

**SPECIFICATIONS**  
**To Invitation to Tender ENV.C.4/SER/2009/0033**

*Service contract to provide technical support for conducting a review of Regulation (EC) No 842/2006 on certain fluorinated greenhouse gases*

**These specifications follow the publication of**

- **the prior information notice in OJEU 2009/S 035-050290 of 20/02/2009**
- **the contract notice in OJEU 2009/S 103-147721 of 30/05/2009**

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# PART 1: TECHNICAL DESCRIPTION

## 1. Background

### 1.1 Introduction

Hydrofluorocarbons (HFCs), perfluorocarbons (PFCs) and sulphur hexafluoride (SF<sub>6</sub>), commonly called "F-Gases", are man-made chemicals used in several sectors and applications.

Although F-Gases have no ozone-depleting properties most of them have a high global warming potential (GWP).<sup>1</sup>

**HFCs** are the most common group of F-Gases. They steadily entered the market, since the 1990s mainly in developed countries including the US, Japan, and the EU, mainly to replace the ozone depleting chlorofluorocarbons (CFCs) and hydrochlorofluorocarbons (HCFCs) which were phased-out under the Montreal Protocol. They are increasingly used in various sectors and applications including as refrigerants in refrigeration, air conditioning and heat pump equipment, as blowing agents for foams, as fire extinguishing agents, aerosol propellants and solvents.

**PFCs** are typically used in the electronics sector (e.g. for plasma cleaning of silicon wafers) and in the cosmetic and pharmaceutical industry (extraction of natural products such as nutraceuticals and flavours), but to a minor extent also in refrigeration as CFC replacements – often in combination with other gases. In the past, PFCs were used as fire extinguishing agents and can still be found in older fire protection systems. Furthermore two perfluorocarbons (PFCs): perfluoromethane (CF<sub>4</sub>) and perfluoroethane (C<sub>2</sub>F<sub>6</sub>) are generated as by-products during primary aluminium production.

**SF<sub>6</sub>** is not a substitute for ozone depleting substances. It entered the market in the late 1960s and is currently used mainly as an insulation gas and to extinguish the switching arc in high voltage switchgear as well as a cover gas in magnesium and as a degasser in aluminium production. It may also be used as a tracer gas and a leak detection gas.

In 2006, the (known) global production of the three most popular HFCs amounted to 0,2 million tonnes, corresponding to 431 million tonnes of CO<sub>2</sub>-eq<sup>2</sup>. In the same year, according to UNFCCC, emissions of HFCs in developed countries represented approximately 1,2 per cent of their total greenhouse gas emissions, with emissions of PFCs and SF<sub>6</sub> contributing an additional 0,4 per cent. During the period 1990-2006, emissions of all fluorinated greenhouse gases reported to the UNFCCC (HFCs, PFCs and SF<sub>6</sub>) increased by about 10 per cent, albeit those trends should be assessed with care.<sup>3</sup>

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1 The GWP for HFCs ranges between 124 (HFC 152a) and 14 800 (HFC 23) and for PFCs between 7 390 (perfluoromethane) and 12 200 (perfluoroethane). The GWP of SF<sub>6</sub> is 22 800 (GWP values listed in 4th Assessment Report, IPCC)

2 The data cover the production of HFC-134a, HFC-125 and HFC-143a by companies participating in the AFEAS programme including their subsidiaries and joint ventures that have or had HFC production in: Argentina, Australia, Brazil, Canada, European Union, Japan, Mexico, United States and Venezuela. Furthermore, they cover manufacture of the chemicals for potentially dispersive uses only and do not represent global production for all end uses.

3 UNFCCC emission data do not include developing countries for which no monitoring and reporting obligations on fluorinated greenhouse gases exist to date. Initial F-Gas emissions (reported) largely originated from HFC-23 emitted as a by-product during the HCFC-22

In the EU, according to the 2007 data reported under Article 6 of Regulation (EC) No 842/2006, 93 thousand tonnes of fluorinated greenhouse gases<sup>4</sup>, corresponding to 221 million tonnes of CO<sub>2</sub>-eq were placed on the EU market (see Appendix to Part 1: Technical Description).

## 1.2 Current policy context

Since 1997, F-Gases have been included in the basket of gases covered by the Kyoto Protocol (UNFCCC). Under the Protocol and through Council Decision 2002/358/EC<sup>5</sup>, the European Community and its Member States committed to reduce overall greenhouse gas emissions by 8% compared to the base year 1990 during the first commitment period 2008-2012. The required reduction equalled about 336 million tonnes of CO<sub>2</sub>-eq.

Through the European Climate Change Programme (ECCP), the EC identified and developed all the necessary elements of an EU strategy to comply with the Kyoto Protocol. As part of this work, the Commission adopted in 2003 a legislative proposal set to reduce emissions of fluorinated gases by 23 million tonnes of CO<sub>2</sub>-eq by 2010. In May 2006, on the basis of that proposal, the European Parliament and the Council adopted a package comprising of two elements: Directive 2006/40/EC relating to emissions from air conditioning systems in motor vehicles and amending Council Directive 70/156/EEC (MAC Directive) and Regulation (EC) No 842/2006 on certain fluorinated greenhouse gases (F-Gas Regulation).

The MAC Directive introduced maximum leak rates for the air conditioning systems fitted in new cars where these contain HFCs with a GWP higher than 150. It will also phase out the use of systems in new cars, which depend on refrigerants with a GWP exceeding 150, between 2011 and 2017.

The F-Gas Regulation came into application in July 2007. It aims to reduce emissions from the most relevant applications (i.e. refrigeration, air-conditioning, fire protection, switchgear, equipment containing solvents) through systematic checks for leakage, automatic leak detectors, maintenance of records (Art. 3), recovery at servicing and end of life (Art. 4) by certified personnel (Art. 5) complemented by a labelling scheme for particular equipment and containers (Art. 7). In addition, the Regulation mandates reporting by producers, importers and exporters (Art. 6) of F-Gases for the purpose of monitoring consumption from production and imports. It prohibits the use of F-Gases in certain specialised applications (Art. 8) and the marketing of particular products and equipment containing F-Gases (Art. 9) where containment was not feasible and where alternatives were readily available and cost-effective.

The Regulation is further implemented by 10 Commission Regulations, adopted between December 2007 and April 2008, laying down the necessary technical elements in relation to the measures summarised above. These include: the standard requirements for the checks for leakage of certain equipment (Commission Regulations 1497/2007 and 1516/2007); the minimum

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production. These emissions were subsequently abated to a large extent, thus "hiding" a much larger growth of emissions of other HFCs that were intentionally produced to replace HCFCs.

4 The figure does not include quantities produced, imported or exported by undertakings producing, importing or exporting less than 1 tonne of F-Gases and quantities contained in imported or exported equipment

5 Concerning the approval, on behalf of the European Community, of the Kyoto Protocol to the United Nations Framework Convention on Climate Change and the joint fulfilment of commitments thereunder

requirements for certification/training of technical personnel and/or companies (Commission Regulations 303-308/2008); the format of the label (Commission Regulation 1494/2007) provided in Art. 7; and the format of the report (Commission Regulation 1493/2007) which producers/importers/exporters of F-Gases need to submit every year according to Art. 6.

### 1.3 Policy outlook

Article 10 of the F-Gas Regulation requires the Commission to publish a report based on the experience in the application of the F-Gas Regulation, by 4 July 2011, followed by proposals for revision of the provisions of the Regulation, if appropriate. Art 10(2) lists certain elements to be considered in this review. The review must obviously be carried out against the background of the evolving international and EU policy outlook summarised below.

For the post-2012 period, the EU already committed to a 20% reduction of overall greenhouse gas emissions by 2020, compared to 1990 levels, yet willing to go further towards a 30% reduction target in the context of a sufficiently ambitious and comprehensive international agreement.<sup>6</sup>

Meanwhile in September 2007, the Parties to the Montreal Protocol adopted a Decision (XIX/6) to accelerate the phasing out of ozone depleting HCFCs<sup>7</sup> notably in developing countries. This could lead to significant net climate change benefits of up to 18 Gt CO<sub>2</sub>-eq. for the period until 2030 (global). The extent to which this benefit will be realised, however, depends upon the GWP of the substances which will replace HCFCs and their containment. An increase in the use of (high GWP) HFCs would obviously impede the efforts to reduce global emissions of greenhouse gases.

For this reason, the 2008 Meeting of the Parties to the Montreal Protocol, adopted Decision XX/8, requesting the Protocol's Technical and Economic Assessment Panel (TEAP) to update, by 15 May 2009, the data contained within the Panel's 2005 Supplement to the IPCC/TEAP Special Report and to report on the status of alternatives to HCFCs and HFCs. It was also decided that before the 29<sup>th</sup> OEWG (July 2009), a workshop should be held in Geneva with the participation of experts from both the Montreal Protocol and UNFCCC in order to discuss the TEAP results and to consider further action.

In March 2009, the Council considered the Communication from the Commission "Towards a comprehensive climate change in Copenhagen" and the elements covered therein, including on HFCs. In its Conclusions on the further development of the EU position on a comprehensive post-2012 climate agreement, it proposed that the Copenhagen agreement includes an international emission reduction arrangement for HFC emissions to contribute to the EU's 30% commitment.

As contemplated by several experts, such an arrangement could entail the phasing-down of the consumption and/or production of HFCs, following the principles applied under the Montreal Protocol for substances depleting the ozone layer.

