the basis of the following indicative schedule.

- Kick-off meeting – to prepare for this meeting the contractor is expected to provide a short discussion paper (~ 21 days after project start) including a first draft of a grid to assess the quality of the participation

of the stakeholders in the implementation of the OMC mentioned above, under 5.2

- Inception report (mid-month 3)
- Meeting between contractor and Commission representatives to discuss the inception report (end month 3)
- Draft interim report (mid-month 8) – including the 27 country reports and the 8 "case studies" reports
- Meeting between contractor and Commission representatives to discuss the interim report, and to discuss where further analysis is required (end month 9)
- Interim report (end month 10) to be presented and tested at the seminar which will take place at month 11
- Delivery of a draft final report (month 17) taking account of the results of the seminar
- Meeting with the Commission to discuss draft final report (mid-month 18)

On each of the meetings the consultants are expected to present the actual state of the project and the most important new findings/elements.

The **inception report** must be submitted in English within 10 weeks after the date of signature of the contract by the last of the two parties. The contracting authority will comment on the inception report within fourteen calendar days of its receipt. The inception report should set out in details the methodology that will be used for undertaking the requested services. In particular, the note will present the details of the stakeholders identified at Community, national and sub-national levels and a draft template that would guide the discussion with them, as well as the assessment grid, the questionnaire or other material to be used.

The **draft interim report** must be submitted in English plus electronic version within eight months of the date of the signature of the contract by the last of the two parties. The contracting authority will comment on the interim report within – thirty calendar days of its receipt.

The **interim report** must be submitted in English in 1 original and 2 copies plus electronic version within ten months of the date of the signature of the contract by the last of the two parties. It should provide preliminary findings – including a first draft of recommendations on “quality participation assessment criteria” – to be presented and tested during the seminar which will take place in the eleventh month from the signature of the contract by the last of the two parties.

The **draft final report**, including a draft executive summary, a discussion paper and the final activity report, must be submitted in English within 17 months of the date of signature of the contract by the last of the two parties. It must take into account the results of the seminar mentioned above. The contracting authority will comment on the draft final report within twenty working days of its receipt. The consultant is expected to send 3 copies of the draft final report to the contracting authority.

This document must provide the conclusions of the Contractor in respect of the questions raised within the terms of reference and must be clearly based on evidence generated through the study. The analysis provided must be clear and explicit. The draft final report should also contain recommendations developed on the basis of the conclusions reached by the Contractor.

It is essential that the report be clear, unambiguous and comprehensible for the non-specialist. Any potential reader must be able to understand:

- a complete description of the work done;
- a presentation of the results obtained;
- any comments, suggestions or recommendations judged useful or necessary by the Contractor

The **final report and executive summary** must be submitted one month after the approval of the draft final report. The contracting authority will comment on the final report within forty-five days of its receipt.

The Contractor is expected to send a total of **three (3) paper copies** of the final report to the responsible body and **the electronic versions** of the documents.

The report as well as the executive summary must be provided in English. It must take into account the results of the assessment of the draft final report and discussions with the contracting authority on the draft final report insofar as these do not interfere with the autonomy of the Contractor in respect of their conclusions.

7.2 Additional requirements

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

In addition to the above:

- The Contractor will be expected to meet with the relevant Commission services with the view of preparing the inception note.
- Oral presentations in Brussels might be considered. In that context, the Commission will inform well in advance of the scheduled dates and objectives of the presentations.

7.3 Progress reporting requirements

1- As a matter of principle, with a view to favouring appropriate monitoring and valorisation by the European Commission of all results obtained and outputs delivered under PROGRESS programme, the Contractor will be required to provide for each of the tasks required under the present Call

- 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, though not compulsory.
- An executive summary in 5/6 pages in English, French and German unless otherwise specified 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 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 by 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.

The Programme has six general objectives. These are:

- (1) to improve the knowledge and understanding of the situation prevailing in the Member States (and in other participating countries) through analysis, evaluation and close monitoring of policies;
- (2) to support the development of statistical tools and methods and common indicators, where appropriate broken down by gender and age group, in the areas covered by the programme;
- (3) to support and monitor the implementation of Community law, where applicable, and policy objectives in the Member States, and assess their effectiveness and impact;
- (4) to promote networking, mutual learning, identification and dissemination of good practice and innovative approaches at EU level;
- (5) to enhance the awareness of the stakeholders and the general public about the EU policies and objectives

pursued under each of the policy sections;

- (6) to boost the capacity of key EU networks to promote, support and further develop EU policies and objectives, where applicable.

