

**CALL FOR TENDERS BY OPEN PROCEDURE RELATING TO AN
ASSESSMENT OF THE PUBLIC PROCUREMENT SYSTEM IN
ROMANIA**

N° CCI 2010CE16BAT026

TENDER SPECIFICATIONS

1. TITLE OF THE CONTRACT

Study on the assessment of the public procurement system in Romania.

Call for tenders by open procedure No 2010.CE 16BAT026.

2. PURPOSE AND CONTEXT OF THE CONTRACT

Introduction

Romania will benefit, during the period 2007-2013, of its first programming period under the Cohesion policy, for a budget of about 20 billion Euros, throughout six operational programmes.

Most of the beneficiaries are public authorities and are thus, together with some private beneficiaries, contracting authorities, as defined under article 1(9) of Directive 2004/18/EC and hence subject to this latter. Therefore, the large majority of projects financed under the Cohesion policy are procured, according to national legislation.

However, the management of the public procurement system raises serious concerns, commonly shared throughout Commission services. In particular, most of the tenders systematically generate numerous complains, causing bottlenecks and increasing backlogs in the institutions competent for managing remedies, and thus severe delays in the project cycle, at the prejudice of the absorption of Structural funds.

In addition, recent frequent modifications of the legal framework have undermined the afferent visibility and legal certainty, generating further difficulties, whereas the structure and independence of the key competent institutions still needs to be secured.

In this context, this study is launched with a view to assessing and improving the Romanian public procurement system, whose main features are summarized hereinafter.

Romania has entirely transposed into its legislation the applicable *acquis* during the accession process, monitored by the competent Commission services. It has also set up the corresponding institutional framework, and in particular :

- National Agency for Regulating and Monitoring Public Procurement (ANRMAP), competent for setting up and updating the national legislation, but also monitoring its implementation. This agency is also competent to fine the contracting authorities in case of infringement to the national legislation; it is also responsible for approving the tender documentation before publishing on the Electronic System for Public Procurement (SEAP)
- Unit for Verifying Public Procurement (UCVAP), established within the Ministry of Public Finance and disposing of deconcentrated offices in each County. It aims at verifying the regularity of procedures prior to the signature of contracts (ex-ante control) and providing implicit assistance to contracting authorities. To this end, its observers participate in some tendering committees based on a risk assessment approach ;
- National Council for Solving Complain (CNSC), competent, together with the judicial system, to manage the remedies, according to the corresponding Directive 2007/66/EC. Its decisions may be appealed before the judicial system (Courts of appeal).

The role of managing authorities, responsible for managing EU assistance granted through the Cohesion policy should also be underlined. According to the Regulation 1083/2006, they are responsible to check the compliance of the declared expenditure with the procurement rules. In that respect, agreements have been reached with UCVAP, with a view to rely on this latter's verifications.

Despite this legislative and institutional frameworks, numerous difficulties have been identified in the application of public procurement procedures, highlighted by the increase of complains and causing substantial delays in the implementation of projects, at the prejudice of the absorption of Structural Funds. In addition, the frequent recourse to negotiated procedures, including to modify existing contracts and the heterogeneous quality and intensity of market reply, raise some concerns.

In this context, the study should assess the situation in Romania regarding the implementation of public procurement, in order to identify the existing weaknesses and propose corresponding corrective actions and recommendations.

Objective

- Assessment of the public procurement system in Romania, regarding its capacity to efficiently regulate the market reply, as well as its transparency. Identification of legal, organisational and institutional weaknesses;
- Assessment of the capacity of contracting authorities to efficiently manage public procurement procedures and the quality of their outputs, completed by in depth evaluation of some specific contracts;
- Issuing of detailed recommendations to overcome the possible difficulties and weaknesses arising from the preliminary assessments.

3. SUBJECT OF THE CONTRACT

The study should assess the situation prevailing in Romania regarding public procurement, with a view to identifying misfunctions and weaknesses, regarding both the institutional framework, applicable procedures and the capacity of contracting authorities.