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6 European Council, 8-9 March 2007, Presidency Conclusions

7 The GWP of HCFCs ranges between 77 and 2310, although the GWP of the most commonly used ones is in the range 1810-2310

More information on fluorinated greenhouse gases, the legal acts and relevant studies undertaken to date are available at: <http://ec.europa.eu/environment/climat/fluor/>.

## **2. Objectives**

Considering the mandate provided by the Regulation itself and the current policy outlook, the Commission intends to conduct a first review on the effectiveness of the current Regulation, including an assessment of the feasibility to implement emerging ideas at the international level for a phasing down of fluorinated gases, particularly HFCs.

Therefore a service contract is being undertaken for DG-Environment's "Climate Change & Air" Directorate / "Industrial Emissions & Protection of the Ozone Layer" Unit C4, in the area of Fluorinated Greenhouse Gases.

The overall purpose of this contract is to assist the Commission in reviewing Regulation (EC) No 842/2006 (as called for by the legislator in Art. 10) by providing technical data, analyses, and support. The main objectives of the work are:

- a) To review current and emerging international and national markets and policies on F-Gases and other relevant policy interactions;
- b) To assess the effectiveness of the existing EU policy framework on fluorinated greenhouse gases in view of current and future climate change objectives;
- c) To assess the feasibility of and to develop implementing options, also at the EU level, for an international emission reduction arrangement for HFCs and other F-gases and to identify technically feasible, effective, efficient and consistent options for further EU action;
- d) To analyse the likely economic, social and environmental impacts of identified options and develop comprehensive policy recommendations to the Commission;
- e) To support DG Environment in consultations with Commission services and external stakeholders from the relevant sectors throughout the duration of the contract;
- f) To provide technical assistance to the Commission on particular issues emerging from consultations, including at the international level, and to provide additional input and analyses for the adjustment of policy options as required by the Commission for drafting an impact assessment.

## **3. Content / Description of the tasks**

### **3.1 SCOPE & METHOD**

The work shall cover all emission sources of fluorinated greenhouse gases including from all end use applications and industrial processes. Minor applications and emission sources, where appropriate, can be grouped and considered jointly.

Unless otherwise stated the work shall cover EU-27. To inform the analysis and recommendations an international policy context will have to be developed focusing on the most relevant regions.

The models needed for the work specified in the tasks below shall cover the period 1995 – 2050 with annual data intervals for the period 1995 – 2020, and intermitted 5-year data intervals for the years 2025, 2030, 2040, 2050.

Whilst the tenderers are to propose their detailed methodology, a bottom-up approach should be developed for the EU-27 analysis, using **stock models** based on market data, including production, imports, exports and sales, both of substances and products & equipment.

The contractor will work under the general guidance of the Industrial Emissions and Protection of the Ozone Layer Unit of the DG Environment (ENV.C.4). As required, DG Environment will consult relevant DGs, in particular DG Enterprise, on the details of the assignment.

Wherever appropriate, the tasks can draw on earlier studies done, provided that the contractor can ensure access to the data. The contractor should also use any other relevant data as necessary to fulfil the objectives.

## **3.2 TASKS**

### **TASK 1: REVIEW RELEVANT MARKETS AND POLICIES**

1. Review F-Gas markets and policies internationally as well as in the EU-27, identifying those measures which complement the provisions of the EU regulatory framework;
2. Investigate possible interactions, complementarities or overlaps amongst the EU F-Gas policy framework (F-Gas Regulation & MAC Directive) and other EU or international policies e.g., Montreal Protocol, new Regulation on ozone depleting substances, EuP Directive, WEEE Directive, ELV Directive, EPB Directive, ETS Directive (PFCs);

### **TASK 2: ASSESS THE EFFECTIVENESS OF CURRENT EU F-GAS POLICY**

1. Develop appropriate models and datasets to derive the counter-factual<sup>8</sup> consumption and emission scenarios for the EU for the relevant sectors and where appropriate sub-sectors;
2. Use the models and datasets to derive the actual/baseline<sup>9</sup> consumption and emission scenarios for the EU for the relevant sectors and where appropriate, sub-sectors; Also,

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8 Counter-factual scenario means: the most likely situation that would occur since 1990 without the existing policy intervention (i.e. the F-Gas framework and related national acts). See Figure 2 and Figure 3 in Appendix

9 Actual/baseline scenario: the actual situation which occurred since 1990 and will most likely occur in the future with the existing policy intervention (i.e. the F-Gas framework and related national acts). See Figure 2 and Figure 3 in Appendix

compare the total actual/baseline emissions with historic emissions reported under UNFCCC<sup>10</sup> and investigate discrepancies for the purpose of validation<sup>11</sup>;

3. Assess (ex-post) the impact of the existing EU policy framework on emissions<sup>12</sup> for the relevant sectors/ subsectors and examine their cost-effectiveness<sup>13</sup>. The assessment shall, *inter alia*, include:
  - a. An evaluation of the containment measures carried out by operators under Article 3 of Regulation (EC) No 842/2006;<sup>14</sup>
  - b. An assessment of the recovery provisions under Article 4 of the Regulation;
  - c. An evaluation of the status of implementation and effectiveness of training and certification programmes established by Member States under Article 5(2) of the Regulation;<sup>15</sup>
  - d. An assessment of the reporting requirements in Article 6(1) of the Regulation, considering any limitations to those requirements, and of the need for any changes to reporting requirements;<sup>16</sup>
  - e. An assessment of the cost of implementation (in the Member States) and where appropriate of the need for clarification (e.g. definitions, procedures) and simplification (e.g. removal of obsolete provisions), to ensure a smoother implementation on the part of both public administration and private stakeholders;

### **TASK 3: ASSESS THE FEASIBILITY OF EMERGING OPTIONS FOR AN INTERNATIONAL EMISSION REDUCTION ARRANGEMENT FOR HFCs AND OTHER F-GASES**

1. Assess the feasibility and cost-effectiveness of the substitution of F-Gases in certain applications, products and equipment in the short/medium/long term, by considering alternatives including N-I-K technologies (presently available and in the pipeline), taking into account energy efficiency and other indirect environmental impacts. This assessment shall include a summary of the development, both within the Community and at an international level, of the state of the technology, including foams, and the experience gained during market deployment to date, environmental requirements and any impacts on the functioning of the internal market<sup>17</sup>;

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10 See Figure 1

11 See notes in Appendix to Part 1: Technical Description

12 Actual/baseline emission scenarios (E1) should be compared to counter-factual emission scenarios (E0)

13 As required under Article 10(2)(a) of Regulation (EC) No 842/2006

14 As required under Article 10(2)(e) of Regulation (EC) No 842/2006

15 As required under Article 10(2)(c) of Regulation (EC) No 842/2006

16 Such changes could e.g. include the need for the competent authorities to report periodically to the Commission estimated emissions based on representative samples as required by Article 10(2)(f) of the Regulation whilst considering opportunities for streamlining reporting requirements under the UNFCCC/Monitoring Mechanism

17 As required under Article 10(2)(h) of Regulation (EC) No 842/2006

2. Develop a minimum of 3 scenarios for the control of consumption and/or production of HFCs (and other F-Gases), considering the principles applied under the Montreal Protocol for phasing out ozone depleting substances<sup>18</sup>, by drawing where relevant, from the abovementioned assessment and by analysing data on global production and consumption of F-Gases (per substance, per application and per country group);
3. Compare and rank the scenarios to develop clear and comprehensive recommendations;
4. Develop elements to complement a possible international emission reduction arrangement for HFCs, with measures aiming to reduce emissions of HFCs and other F-Gases from products and equipment (banks), considering the effectiveness of current measures of the EU policy, as assessed in Task 2;

**TASK 4: DEVELOP OPTIONS AND RECOMMENDATIONS FOR THE REVIEW OF THE REGULATION AND ASSESS THEIR IMPACTS**

1. Based on the work undertaken under the previous tasks and possibly in parallel to that work, identify technically feasible, effective, efficient and consistent options<sup>19</sup> for further EU action in order to achieve the following general objectives:
  - a. Implement potential international commitments in relation to HFCs and other F-Gases;
  - b. Contribute towards meeting the EU's emission reduction commitments;
  - c. Improve the effectiveness and efficiency of Regulation (EC) No 842/2006;
  - d. Clarify and simplify Regulation (EC) No 842/2006 in order ensure a smoother implementation on the part of both public administration and private stakeholders;

Options should, inter alia, include:

- a. The control of the production of F-Gases in the EU, and/or;
- b. The control of the use of F-Gases in the EU<sup>20</sup>, and/or;
- c. The control of the placing on the market of F-Gases and of additional products and equipment containing F-Gases in the EU<sup>21</sup>, and;

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18 Options should take into account environmental, technical, economic and social aspects and be expressed, where appropriate, in terms of baseline years, freeze, and subsequent reduction steps in terms of CO<sub>2</sub>-eq, differentiating if necessary between country groups

19 The contractor shall follow the European Commission's Impact Assessment Guidelines (SEC (2009) 92). Apart from regulatory options, where appropriate, other options such as tax measures, non-regulatory instruments and combinations should also be considered

20 The assessment should consider the use of SF<sub>6</sub> in certain applications in the non-ferrous metal industry, based on and drawing from the work undertaken under Service contract Nr. 07.0307/2008/511418/SER/C4 (the report will be made available to the contractor), as required under Article 10(2)(i) of Regulation (EC) No 842/2006