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.

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 I the overview of *PROGRESS* performance measurement framework. For more information on the strategic framework, please visit *PROGRESS* website: http://ec.europa.eu/employment_social/progress/framework_en.htm

The Commission will in that context monitor 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 work in close cooperation with the Commission and/or persons authorised by it 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 and/or persons authorised by it all documents or information that will allow *PROGRESS* performance measurement to be successfully completed and to give them the rights of access.

8. Payments and standard contract

The terms of payment are as follows:

- 30% of the total amount within 30 days after the signing of the contract;
- 40% after the submission and acceptance of the interim report;
- 30% after the Commission's acceptance of both the final report and final invoice.

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".

9. Prices

The price should not to exceed €350,000 in total.

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.

- **Part A: 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 (expert x person/day x unit price).

Direct costs could include all the following assignment-related costs:

- Travel expenses
- Subsistence expenses of the Contractor and his staff;
- Reporting and translation expenses,
- All costs related to the seminar including travel and accommodation costs for participants
- All other unavoidable expenses necessary to the achievement of the Contract.

Should the implementation period be extended, no price revision will apply.

10. 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 contract.³ 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 11 and 12 must be supplied by every member of the grouping.

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

11. 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 Article 93 and 94 a) of the Financial Regulation.

Those articles are as follows:

³ *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 bidders have not formed a legal entity.

Article 93:

Applicants or bidders 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) following another procurement procedure or grant award procedure financed by the Community budget, they have been declared to be in serious breach of contract for failure to comply with their contractual obligations.

Article 94:

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

- a) are subject to a conflict of interest.
- 2) The bidder 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 12.1) above.

Article 134 of the Implementing Rules– Supporting documents

1. The contracting authority shall accept as satisfactory evidence that the candidate or bidder 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 bidder 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 bidder 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 bidder.

- 3) The contracting authority may waive the obligation of a candidate or bidder 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 bidder 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.

See Annex II for the supporting documents to be provided by successful bidder.

12. Selection criteria

Candidates will be selected on the basis of their financial, economic and technical capacity.

Financial and economic capacity

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

- 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 (or the annual budget for 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 audit 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).

Please note that according to the evaluation of the financial capacity of the bidder, bidders or group of bidders, the Commission might require a financial guarantee, in accordance with Art. 102 of the Financial Regulations to ensure full performance of the contract and/or to limit the financial risks connected with payment of pre-financing.

Technical and Professional capacity

The Bidder must comply with the following criteria:

1. proven experience of the Coordinator in both coordination of transnational research and policy research and analysis in the fields of poverty and social exclusion – including in depth knowledge of the EU social inclusion process – in the last five years
2. proven track record of every core expert of the team in policy research and analysis in the fields of poverty and social exclusion in the last five years
3. proven track record and extensive knowledge of core experts in research, literature and analysis of participatory methodologies in a context of a broad range of interested parties in the last five years
4. proven track record in the field of assessment of public policies in the last five years
5. proven knowledge of the institutional structure in the Member States
6. adequate knowledge of Community languages to ensure efficient access to information in the Member States
7. proven experience of laying out and publishing reports for European audiences
8. proven capacity to organise the seminar, by submitting a list of similar services organised over the last three years by itself or by the subcontractor if it is foreseen to subcontract the task.

The Contracting Authority shall accept the following as evidence of compliance with the above criteria:

- 1 details of educational and professional qualifications of the Coordinator and the persons undertaking the study accompanied by their respective CVs, including relevant publications and/or studies carried out in

the field of poverty and social exclusion. Firm commitments of core experts external to the firm of involvement in the project signed and dated.