To this end, the analysis should first analyse the following aspects (**part A**):

1. **The coherence of the national legal framework relevant for public procurement** (including the remedies public procurement framework): The purpose is not to check the compliance with the EU Directives, but to verify the consistency and coherence between the primary and secondary national legal framework relevant for public procurement, the stability of this latter and the efficiency of the afferent dissemination, training and support mechanisms for all contracting authorities. In addition, the sectoral legislation often refers to accreditation and certification procedures. These practices should be listed and their compliance with the provisions of the article 52 of the Directive 2004/18/EC evaluated. The relevance and efficiency of the modifications introduced in the context of the economic crisis to accelerate public spending should also be evaluated (measures aiming at accelerating the tendering procedures in particular). The existence of provisions, within the overall legal framework, aiming at ruling possible conflict of interests, for officials involved in procurement procedures, should also be analysed;

2. **The consistency of the institutional framework:** To this end, the study should identify the various institutions competent in the framework of public procurement and report about the following :
 - a. Description of their competences, highlighting possible overlaps (notably regarding the controls and verifications responsibilities, involving UCVAP, ANRMAP, audit bodies, managing authorities and intermediate bodies);
 - b. The functioning of these institutions, evaluating their efficiency in the light of the internal procedures (quality and content of reports, internal supervision and cooperation, internal training);
 - c. The cooperation mechanisms used to share information and experience, improve the efficiency of controls, avoid overlaps and inconsistent approaches, identify risks and weaknesses or better target the need for support and training;

In a second step (**part B**), the study will carry out field investigations, assessing contracting authorities and specific procurement procedures. The afferent financing sources are not totally relevant in that respect, but some of the case studies should nevertheless consider contracts eligible for Union funding :

1. Assessment of contracting authorities, both at central and local levels and in various sectors. The purpose will be to evaluate their internal organisation related to the management of procurement procedures, identifying the corresponding weaknesses. In particular, the existence of procurement departments or officers, networking practices, availability of necessary documentation and expertise, appointment and expertise of tendering committees will be assessed. Their capacity to understand and apply the legal framework relevant for public procurement and related procedures will be scrutinized, together with the quality of their relations with the competent institutions, in terms of getting the expected support and assistance. To this end, at least 20 contracting authorities will be analysed, including at least one private contracting authority. Even if some national contracting authorities shall be investigated, mainly in transport sector, priority should be given to local contractors, covering a large range of local authorities or inter-municipal associations, in terms of size and sectoral responsibilities;
2. In parallel, discussions should be held with representative contractors, as potential tenderers, in order to understand the possible difficulties encountered by them regarding the access to procured contracts: quality of tendering documents, proportionality of selection criteria, transparency of the evaluation, time allocated to submit an offer.
3. This assessment should be completed by in depth evaluation of some specific contracts, launched after Romania's accession to the EU. The overall procurement cycle should be evaluated, regarding the accuracy and regularity of procedures and the corresponding delays :
 - a. Tendering notice and selection and award criteria, publication, time granted for providing bids. The relevance and regularity of selection and award criteria will be assessed, as well as their proportionality and non

discriminatory nature. The quality and clarity of tendering documents will also be evaluated;

- b. Efficiency of the market reply : quantity and quality (local and international) of tenderers applying and related prices. Comparison of these latter with expected comparable "standards";
- c. Evaluation mechanisms: possible complains raised and their outcome, analysing the underlying difficulties, possible observations from UCVAP, composition of the tendering committee, justification for awarding the winning bid, duration of the process;
- d. Possible addenda contracted during the implementation and afferent justification and conditions. The sample of contracts analysed will have to include several contracts having been subject to addenda;

At least 20 procured contracts should be evaluated with respect to the above considerations, in various sectors and covering both national and local tenders for works, supply and services contracts, in particular related to municipal services, should be included in the sample, as well as one works concession. Open, negotiated and restricted tenders should be considered, as well as some design and build contracts and framework contracts.