21 As required under Article 10(2)(j) of Regulation (EC) No 842/2006

- d. The monitoring of EU compliance with a potential international agreement and compliance with relevant reporting obligations;
  - e. The extension of the containment and recovery measures provided in Articles 3 and 4(1) of the Regulation to refrigeration systems fitted in certain modes of transport and air conditioning systems fitted in certain modes of transport other than motor vehicles, based on the assessment of their technical feasibility and cost effectiveness;<sup>22</sup>
  - f. The establishment of maximum leakage rates for certain applications, based on the assessment of the feasibility for such option;<sup>23</sup>
  - g. Further measures to strengthen recovery of F-Gases from products and equipment for the purpose of recycling, reclamation or destruction;
  - h. The establishment of Community standards relating to the control of emissions of fluorinated greenhouse gases from products and equipment, in particular as regards foam, including technical requirements with respect to the design of products and equipment;<sup>24</sup>
  - i. The development and dissemination of notes describing best available techniques and best environmental practices concerning the prevention and minimisation of emissions, based on the assessment of the need for such notes;<sup>25</sup>
  - f. The inclusion of additional fluorinated greenhouse gases under Regulation (EC) No 842/2006 based on a relevant assessment in the light of the latest assessment report of the IPCC<sup>26</sup>;
  - g. The amendment of the Community provisions on the global warming potential (GWP) of fluorinated greenhouse gases, based on a relevant assessment<sup>27</sup>
2. Assess the likely economic, social and environmental impacts of all options identified (individual or combined), including a detailed assessment of the impact of those measures on consumption and emissions compared to the actual/baseline scenario. Clearly identify all assumptions and conduct sensitivity analyses for the most relevant assumptions/scenarios;<sup>19</sup>
  3. Compare and rank the options to develop clear and comprehensive recommendations for a comprehensive options package.

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22 As required under Article 10(1) of Regulation (EC) No 842/2006. This assessment should be based on and draw from the work undertaken under Study contract Nr.07.0307/2007/483336/MAR/C4 on the potential application of Art 3 and 4 (1) of Regulation (EC) No 842/2006 to air conditioning and refrigeration systems contained in different transport modes (the report is available at [http://ec.europa.eu/environment/climat/fluor/studies\\_en.htm](http://ec.europa.eu/environment/climat/fluor/studies_en.htm)) and any other reports published by the Commission

23 As required under Article 10(2)(e) of Regulation (EC) No 842/2006

24 As required under Article 10(2)(d) of Regulation (EC) No 842/2006

25 As required under Article 10(2)(g) of Regulation (EC) No 842/2006

26 As required under Article 10(2)(b) of Regulation (EC) No 842/2006

27 As required under Article 10(2)(k) of Regulation (EC) No 842/2006

## **TASK 5: PROVIDE ADMINISTRATIVE AND ADDITIONAL TECHNICAL INPUT AND TO SUPPORT DG ENVIRONMENT IN CONSULTATIONS**

1. Provide administrative assistance to DG Environment services in organising (e.g. draft invitations, agendas) consultation meetings with an inter-service steering group comprising relevant Commission Services and an advisory group comprising relevant stakeholders including Member State representatives, during the course of the project (7 meetings);
2. Provide technical input, such as discussion papers and presentations for meetings with the abovementioned consultation groups;
3. Present the output of the work at those meetings by means of appropriate audiovisual support and documentation and respond to questions;
4. Report on the consultation process (in the context of reports D4 and D5) including on:
  - a. the experts and organisations which have been consulted;
  - b. the main results of the consultation process and how this input has been taken into account.
5. Upon request by DG Environment Services, provide technical input, such as briefings on technical matters for up to 3 international negotiation meetings;
6. Upon request by DG Environment Services, provide up to 10 written notes with additional input in terms of analyses and/or adjustment of policy options for the purpose of drafting an impact assessment report.

### **3.3: CONTENT OF THE TENDER**

Without prejudice to the instructions elsewhere in the tender documents, with regards to the technical proposal, the tender should include:

1. A detailed description of the methodology and analytical tools that will be used and/or developed to complete the tasks. The methodology and analytical tools should take into account the characteristics of each sector and subsector, the available and potentially available data and the likely relative weight of the sector/subsector;
2. A description of the models needed for the basic analysis and sensitivity analyses including the breakdown by sector/subsector and substance and identify the parameters and variables that need to be developed. For the purpose of ensuring consistency, the models should, to the extent possible, build on verified datasets used in association with

EU or Commission analysis where these are available, including analysis conducted in the context of EuP Directive;

3. An identification of the data needed, the sources which will be used for obtaining this data at the necessary level of detail and an indication of which of the essential data are not available and how this lack of data will be tackled.<sup>28</sup>;
4. A preliminary identification of the main impacts which need to be addressed in the impact assessments, i.e. environmental (e.g. direct/ indirect greenhouse gas emissions, emissions of other pollutants), social (e.g. employment, health, safety) and economic (e.g. capital, operating and maintenance costs, welfare costs, other economic impacts related to competitiveness and innovation, administrative burden) and how they will be addressed;
5. A preliminary list of the environmental, social and economic assessment criteria on the basis of which options will be ranked (e.g. CO<sub>2</sub> eq. annual/total, jobs, investment cost, operating cost, total cost per tonne CO<sub>2</sub>-eq, total cost per capita, annual cost, NPV etc., number);

#### **4. Experience required of the Contractor**

The core team of the successful tenderer should have:

- Very good knowledge and understanding of the Regulation (EC) No 842/2006 and Regulation 2037/2000 and of the policy context in the area of fluorinated greenhouse gases and ozone depleting substances including the working of the Montreal Protocol;
- In-depth knowledge of the scientific, technical and economic aspects of the sectors involved;
- Demonstrable capacity to distil large amounts of technical information into clear language and policy recommendations;
- Demonstrable expertise in impact assessment for legislative proposals.

Without prejudice to the instructions elsewhere in the tender documents, tenderers should include in their tender a detailed description of the relevant team, if possible with Gantt charts, indicating the allocation of tasks between the team members.

#### **5. Deliverables and Meetings**

All written material should be provided in English and appropriately edited.

The Contractor should present the results of the above tasks/subtasks into different chapters in reports D1–D5 and D8, as listed in the table below. The exact chapter structure is to be agreed in advance with DG Environment Services. The reports should include an executive summary.

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<sup>28</sup> If appropriate and necessary, the contractor could be designated by the Commission to obtain representative samples of records maintained by operators of certain equipment under Article 3(6);

In all deliverables (D1-D8), figures and tables should be used where necessary in order to demonstrate clearly the results of the analysis.

The contractor shall participate in meetings M1-M15, as listed in the table below. Apart from international meetings (M13-M15) all other meetings will take place at Commission premises in Brussels.

For meetings M1-M9, the contractor shall prepare and submit the draft agenda and draft minutes:

- The draft agenda for meetings M1, M2, M4 and M6 should be submitted to the Commission at least 3 weeks before the date of the meeting;
- The draft agenda for meetings M3, M5 and M7 should be submitted to the Commission at least 5 weeks before the date of the meeting;
- The draft agenda for meetings M8 and M9 should be submitted to the Commission at least 1 week before the date of the meeting;
- The draft minutes for meetings M1–M9 should be submitted within 1 week after the date of the meetings.

### List of Deliverables and Meetings

No	Ref.	Milestone	Target date	Notes
1	-	Contract signature	C	Estimated: Nov – Dec 09
2	M1	Kick-off meeting with the steering group in Brussels	C + 5 weeks	Estimated: 01/10
3	D1	Progress Report reflecting the outcome of Tasks 1-2	C + 6 months	Estimated: 06/10
4	D2	Progress Report reflecting the outcome of Task 3	C + 7 months	Estimated: 07/10
5	M2	Meeting with the steering group in Brussels	C + 9 months	Estimated: 09/10
6	M3	Meeting with the advisory group in Brussels	C + 10 months	Estimated: 10/10
7	D3	Progress Report reflecting the outcome of Task 4	C + 11 months	Estimated: 11/10
8	M4	Meeting with the steering group in Brussels	C + 12 months	Estimated: 12/10
9	M5	Meeting with the advisory group in Brussels	C + 13 months	Estimated: 01/11
10	D4	Interim Report reflecting the outcome of Tasks 1-4 and consultations to date	C + 15 months	Estimated: 03/11
11	M6	Meeting with the steering group in Brussels	C + 16 months	Estimated: 04/11
12	M7	Meeting with the advisory group in Brussels	C + 17 months	Estimated: 05/11
13	D5	Draft Final Report reflecting the outcome of Tasks 1-5	C + 18 months	Estimated: 06/11
14	D6	Background data sheets related to Tasks 1-5	C + 19 months	Background information collected and used as well as statistics data sheets prepared in the course of the service contract containing the relevant technical, environmental, economical and social data. The presentation of data sets shall ensure that the assessment methodology followed can be verified on the basis of the data provided
15	D7	Up to 10 written notes as requested by the Commission related to Task 5, paragraph 6	From C to C+19 months	Written support, input on technical matters and analyses for the adjustment of policy options upon specified request by the Commission. These

				deliverables may be due at short notice taking into account the complexity of the question and the urgency of the response.
16	D8	Final Report reflecting the outcome of Tasks 1-5	C + 19 months	Estimated: 07/11
17	M8-M9	Up to 2 additional meetings with the Commission in Brussels	From C to C+19 months	Discuss questions related to the methodology and result interpretation.
18	M10-M12	Up to 3 additional (conference call) working meetings	From C to C+19 months	
19	M13-M15	Participation of 1 expert in up to 3 international meetings for up to 3 days per meeting	From C to C+19 months	Assistance during international negotiations

## **6. Duration of the tasks**

The tasks should be completed within **19** months of the signature of the contract (see point 5). The execution of the tasks may not start before the contract has been signed.