- 2 a list of the principal services relevant to the tasks of the contract which have been provided in the past five years, complete with the amount, dates and recipients (public or private bodies)
- 3 a description of the measures employed to ensure the quality of services and a description of the firm's study and research facilities

13. Award criteria

The contract will be awarded on the basis of the best value for money, taking into account the following criteria:

1. The quality and consistency of the tender (**maximum 30%**)
 - the degree of understanding of the nature of the assignment, its context and results to be achieved (**maximum 15%**).
 - the quality and appropriateness of the strategy proposed for the implementation of the expertise (**maximum 15%**).
2. The technical value of the bid and proposed methodology (**maximum 70%**)
 - the work plan: actions proposed to supplement the sources of information available, the use of existing research in the fields covered by the expertise as well as available data to complement background information (**maximum 20%**).
 - type of analysis provided: interpretation of quantitative and qualitative information according to the proposed strategy (**maximum 20%**).
 - timetable including human resources mobilised to carry out the different stages of the work and the capacity to complete the work well in the time available (**maximum 30%**).
3. Price. It should be noted that the contract will not be awarded to a bidder who receives less than 70 % in the Award Criteria. The total points will then be divided by the price, with the highest scoring bid being awarded the contract.

No obligation to award a contract

Initiation of a tendering procedure imposes no obligation on the Contracting Authority to award the contract. The Contracting Authority shall not be liable for any compensation with respect to Bidders whose tenders have not been accepted. Nor shall it be liable if it decides not to award the Contract.

14. Content and presentation of bids

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 12 and 13 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.

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 (see points 9, 10, 11 and 12 above).

They must be clear and concise.

They must be signed by the legal representative. **Unsigned bids will be rejected.**

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

Annex I: Overview of PROGRESS Performance Measurement Framework

Annex II: Exclusion criteria and supporting documents

ANNEX I: OVERVIEW OF PROGRESS PERFORMANCE MEASUREMENT FRAMEWORK

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

Annex II - 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)
<p>1. Exclusion from a procurement procedure, Article 93(1) FR :</p> <p><i>« Candidates or tenderers shall be excluded from participation in a procurement procedure if:</i></p>	
<p>1.1. (subparagraph a)</p> <ul style="list-style-type: none"> ▪ <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 regulations⁴;</i> 	<p>Recent extract from the judicial record</p> <p style="text-align: center;">or</p> <p>recent equivalent document issued by a judicial or administrative authority in the country of origin or provenance</p> <p style="text-align: center;">or</p> <p>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</p>
<p>1.2. (subparagraph b)</p> <p><i>they have been convicted of an offence concerning their professional conduct by a judgment which has the force of res judicata⁵;</i></p>	<p>Cf. supporting documents for Article 93(1)(a) FR above</p>

⁴ 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.

⁵ Cf. footnote n° 1.

<p align="center">Exclusion criteria (Article 93(1) FR)</p>	<p align="center">Supporting documents to be provided by applicants, tenderers or bidders (Article 134 IR)</p>
<p>1.3. (subparagraph c) <i>they have been guilty of grave professional misconduct proven by any means which the contracting authority can justify;</i></p>	<p>Declaration by the candidate or tenderer that he is not in the situation described</p>
<p>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 performed⁶;</i></p>	<p>Recent certificate issued by the competent authority of the State concerned confirming that the candidate is not in the situation described</p> <p align="center">or</p> <p>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</p>
<p>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 interests⁷;</i></p>	<p>Cf. supporting documents for Article 93(1)(a) FR above</p>
<p>1.6. (subparagraph f) <i>following another procurement procedure or grant award procedure financed by the Community budget, they have been declared to be in serious breach of contract for failure to comply with their contractual obligations. »</i></p>	<p>Declaration by the candidate or tenderer that he is not in the situation described</p>

⁶ Cf. footnote n°1.

⁷ Cf. footnote n° 1.

<p style="text-align: center;">Exclusion criteria (Article 94 FR)</p>	<p style="text-align: center;">Supporting documents to be provided by applicants, tenderers or bidders (Article 134 IR)</p>
<p>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></p>	
<p>2.1. (subparagraph a)</p> <p><i>are subject to a conflict of interest;</i></p>	<p>Statement by the applicant, tenderer or bidder confirming the absence of conflict of interests, to be submitted with the application, bid or proposal</p>
<p>2.2. (subparagraph b)</p> <p><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»⁸.</i></p>	<ul style="list-style-type: none"> – 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 complete⁹ and to identify any misrepresentation

⁸ 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. »

⁹ Cf. footnote n°1