The third step should consider the capacity of the procurement system to efficiently regulate the economic activity and market reply (**Part C**) :

1. The availability of monitoring system, gathering data about the market reply for each tender, indicating the quality of the competition (quantity of bidders, corresponding prices and comparison with the expectable "standardized" prices) and also aiming at identifying possible regional or sectoral cartels, will be considered. With regard to this latter considerations, discussions with the Competition Council will also be organized. In order to highlight possible misfunctions, these aspects will be scrutinized in detail for an extensive sample of tenders launched since 2007 in two counties for two sectors to be selected in the study, as well as at national level, in the road and railway sectors, for works contracts;
2. The availability of relevant technical indexes, to be referred to for price indexation formula, should be duly considered and analysed. The current practices, in terms of price indexation, will be assessed to this end, exploring which existing indexes may be used in that respect.

Following this assessment, the study will issue detailed and operational recommendations, with a view to overcoming the difficulties identified, for each of the issues scrutinized (**Part D**) :

- a. Relevant legislative framework, including procedures and secondary legislation and norms,
- b. Possible adjustments in the institutional framework, aiming at avoiding overlaps and improving the efficiency of the concerned institutions, in the respect of their respective independence;
- c. Improvements of the capacity of contracting authorities to better manage procurement procedures, throughout the overall cycle;

- d. Setting up monitoring instruments, in order to monitor the outcome of the tendering procedures with a view to better identifying possible cartels, adjusting the procurement strategy and update the costs estimates for future projects;
- e. Developing a database of relevant index, regularly updated, with a view to elaborating tailored price indexation formula in the contracts. The additional indexes to be elaborated and published will be detailed, indicating the corresponding methodology and costs as well as the competent institution;

Those recommendations :

- a) Will be duly justified with regard to their capacities to address the different issues identified during the analysis stage and to the related improvement expected;
- b) Could be inspired, as far as relevant, from successful practices in other Member States with similar situations (with regard to institutional framework, level of administrative capacity)
- c) Will be quantified, with regard to their possible budgetary costs;
- d) Will have to be presented through a comprehensive action plan detailing : possible legislative measures, institutional and organisational improvements, review of financing and decisional mechanisms.

4. DURATION

The study will be executed within 10 months starting from the signature of the contract by the last contracting party . The deliverables and their timing are specified below.

5. REPORTS AND DOCUMENTS TO BE SUBMITTED

- A kick-off meeting will be organised in Bucharest with the participation of the Commission and relevant Romanian administrations shortly after the signature of the contract by the last party. A draft methodology report will be issued accordingly, to be presented during the kick off meeting and to be finalized not later than 15 days following this meeting, taking into account the comments issued and after being agreed by the Commission. It will detail – *inter alia*, the following :
 - o initial desk research
 - o the method of selecting (a sample of) the contracts to be scrutinized;
 - o the method of collecting and processing of other data with the description of the scope and structure of questionnaires or other forms to be used during the data collection;
 - o the method and expected results of the investigation of other existing sources of data;
 - o a detailed work plan for the entire duration of the study
- A first interim report will be submitted after 3 months from the signature of the contract, describing the legislative and institutional framework (**part A** of section *Subject of the contract*) and taking account of the comments made during the second coordination meeting;

- A second interim report will be submitted after 7 months from the signature of the contract, detailing the outcome of the field investigations (**part B** of section *Subject of the contract*) and taking account of the remarks made by the Commission during the third coordination meeting;
- The draft final report will be submitted within **9 months** from the date of signature of the contract, detailing the outcome of investigations regarding the regulation of market reply (**part C** of section *Subject of the contract*) and including the final analysis, with the draft recommendations (**part D** of section *Subject of the contract*).

The final report (including parts **A, B, C and D** of section *Subject of the contract*) will be submitted within 10 months from the date of signature of the contract, completing and amending the draft final report following the comments issued by the steering committee. This report will be accompanied by a short synthesis, summarizing the main findings, underlying the corresponding challenges are detailing the afferent recommendations.

Reports should be provided in English and Romanian in 5 paper copies as well as through electronic media.

A steering committee will be established to monitor the progress of the study, composed of representatives from the Commission and Romanian authorities.