## **7. Place of performance**

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

## APPENDIX TO PART 1: ADDITIONAL NOTES FOR INFORMATION

### 1. EMISSION DATA RELATED TO F-GASES

The Monitoring Mechanism related to emissions of greenhouse gases in the EU and the progress in reaching the Kyoto target, was established in 1993 and last amended by Decision No 280/2004/EC of the European Parliament and of the Council of 11 February 2004.

This decision and its implementing provisions (Commission Decision 2005/166/EC) constitute the backbone of the European Community's greenhouse gas monitoring system and the legal basis for the compilation of the EC inventory in accordance with the UNFCCC and the Kyoto Protocol. Under this mechanism, Member States are, inter alia, required to report emission inventories of greenhouse gases, including F-Gases, using the IPCC Guidelines (last amended in 2006). The F-Gas related categories/ sub-categories of UNFCCC inventory are listed in Table 1.

Table 1 – F-Gas related UNFCCC inventory categories

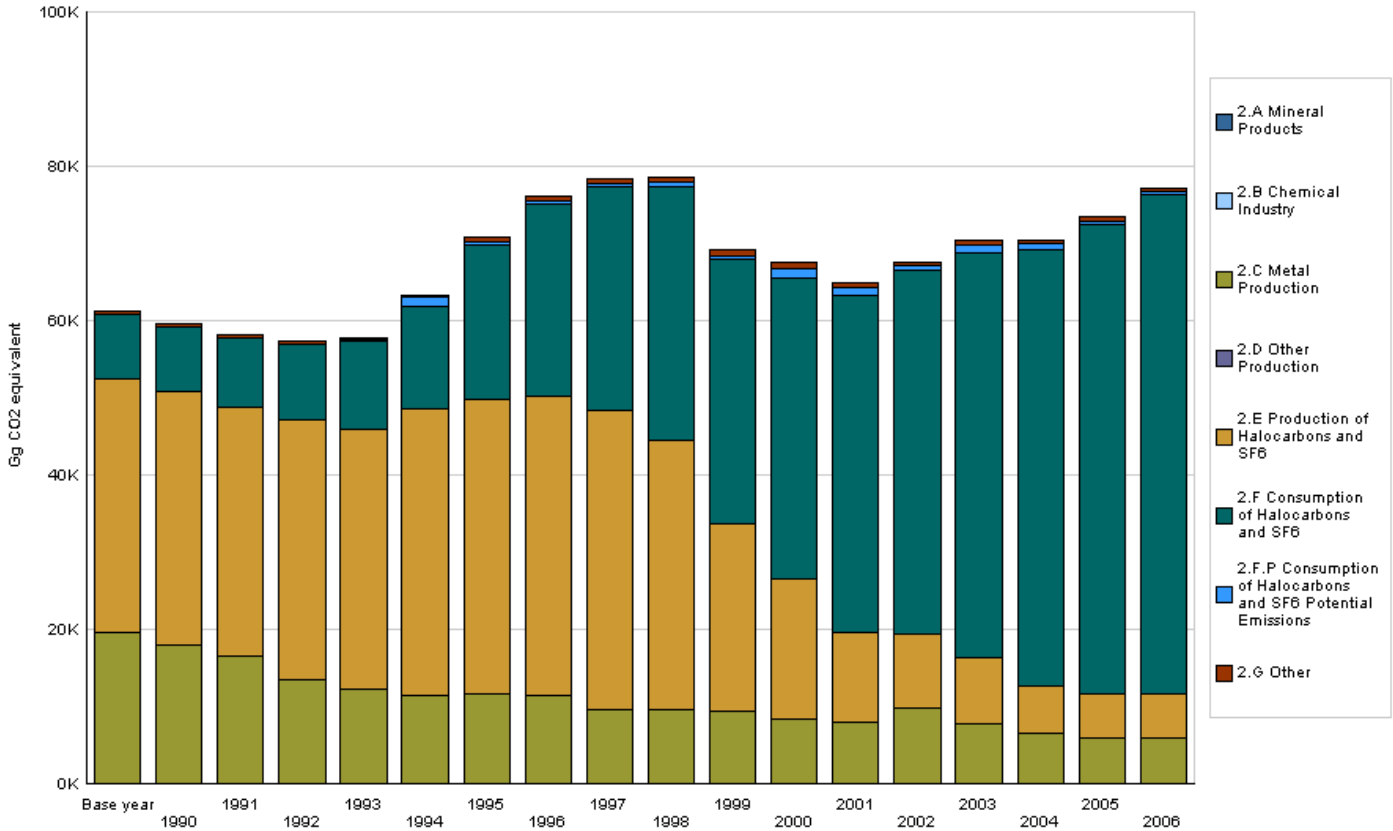
UNFCCC INVENTORY CATEGORY
<b>2.C Metal Production</b>
2.C.3 Aluminium Production
2.C.4 Aluminium and Magnesium Foundries
2.C.4.1 Aluminium Foundries
2.C.4.2 Magnesium Foundries
<b>2.E Production of Halocarbons and SF6</b>
2.E.1 By-product Emissions
2.E.1.1 Production of HCFC-22
2.E.1.2 Other
2.E.2 Fugitive Emissions
2.E.3 Other
<b>2.F Consumption of Halocarbons and SF6</b>
2.F.1 Refrigeration and Air Conditioning Equipment
2.F.2 Foam Blowing
2.F.3 Fire Extinguishers
2.F.4 Aerosols/ Metered Dose Inhalers
2.F.5 Solvents
2.F.6 Other applications using ODS substitutes
2.F.7 Semiconductor Manufacture

2.F.8 Electrical Equipment
2.F.9 Other
<b>2.F.P Consumption of Halocarbons and SF6 Potential Emissions</b>
<b>2.G Other</b>

The data reported under the mechanism provide a good estimate of overall greenhouse gas emissions.

**Annual greenhouse gas (GHG) emissions for European Union (27)**

Query results for Party: European Union (27) - Years: All years - Category: 2 - Industrial Processes - Gas: Aggregate F-gases



Source: UNFCCC Data Interface, Friday, 13 February 2009 16:24:28 CET

**Figure 1 - EU-27 F-Gas emissions 1990-2006 as reported to UNFCCC**

However, the existing F-Gas inventories and data should be considered in the light of their limitations, including:

- Some Member States still do not provide data on actual emissions of f-gases for the whole time series since 1990

- The IPCC guidelines allow a range of methods to compile the inventory, some of which are not appropriate to capture the effect of the EU F-Gas policy for some of the key emission sources. For example tier 1 and 2 emission factor approaches can be based on default emission factors per application and sub-application respectively. The current EU policy targets F-Gas emissions sources through measures which aim to reduce the emission factors: e.g. maximum leakage rates (mobile air conditioning only), labelling, regular leakage checks and repairs, use of qualified/certified technicians, recovery at end of life, etc. An emission factor-based tier 1 or 2 approach would therefore not show the effect of those measures. In such cases a detailed bottom-up analysis with emission factors based on actual measurements (tier 3) is more appropriate.

It is also highlighted that the refrigeration and air conditioning sector (2.F.1) is a key sector accounting for approximately 60%-80% of total F-Gas emissions. It is a very heterogeneous sector consisting of several different subsectors such as domestic refrigeration, commercial refrigeration, transport refrigeration, industrial refrigeration, stationary air conditioning and mobile air conditioning. For each of the sub categories a large number of different substances are used, many different appliances exist, refrigerant charges vary from several grams up to one tonne, and emission (leakage) rates differ from 1% to 100%.

## 2. DATA RELATED TO THE CONSUMPTION OF F-GASES

Table 2 and Table 3 show the first available data related to the quantities of F-Gases placed on the EU market in 2007 per substance and per intended application respectively, as reported under Article 6(1) of Regulation (EC) No 842/2006. The data exclude quantities produced, imported or exported by undertakings producing, importing or exporting less than 1 tonne of F-Gases and quantities contained in imported or exported equipment.

**Table 2 - F-gases placed on the EU market in 2007 per substance**

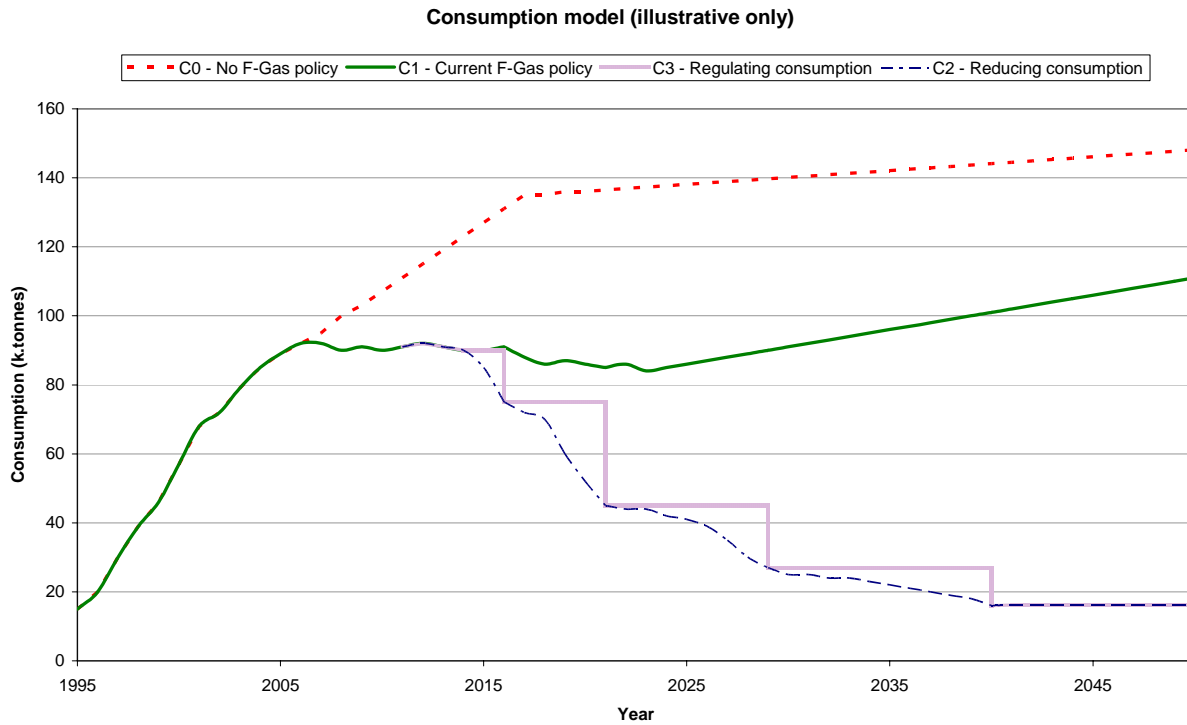
SALES IN THE EU	2007	
	Tonnes	MtCO <sub>2</sub> -eq
SF <sub>6</sub>	2,223	49.35
HFC-23	267	3.21
HFC-32	4,186	2.30
HFC-125	12,933	43.97
HFC-134a	51,693	67.20
HFC-152a	4,301	0.52
HFC-143a	9,605	41.30
HFC-227ea	857	3.00
HFC-236fa	29	0.27
Perfluoroethane (C <sub>2</sub> F <sub>6</sub> )	87	1.04
Perfluoropropane (C <sub>3</sub> F <sub>8</sub> )	168	1.44
Other HFCs and PFCs	6,777	6.91
<b>TOTAL</b>	<b>93,126</b>	<b>220.51</b>

**Table 3 - F-gases placed on the EU market in 2007 per application**

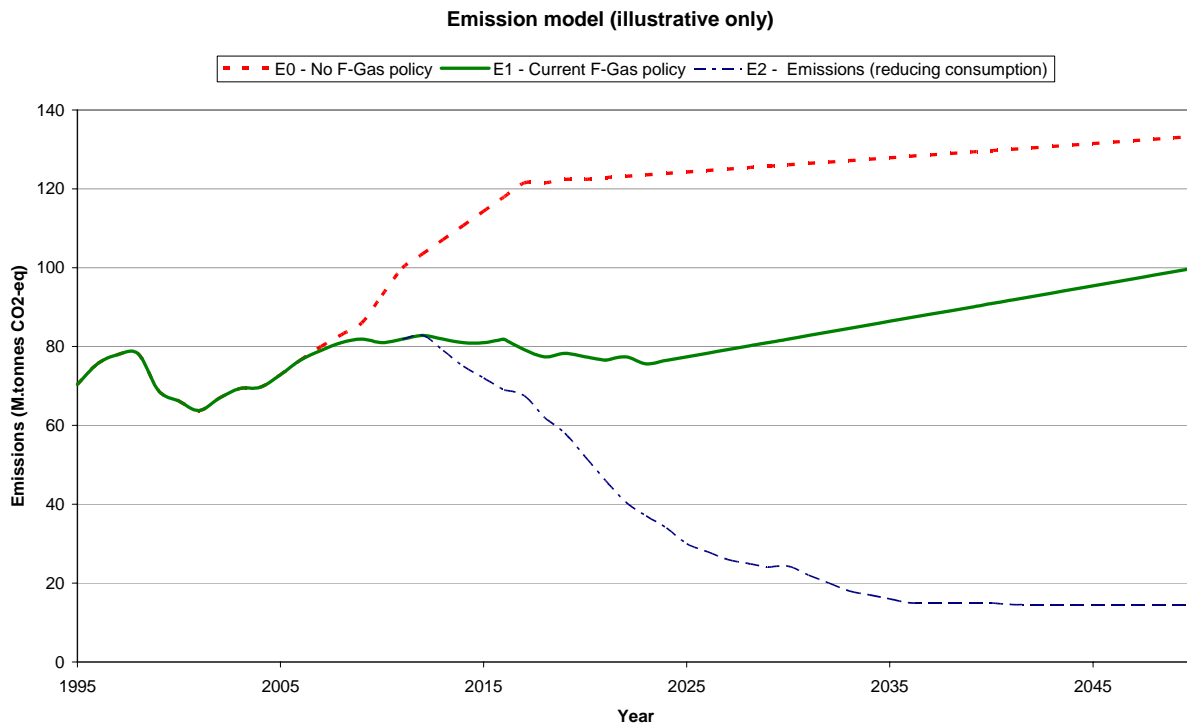
<b>INTENDED APPLICATIONS</b>	<b>2007</b>	
	<b>Tonnes</b>	<b>MtCO<sub>2</sub>-eq</b>
Refrigeration and Air-conditioning	64,600	137.48
Foams	14,579	13.38
Aerosols	9,545	11.82
Other or unknown	1,773	16.67
Electrical equipment	1,568	34.80
Fire protection	685	3.81
Solvents	209	0.37
Semiconductor manufacture	129	1.47
Magnesium die casting	31	0.69
Feedstock	9	0.11
<b>TOTAL</b>	<b>93,127</b>	<b>220.60</b>

### **3. POLICY SCENARIOS**

The figures below serve as an illustration only for the purpose of clarifying the work and expected output in tasks.



**Figure 2 – Examples of consumption scenarios (illustration only - data is not real)**



**Figure 3 – Examples of emission scenarios (illustration only – data is not real)**

## **PART 2: ADMINISTRATIVE DETAILS**

### **1. General terms and conditions for the submission of tenders**

- *Submission of a tender implies that the Contractor accepts all the terms and conditions set out in these specifications (including the annexes) and waives all other terms of business.*
- *Submission of a tender binds the Contractor to whom the contract is awarded during performance of the contract.*
- *Changes to tenders will be accepted only if they are submitted on or before the final date set for the submission of tenders.*
- *Expenses incurred in respect of the preparation and presentation of tenders cannot be refunded.*
- *No information of any kind will be given on the state of progress with regard to the evaluation of tenders.*
- *Once the Commission has accepted the tender, it shall become the property of the Commission and the Commission shall treat it confidentially.*
- *The protocol on the Privileges and Immunities or, where appropriate, the Vienna Convention of 24 April 1963 on Consular Relations shall apply to this invitation to tender.*

### **2. No obligation to award the Contract**

- *Fulfilment of adjudication or invitation to tender procedure shall not involve the Commission in any obligation to award the contract.*
- *The Commission shall not be liable for any compensation with respect to tenderers whose tenders have not been accepted. Nor shall it be liable in the event of its deciding not to award the contract.*

### **3. Joint tenders**

When a consortium / partnership is envisaged three cases can arise:

- I. The offer originates from a consortium already formally set up as a separate and legal entity able to submit its statutes, mode of operation, technical and financial capacity, such as result from the contributions of its various members. It is such a consortium that will bear the technical and financial responsibility for the contract and will present the requested financial guarantee, if applicable.
- II. The offer originates from companies not yet having created a consortium as a separate legal entity but planning to constitute one as referred to in item I, if their joint offer is accepted. In such a situation, the tenderer will have to provide the legal form, the envisaged draft statutes and mode of operation of the consortium, the various technical and financial contributions, letters of intent, as well as the guarantees envisaged, where applicable.

- III. The offer originates from companies not wishing to constitute formally a consortium as a separate legal entity and thus constituting effectively an association. In such a case, the offer will be submitted in the form of subcontracting (cf. point 4 below), in which case one of the companies shall assume the total responsibility for the offer. This company will sign the contract in its name, the other companies then being regarded as subcontractors of the first.

For joint tenders described in cases I and II above, the information required in

- *Part 2, 6.2 (“administrative proposal”)*
- *Part 3, 1 (“information for assessment of exclusion criteria”) and*
- *Part 3, 2 (“information for assessment of selection criteria”)*

must be provided for **all** members participating in the tender.

For joint tenders described in case III please refer to point 4 below.

#### **4. Subcontractors**

Subcontracting is permitted subject to the following conditions:

The subcontractor is the sole responsibility of the main contractor;

- *Tenderers must indicate in their offers the amount of the contract (if any) that they will subcontract to third parties, as well as the identity and availability of the chosen subcontractor(s). The contractor will not subcontract to third parties not identified in the offer as potential subcontractors without prior written authorisation from the Commission;*
- *the contractor shall not cause the contract to be performed in fact by third parties;*
- *even where the Commission authorises the contractor to subcontract to third parties, the contractor shall nonetheless remain bound by his obligations to the Commission under the contract;*
- *the contractor shall ensure that the subcontract does not affect rights and guarantees to which the Commission is entitled by virtue of the contract.*

Where the total amount envisaged for subcontracting is above 30% of the total contract value, evidence of the subcontractor(s) ability to perform the tasks entrusted to him/them shall be included in the offer. Such evidence is the same as that also required from the contractor, as described and identified, in Part 3, point 2 below.