The draft reports are to be sent to the Commission 5 working days before the meetings of the steering committee, as detailed in point 8.

The revised versions, taking into account the comments issued during the meetings of the steering committee, should be sent to the Commission at the latest 15 calendar days following these latter meetings. These reports are subject to approval by the Commission, prior to the payment of the afferent invoice, as detailed in point 12.

6. PARTICIPATION IN THE CONTRACT

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

The Multilateral Agreement on Government Procurement (GPA) concluded within the WTO applies and the contract is open to nationals of States that have ratified this Agreement, under the conditions provided for therein. The GPA does not cover all contracts awarded by the Institutions of the European Union. Appendix I to the GPA sets out which contracts are covered. The full text of the GPA and its appendices can be found on:

http://www.wto.org/english/tratop_e/gproc_e/gp_gpa_e.htm

As a rule subcontracting is allowed.

Consortia of economic operators are authorised to tender.

Subcontracting is allowed. The Commission is entitled to demand that the selection and exclusion criteria be applied not just to the tenderer but also to any subcontractors proposed (whether in the tender or during performance of the contract). The Commission is therefore entitled to validate the subcontractors proposed for performance of a contract.

7. DOCUMENTATION PROVIDED FOR TENDERERS

N.A.

8. MEETING/INFORMATION SESSIONS

At least five meetings will be held between the contractor and the steering committee or the Commission on the occasion of the kick off of the study, the presentation of the two interim reports and the presentation of the draft final report. Three meetings will be held in Bucharest and one in Brussels. The final report will also be presented in a meeting held in Brussels. The costs afferent to the participation of the contractor to these meetings will be borne by this latter

9. VARIANTS

N.A.

10. VOLUME OF THE CONTRACT

The maximum price for the contract is € 300 000 (lump sum, including fees, travel expenses and other costs).

11. PRICE

The attention of the tenderer is drawn to the following points in relation to the price:

- Prices must be fixed amounts and not subject to revision;
- The price tendered must be all-inclusive (i.e. travel and subsistence expenses) and expressed in euros, even for countries outside the euro zone. For bidders from such countries, the prices may not be subsequently revised to reflect movements in the exchange rate. The choice of which exchange rate to use lies with the tendering party, who accepts both the risks and opportunities of any fluctuations in this rate.
- The tender must include a separate estimate of travel and subsistence expenses, including possible travel necessary to meet Commission staff and Romanian administrations and will constitute, at all events, the maximum amount of subsistence and travel expenses payable for all services under the contract. These expenses must be included in the price quoted.
- The same principle applies to any specific expenditure incurred in the performance of the contract, such as the cost of translating reports into the languages indicated in the specification.
- Under Articles 3 and 4 of the Protocol on Privileges and Immunities of the European Union, the Union is exempt from any duties, taxes or charges, including VAT, and these should not, therefore, be taken into account when calculating the price quoted. Nevertheless, the VAT amount must be indicated separately.
- All costs incurred for the preparation of the tender are at the tenderer's expense and will not be reimbursed.

12. TERMS OF PAYMENT

The Contractor shall submit requests for all payment, expressed in euros, to the Commission.

Payments under the contract shall be made as follows :

- (a) A first interim payment equal to 15% of the total amount within 30 days of the date on which a valid request for payment is registered following approval by the Commission of the methodological report;

- (b) A second interim payment equal to 20% of the total amount within 30 days of the date on which a valid request for payment is registered following approval by the Commission of the first interim report,
- (c) A third interim payment equal to 35% of the total amount within 30 days of the date on which a valid request for payment is registered following approval by the Commission of the second interim report,
- (d) Payment of the balance equal to 30% of the total amount within 30 days of the date on which a valid request for payment is registered following the presentation of the final report in due time after approval by the Commission.

13. CONTRACTUAL CONDITIONS AND GUARANTEES

- For contractual conditions, see the contractual conditions in the attached draft contract;
- Guarantee: not applicable.