Where the total amount envisaged for subcontracting is above 50% of the total contract value, the subcontractor(s) must also, **if and when requested**, present evidence of compliance with the exclusion criteria (as required from the potential contractor) as described in Part 3, point.1 below.

Tenderers should note that the Commission will consider intended subcontracting below 30% of the contract value as an indication that the potential contractor has the resources to complete the tasks under the contract, as well as a factor potentially enhancing the proposed team organisation. Therefore this point will be taken into account in the assessment of the award criterion “project management and availability”.

## 5. Payments

This contract will be paid on a lump sum basis.

A pre-financing payment of 30% will be paid upon signature of the contract.

An interim payment of 30% will be paid upon acceptance by the Commission of progress reports D1, D2 and D3.

A final payment of 40% will be paid upon acceptance by the Commission of the final report D8.

The Commission reserves the right to waive the pre-financing payment if applicable, or to request a financial guarantee should it be deemed necessary.

The Commission is exempt from all taxes and dues, including value added tax, pursuant to the provisions of Articles 3 and 4 of the Protocol on the Privileges and Immunities of the European Communities with regard to its financial contribution under the contract.

## 6. Content of the tender

All tenders must be presented in three sections:

### 6.1. Financial proposal

- *A financial proposal duly dated and signed by the person authorized to sign on behalf of the organization. The price must be quoted in Euro using the template in annex 2, including for the countries which do not form part of the Euro zone. For the tenderers of the countries which do not form part of the Euro zone, the amount of the offer cannot be revised because of exchange rate movements. The choice of exchange rate belongs to the tenderer, who assumes the risks or opportunities associated with these exchange rate movements.*
- *The price must be a fixed amount, inclusive all expenses.*
- *The price will not be subject to revision.*
- *For guidance purposes, the maximum budget allocation to this contract is fixed at **€425.000 (four hundred and twenty five thousand euro)***
- *The price quotation must be signed by the tenderer or his duly authorised representative.*
- *The price must be quoted free of all duties, taxes and other charges, including VAT, as the Communities are exempt from such charges under Articles 3 and 4 of the Protocol on the Privileges and Immunities of the European Communities of 8 April*

1965 (OJEC L 152 of 13 July 1967). Exemption is granted to the Commission by the governments of the Member States, either through refunds upon presentation of documentary evidence or by direct exemption. For those countries where national legislation provides an exemption by means of a reimbursement, the amount of VAT is to be shown separately. In case of doubts about the applicable VAT system, it is the tenderer's responsibility to contact his national authorities to clarify the way in which the European Community is exempt from VAT.

- The offer shall remain valid for a period of **9 months**, as from the deadline for submission of offer.

## **6.2. Administrative proposal**

- An administrative information form containing information on the full name of the organization, legal status, address, person to contact, person authorized to sign on behalf of the organization, telephone number, and facsimile number, as well as relevant bank details. The form must be duly dated, signed and stamped by the person authorized to sign on behalf of the company, and by the bank (see annex 1).
- A legal entity form (see annex 3), proof of enrolment (certificates) in one of the professional or trade registers, in country of establishment;
- If the tenderer is a natural person; she/he will be required to provide proof of her/his status as a self-employed person. To this end she/he must supply details of her/his social security cover and situation with regards to VAT regulation.
- A declaration of the candidate's eligibility; certifying that he/she is not in one of the situations listed in articles 93 and 94 of the Financial Regulation of the European Communities (Official Journal L 390 of 30/12/2006) (see annex 4)
- Documents relating to the selection criteria (see part 3, point 2.1. Financial and Economic capacity)
- The service provider's educational and professional qualifications and those of the firm's managerial staff and, in particular, those of the person or persons responsible for providing the services (curriculum vitae presented on the EU standard form which can be downloaded from the following address – <http://europass.cedefop.europa.eu/europass/home/vernav/Europass+Documents/Europass+CV/navigate.action> together with a consolidated overview of CVs in an excel table.
- A list, preferably in English or French of the principal studies, services contracts, consultancy work, surveys, publications or other work previously carried out during the past three years, indicating the name of the client and stating which, if any, were done for the European Commission.
- Tenders from consortia of firms or groups of service providers must specify the role, qualifications and experience of each member (see also part 3, points 1, 2 and 3 – exclusion, selection and award criteria).

### **6.3. Technical proposal**

- *A contract proposal with the methodology to fulfil the requirements mentioned in Part 1, point 3. The tender should give indications on the theoretical background used, the methodology used in the work that will be undertaken and on its appropriateness for this purpose, in conformity with the guidelines included in the approach. It should also give indications on the data to be used and their reliability.*
- *The maximum indicative number of pages for the offer is 40 pages + annexes. Avoid enclosing glossy folders.*

#### **Establish the tenderer's identity**

The tenderer should detail the competence, experience and the means at his disposal which would allow the tasks foreseen in the contract to be carried out.

A list of previous work carried out over the past 3 years must be included.

If a consortium is formed for the execution of the tasks presented in this call for tender, then please explain the roles of each partner in the consortium. (For the administrative details in relation to joint tenders, please refer to Part 2, point 3).

If sub-contracting is envisaged, please clearly indicate which tasks are concerned, the % that this represents of the total value of the offer, and the name and address of the sub-contractor(s), if known at this stage.

#### **Implementation of the contract**

Describe the methodology to be applied to carry out each of the tasks foreseen in the contract.

#### **Managing the contract**

The tenderer's availability during the period of the execution of the tasks must be clearly demonstrated, and explain how the project will be managed.

## PART 3: ASSESSMENT AND AWARD OF A CONTRACT

The assessment will be based on each tenderers bid.

All the information will be assessed in the light of the criteria set out in these specifications. The procedure for the award of the contract will concern only admissible bids and it will be carried out in three successive phases. The first step is to check that the tenderers are not excluded in any way from taking part in the tender procedure. The second step is to check the tenderer's capacity (financial and technical) to perform the contract and the final step is to assess the quality of the offers against the award criteria.

**In the case of joint tenders, the exclusion, selection and award criteria will be applicable to all the members of the consortium. The same principle will also be applied in the case where there are sub-contractors. The bid must clearly identify the subcontractors and document their willingness to accept the tasks and thus acceptance of the terms and conditions set out in Part 2.1. Tenderers must inform the subcontractors that Article II.17 of the standard contract will be applied to them. Once the contract has been signed, Article II.13 of the above mentioned contract shall govern subcontractors.**

### 1. Exclusion criteria

Tenderers must declare on their honour that they are not in one of the situations referred to in articles 93 and 94 a) of the Financial Regulation. Tenderers or their representatives must therefore fill in and sign the form in Annex 4 to these specifications. Hereby agreeing to submit to the Commission, **if and when requested to do so**, those certificates or documents demonstrating that the tenderer is not in any of the situations described under points (a), (b), (d) and (e) below:

These articles are as follows:

Article 93:

1. 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 judgment 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 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 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 interests;

(f) They are currently subject to an administrative penalty referred to in [Article 96\(1\)](#).

#### Article 94

A contract shall not be awarded to candidates or tenderers who, during the procurement procedure for this contract:

- (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;
- (c) find themselves in one of the situations of exclusion, referred to in [Article 93\(1\)](#), for this procurement procedure.

## 2. Selection criteria

Only those tenders fulfilling all the selection criteria will be examined in the light of the award criteria. The selection criteria are set out below

2.1. **Financial and economic capacity** may be shown by means of the following:

- A simplified balance sheet and profit and loss account, exclusively based on the annex 5 form attached to these specifications;

**In the event that the tender is unable to complete the form as proposed above one of the following alternatives would be acceptable**

- a. financial statements for the last two financial years;  
**OR**
- b. declaration concerning the sales turnover related to the field associated with the invitation to tender during the last three financial years;  
**OR**
- c. other substantiating documents if the candidate or tenderer cannot, for valid reasons, provide those indicated above

2.2. **Technical and professional competence:**

- *Experience as evidenced by the qualifications, both educational and professional, of the service provider or contractor and those of the firm's managerial staff and, in particular those of the person or persons responsible for carrying out the service/work. Curriculum vitae must be provided.*
- *A reference list of relevant previous projects over the past 3 years must be provided, indicating the sums involved, dates, recipients, public or private.*

### **2.3. Authorisation to perform the contract.**

- *A tenderer must prove that he is authorised to perform the contract under national law, as evidenced by inclusion in a trade or professional register, or a sworn declaration or certificate, membership of a specific organisation, express authorisation or entry in the VAT register.*

### **2.4. Access to the market**

- *A tenderer must indicate in which State they have their headquarters or domicile and to present the supporting evidence normally acceptable under their own law.*

## **3. Award criteria**

Further to the price quoted for the contract, the following award criteria will be applied:

### **Award criteria 1 – Understanding (max points 30)**

This criterion serves to assess whether the tenderer has understood all of the issues involved, as well as the nature of the work to be undertaken and the content of the final products.

### **Award criteria 2 – Methodology (max points 40)**

The degree to which the methodology shows the capacity to resolve the questions underlying in the tender in a realistic and well-structured way, as well as whether the methods proposed are suited to the needs set out by the Commission in the Technical Description.

### **Award criteria 3 – Project management and availability (max points 30)**

Offers will be assessed as regards the quality of the team organisation, the time attributed to each team member and the availability of resources for the completion of the contractual tasks, which should be clearly outlined in the tender.

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

## **4. Points**

A points system to evaluate the award criteria relating to the technical value of the offers will be applied.

A maximum of 30 points will be attributed to criterion 1, a maximum of 40 points will be attributed to criterion 2, and a maximum of 30 points will be attributed to criterion 3. In addition a minimum threshold will be set up under this system of points:

- Technical sufficiency levels: Selected companies will have to score a minimum of 18, 24 and 18 points under criteria 1, 2 and 3 respectively, with a minimum total of 65 points.

## 5. Budget

The budget is a maximum of €425.000 excluding VAT (including fees, travel and all other costs).

The Commission is exempt from all taxes and dues, including value added tax, pursuant to the provisions of Articles 3 and 4 of the Protocol on the Privileges and Immunities of the European Communities with regard to its financial contribution under the contract.

The price quoted must be a firm, non-revisable price and must be quoted in euro.

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

## 6. Ranking of the tenders and award of the contract.

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

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

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

## **7. Opening of tenders**

The tenders received will be opened on **10/08/2009 at 10h30** in the Commission building at **Avenue Beaulieu 5, B-1160 Brussels**.

One authorised representative of each tenderer (with proof of identity) may attend the opening of tenders (no expenses paid).

## **8. Information for tenderers**

After the award decision has been taken, the Commission will inform tenderers including the grounds for any decision not to award a contract or to recommence the procedure.

**ANNEX 1 - ADMINISTRATIVE INFORMATION FORM**

**Organisation or individual:**

NAME: .....

ADDRESS: .....

HEADQUARTERS: .....

**PERSON AUTHORISED TO SIGN CONTRACT:**

Name and position: .....

**PERSON FOR ROUTINE CONTACT:**

Name and position: .....

Telephone and fax number: .....

**BANK DETAILS:**

NAME OF ACCOUNT HOLDER: .....

ADDRESS OF ACCOUNT HOLDER: .....

NAME OF BANK: .....

ADDRESS OF BANK AGENCY: .....

ACCOUNT N°: .....

(BLZ, SORT CODE, ?): .....

I.B.A.N. CODE: .....

Signature of Contractor

Official Stamp and Signature  
of Contractor's Bank

**ANNEX 2 - FINANCIAL OFFER TEMPLATE**

**(FOR GUIDANCE PURPOSES ONLY)**

**PRICE AND ESTIMATED BUDGET BREAKDOWN**

**Calculation of the costs**

Name	Staff on payroll		Other statute	Time in %	Total year /	TOTAL
	Gross salary	Social charges				
...						
... etc.						
<b>Staff costs</b>						
<b>Infrastructure</b>						
<b>Overhead costs including office material and consumables</b>						
<b>Office Equipment</b>						
<b>Travel/Missions</b>						
<b>Sub-contracting</b>						
Company x						
Company y						
Company z						
<b>Other</b>						
<b>TOTAL COSTS in EURO</b>					€	

**Signature of Contractor**

.....

**Date**

.....

## **ANNEX 3 - LEGAL ENTITY FORM**

This form can be downloaded from

[http://ec.europa.eu/budget/execution/legal\\_entities\\_en.htm](http://ec.europa.eu/budget/execution/legal_entities_en.htm)

## **ANNEX 4**

### *DECLARATION ON EXCLUSION CRITERIA AND ABSENCE OF CONFLICT OF INTERESTS*

Name of the organisation/individual:

Legal address:

Registration number:

VAT number:

Name of the signatory of this form:

Position:

- representative legally authorised to represent the tenderer vis-à-vis third parties and acting on behalf of the aforementioned company or organisation *[please tick box if applicable]*

**hereby certifies that** *[please tick one of the two boxes]*

- they
- the company or organisation that they represent:
- a) are/is not bankrupt or being wound up, is not having their affairs administered by the court, has not entered into an arrangement with creditors, has not suspended business activities, is not the subject of proceedings concerning those matters, or is not in any analogous situation arising from a similar procedure provided for in national legislation or regulations;
- b) have/has not been convicted of an offence concerning their professional conduct by a judgement which has the force of *res judicata*;
- c) have/has not been found guilty of grave professional misconduct proven by any means which the Commission can justify;
- d) have/has 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 those of the country of the contracting authority or those of the country where the contract is to be performed;
- e) have/has not 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 interests;
- f) are/is currently not subject to an administrative penalty referred to in [Article 96\(1\)](#).

**In addition, the undersigned declares on their honour:**

- g) that on the date of submission of the tender, they, the company or organisation they represent and the staff proposed for this tender are not subject to a conflict of interests in the context of this invitation to tender; the undersigned undertakes to inform the Commission without delay of any change to this situation after the date of submission of the tender;
- h) that the information provided to the Commission within the context of this invitation to tender is accurate, sincere and complete;
- i) **that, if and when requested, they will provide the evidence required under point 1, part 3 of the Specifications.**

Full name:

Date

Signature:

## ANNEX 5

**Explanation – please read carefully before completing the financial capacity form**

### ***Simplified balance sheet and profit and loss account***

Candidates shall indicate if they are a profit or a non profit making company / organisation.

Within the form, financial data based on the company's /organisation's balance sheet are collected in a standardised form. Please find below a correspondence table giving an explanation on the regrouping of different accounts respecting the [4th Accounting Directive](#). You should complete this form carefully. Given its complexity, it is recommended that the form be completed by a professional accountant or an auditor. The data reported will be used to evaluate the financial viability of the company/organisation. Thus it is very important that data reported are accurate. The Commission may wish to cross check the data with those reported in the official certified accounts. For this purpose the Commission reserves the right to ask for further documentation during the evaluation process.

The amounts have to be filled out in euros ([use the exchange rate of the closing date of the accounts](#)).

### ***Abbreviations t-1 and t0***

The abbreviation *t0* represents the last certified historical balance sheet and profit and loss account; *t-1* is the balance sheet prior to the last certified one. Consequently, the *closing date t0* is the closing date of the last certified historical balance sheet; the *closing date t-1* is the closing date of the balance sheet prior to the last one. *Duration t0* is the number of months covered by the last historical balance sheet. *Duration t-1* is the number of months covered by the penultimate certified historical balance sheet.

BALANCE SHEET	CORRESPONDANCE 4 <sup>th</sup> ACCOUNTING DIRECTIVE	
ASSETS	ASSETS / 4th ACCOUNTING DIRECTIVE (Article 9)	
<b>1. Subscribed capital unpaid</b>	<b>A. Subscribed capital unpaid</b>	A. Subscribed capital unpaid (including unpaid capital)
<b>2. Fixed assets</b>	<b>C. Fixed Assets</b>	
2.1. Intangible fixed assets	B. Formation expenses as defined by national law C. I. Intangible fixed assets	B. Formation expenses as defined by national law C.I.1. Cost of research and development C.I.2. Concessions, patents, licences, trade marks and similar rights and assets, if they were: (a) acquired for valuable consideration and need not be shown under C (I) (3); or (b) created by the undertaking itself C.I.3. Goodwill, to the extent that it was acquired for valuable consideration C.I.4. Payments on account
2.2. Tangible fixed assets	C.II. Tangible fixed assets	C.II.1. Land and buildings C.II.2. Plant and machinery C.II.3. Other fixtures and fittings, tools and equipment C.II.4. Payment on account and tangible assets in course of construction
2.3. Financial assets	C.III. Financial assets	C.III.1. Shares in affiliated undertakings C.III.2. Loans to affiliated undertakings C.III.3. Participating interests C.III.4. Loans to undertakings with which the company is linked by virtue of participating interest C.III.5. Investments held as fixed assets C.III.6. Other loans C.III.7. Own shares (with an indication of their nominal value or, in the absence of a nominal value, their accounting par value)
<b>3. Current assets</b>	<b>D. Currents assets</b>	
3.1. Stocks	D.I. Stocks	D.I.1. Raw materials and consumables D.I.2. Work in progress D.I.3. Finished products and goods for resale D.I.4. Payment on account
3.2.1. Debtors due after one Year	D.II. Debtors, due and payable after more than one year	D.II.1. Trade debtors D.II.2. Amounts owed by affiliated undertakings D.II.3. Amounts owed by undertakings with which the company is linked by virtue of participating interest D.II.4. Others debtors D.II.6. Prepayments and accrued income
3.2.2. Debtors due within one year	D.II. Debtors due and payable within a year	D.II.1. Trade debtors D.II.2. Amounts owed by affiliated undertakings D.II.3. Amounts owed by undertakings with which the company is linked by virtue of

		participating interest D.II.4. Others debtors D.II.6. Prepayments and accrued income
3.3. Cash at bank and in hand	D.IV. Cash at bank and in hand	D.IV. Cash at bank and in hand
3.4. Other current assets	D.III Investments	D.III.1. Shares in affiliated undertakings D.III.2. Own shares (with an indication of their nominal value or, in the absence of a nominal value, their accounting par value) D.III.3. Other investments
<b>Total assets</b>	<b>Total assets</b>	

<b>LIABILITIES</b>	<b>LIABILITIES / 4th ACCOUNTING DIRECTIVE (Article 9)</b>	
<b>4. Capital and reserves</b>	<b>A. Capital and reserves</b>	
4.1. Subscribed capital	A.I. Subscribed capital A.II. Share premium account	A.I. Subscribed capital A.II. Share premium account
4.2. Reserves	A.III. Revaluation reserve A.IV. Reserves	A.III. Revaluation reserve A.IV.1. Legal reserve, in so far as national law requires such a reserve A.IV.2. Reserve for own shares A.IV.3. Reserves provided for by the articles of association A.IV.4. Other reserves
4.3. Profit and loss brought forward from the previous years	A.V Profit and loss brought forward from the previous years	A.V Profit and loss brought forward from the previous years
4.4. Profit and loss for the Financial year	A.VI. Profit or loss for the financial year	A.VI. Profit or loss for the financial year
<b>5. Creditors</b>	<b>C. Creditors</b>	
5.1.1 Long term non-bank debt	B. Provisions for liabilities and charges (> one year) C. Creditors (> one year)	B.1. Provisions for pensions and similar obligations B.2. Provisions for taxation B.3. Other provisions C.1. Debenture loans, showing convertible loans separately C.3. Payments received on account of orders in so far as they are not shown separately as deductions from stocks C.4. Trade creditors C.6. Amounts owed to affiliated undertakings C.7. Amounts owed to undertakings with which the company is linked by virtue of participating interests C.8. Other creditors including tax and social security C.9. Accruals and deferred income
5.1.2. Long term bank debt	C. Creditors "credit institutions" (> one year)	C.2. Amounts owed to credit institutions C.5. Bills of exchange payable
5.2.1. Short term non-bank Debt	B. Provisions for liabilities and charges (= one year) C. Creditors (= one year)	B.1. Provisions for pensions and similar obligations B.2. Provisions for taxation B.3. Other provisions C.1. Debenture loans, showing convertible loans separately C.3. Payments received on account of orders in so far as they are not shown separately as deductions from stocks C.4. Trade creditors C.6. Amounts owed to affiliated undertakings C.7. Amounts owed to undertakings with which the company is linked by virtue of participating interests C.8. Other creditors including tax and social security C.9. Accruals and deferred income
5.2.2. Short term bank debt	C. Creditors "credit institutions" (= one year)	C.2. Amounts owed to credit institutions C.5. Bills of exchange payable
<b>Total liabilities</b>	<b>Total liabilities</b>	

<b>PROFIT AND LOSS ACCOUNT</b>	<b>PROFIT AND LOSS ACCOUNT / 4<sup>TH</sup> ACCOUNTING DIRECTIVE (Article 23)</b>	
<b>6. Turnover</b>	<b>1. Net turnover</b>	
		1. Net turnover
7. Variation in stocks	2. Variation in stock of finished goods and in work in progress	2. Variation in stocks of finished goods and in work in progress
8. Other operating income	3. Work performed by the undertaking for its own purposes and capitalized. 4. Other operating income	3. Work performed by the undertaking for its own purposes and capitalized 4. Other operating income
9. Costs of material and consumables	5. (a) Raw materials and consumables 5. (b) Other external charges	5. (a) Raw materials and consumables 5. (b) Other external charges

10. Other operating charges	8. Other operating charges	8. Other operating charges
11. Staff costs	6. Staff costs	6. (a) Wages and salaries 6. (b) social security costs, with a separate indication of those relating to pensions
<b>12. Gross operating profit</b>	<b>Gross operating profit .</b>	
13. Depreciation and value adjustments on non financial assets	7. Depreciation and value adjustments on non financial assets	7. (a) Value adjustments in respect of formation expenses and of tangible and intangible fixed assets 7. (b) Value adjustments in respect of current assets, to the extent that they exceed the amount of value adjustments which are normal in the undertaking concerned
<b>14. Net operating profit</b>	<b>Gross operating profit - Depreciation and value adjustments on non-financial assets</b>	
15. Financial income and value adjustments on financial assets	Financial income and value adjustments on financial assets	9. Income from participating interests 10. Income from other investments and loans forming part of the fixed assets 11. Other interest receivable and similar income 12. Value adjustments in respect of financial assets and of investments held as current assets
16. Interest paid	Interest paid	13. Interest payable and similar charges
17. Similar charges	Similar Charges	
<b>18. Profit or loss on ordinary activities</b>	<b>Profit or loss on ordinary activities</b>	15. Profit or loss on ordinary activities after taxation
19. Extraordinary income and Charges	Extraordinary income and charges	16. Extraordinary income 17. Extraordinary charge
20. Taxes on profits	Taxes	14. Tax on profit or loss on ordinary activities 19. Tax on extraordinary profit or loss 20. Other taxes not shown under the above items
<b>21. Profit or loss for the financial year</b>	<b>Profit or loss for the financial year</b>	21. Profit or loss for the financial year

**Annex 5 FORM to be completed**

**Simplified balance sheet and profit and loss account for the determination of financial capacity**

Applicant name	<input type="text"/>	Type company	of	<input type="text"/>	<input type="text"/>
	<input type="text"/>		<input type="text"/>	Profit making	<input type="text"/>
	<input type="text"/>			Non profit making	<input type="text"/>
Closing date t0	<input type="text"/>	Duration t0	<input type="text"/>	months	
Closing date t-1	<input type="text"/>	Duration t-1	<input type="text"/>	months	

<b>Balance sheet</b>		
<b>Assets</b>	<b>t0 (in Euro)</b>	<b>t-1 (in Euro)</b>
1. Subscribed capital unpaid	<input type="text"/>	<input type="text"/>
<b>2. Fixed assets (2.1+2.2+2.3)</b>	<b>0</b>	<b>0</b>
2.1 Intangible fixed assets	<input type="text"/>	<input type="text"/>
2.2 Tangible fixed assets	<input type="text"/>	<input type="text"/>
2.3 Financial assets	<input type="text"/>	<input type="text"/>
<b>3. Current assets (3.1+3.21+3.22+3.3+3.4)</b>	<b>0</b>	<b>0</b>
3.1 Stocks	<input type="text"/>	<input type="text"/>
3.2.1 Debtors due after one year	<input type="text"/>	<input type="text"/>
3.2.2 Debtors due within one year	<input type="text"/>	<input type="text"/>
3.3 Cash at bank and in hand	<input type="text"/>	<input type="text"/>
3.4 Other current assets	<input type="text"/>	<input type="text"/>
<b>Total assets (1+2+3)</b>	<b>0</b>	<b>0</b>

<b>Liabilities</b>	<b>t0 (in Euro)</b>	<b>t-1 (in Euro)</b>
<b>4. Capital and reserves (4.1+4.2+4.3+4.4)</b>	<b>0</b>	<b>0</b>
4.1 Subscribed capital	<input type="text"/>	<input type="text"/>
4.2 Reserves	<input type="text"/>	<input type="text"/>
4.3 Profit and loss brought forward	<input type="text"/>	<input type="text"/>
4.4 Profit and loss for the financial year	<input type="text"/>	<input type="text"/>
<b>5. Creditors (5.11+5.12+5.21+5.22)</b>	<b>0</b>	<b>0</b>
5.1.1 Long term non-bank debt	<input type="text"/>	<input type="text"/>
5.1.2 Long term bank debt	<input type="text"/>	<input type="text"/>
5.2.1 Short term non-bank debt	<input type="text"/>	<input type="text"/>
5.2.2 Short term bank debt	<input type="text"/>	<input type="text"/>
<b>Total liabilities (4+5)</b>	<b>0</b>	<b>0</b>

**Profit and loss**

	<b>t0</b> (in Euro)	<b>t-1</b> (in Euro)
6. Turnover		
7. Variation in stocks		
8. Other operating income		
9. Costs of material and consumables		
10. Other operating charges		
11. Staff costs		
<b>12. Gross operating profit (6.+7.+8.-9.-10.-11.)</b>	<b>0</b>	<b>0</b>
13. Depreciation and value adjustments on non-financial assets		
<b>14. Net operating profit (12.-13.)</b>	<b>0</b>	<b>0</b>
15. Financial income and value adjustments on financial assets		
16. Interest paid		
17. Similar charges		
<b>18. Profit/loss on ordinary activities (14+15.-16.-17.)</b>	<b>0</b>	<b>0</b>
19. Extraordinary income and charges		
20. Taxes on profit		
<b>21. Profit/loss for the financial year (18.+19.-20.)</b>	<b>0</b>	<b>0</b>

## **ANNEX 6**



**EUROPEAN COMMISSION**  
DIRECTORATE-GENERAL ENVIRONMENT

DIR F- RESOURCES  
ENV.F.2 – Finance

*(Please fill in your address)*

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### **ACKNOWLEDGEMENT OF YOUR TENDER**

**Our reference:** ENV.C.4/SER/2009/0033

**Your reference:**

We wish to confirm the receipt and opening of your offer<sup>1</sup>. Your offer will now be evaluated by the Commission and its experts. You will be informed of the result in due course.

We thank you for your interest.

MarketsTeam  
DG ENV.F.2

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<sup>1</sup> Your personal contact data has been recorded in a database used by the Markets Team of unit ENV.F2 for the administrative management of offers. The Commission is bound by Regulation 45/2001 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies. For more information, and to exercise your rights to access and eventually correct data concerning you, please don't hesitate to contact us.

## **ANNEX 7**

### CHECK LIST

1. Administrative information form filled in
2. Financial offer duly signed
3. Legal entity form completed and signed
4. Declaration of the candidate's eligibility regarding exclusion criteria, completed, signed and dated
5. Supporting documents for selection criteria
6. Acknowledgement form with candidate's address
7. Technical bid
8. Possible annexes