14. EXCLUSION CRITERIA

A. Exclusion from participation in the procedure:

Tenderers are excluded from participating in a procedure 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 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 authorities 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 carried out;
- 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 Union's financial interests;
- f.) they have, following another procurement procedure or grant award procedure financed by the Union's budget, been declared to be in serious breach of contract for failure to comply with their contractual obligations.

Evidence:

- 1) Tenderers shall provide a declaration on their honour, duly signed and dated, stating that they are not in one of the situations described above (annex II to Tender Specifications).
- 2) The **tenderer to whom the contract is to be awarded** shall provide, within 10 days preceding the signature of the contract, **the evidence** referred to in the following paragraph, confirming the declaration referred to in the previous paragraph.

- 3) The contracting authority will accept, as satisfactory evidence that the tenderer to whom the contract is to be awarded is not in one of the situations described in points A a), b) or e), an extract from the judicial record or, failing that, an equivalent document issued by a judicial or administrative authority in the country of origin or provenance, showing that those requirements are satisfied.

The contracting authority will accept, as satisfactory evidence that the tenderer is not in one of the situations described in point A d), a certificate issued by the competent authority of the Member State concerned.

Where no such document or certificate is issued by the country concerned and for other cases of exclusion referred to in cases c) and f) above, 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 or her country of origin or provenance.

These documents or certificates must be valid on the closing date for receipt of tenders, and in any case, they must have been delivered less than 12 months before this closing date.

Depending on the national legislation of the country in which the tenderer is established, the documents referred to in points 1 and 3 above must relate to legal persons and 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 tenderer.

B. Exclusion from award of the contract:

No contract will be awarded to tenderers who, at the time when contracts are being awarded under this procedure:

- a) have a conflict of interest. The Commission must ensure that the tenderer does not, at the time of submitting a tender, have any conflict of interest in connection with this call for tenders, a conflict of interest possibly arising in particular as a result of economic interests, political or national affinities, family or emotional ties, or any other relevant connection or shared interest. The Commission reserves the right to assess whether a conflict of interest exists.

To that end tenderers are asked to state whether their payroll, staff or shareholders include:

- any former European officials, contract staff, temporary staff or auxiliary staff who have worked for the European Union in the last three years preceding this call for tenders;
- any European officials on leave;
- any former agents on secondment within the European institutions having worked to the European Union during three years preceding this call for tender;
- any former trainees who have completed a placement at the EC during the year preceding this call for tenders.

Tenderers are also asked to declare:

- that they have not made and will not make any offer of any type whatsoever from which an advantage can be derived under the contract;
 - that they have not granted and will not grant, have not sought and will not seek, have not attempted and will not attempt to obtain, and have not accepted and will not accept, any advantage, financial or in kind, to or from any party whatsoever, constituting an illegal practice or involving corruption, either directly or indirectly, as an incentive or reward relating to the award of the contract;
 - that they will inform the contracting authority, without delay, of any situation constituting a conflict of interest or which could give rise to a conflict of interest.
- b) have been guilty of misrepresentation in supplying the information required by the contracting authority as a condition of participation in the contract procedure or have failed to supply that information.

Evidence:

The contracting authority will accept, as satisfactory evidence that the tenderer is not in one of the situations described in points B a) and b), a declaration on honour signed by the tenderer using the model shown in Annex II to the Tender Specifications. However, the Commission reserves the right to verify the information.

C. Tenders submitted by consortia

Where the tender is submitted by a consortium or by a contractor intending to subcontract part of the work or have it performed by another economic operator, the exclusion criteria defined above have to be fulfilled by each economic operator involved in the tender.

Evidence:

In the case of tenders submitted by consortia or groups of service providers, every economic operator in the tender, must provide a declaration on honour to prove that none of the exclusion criteria for participation or award of contracts applies to it.

The **tenderer to whom the contract is to be awarded** shall provide, within 10 days preceding the signature of the contract, **the evidence** referred to above, confirming the declaration on honour for every economic operator part of the consortia or group of service providers.

In the case of tenders involving subcontracting, the contractor to whom the contract is to be awarded shall provide, within 10 days preceding the signature of the contract, the evidence referred to above for the exclusion criteria for participation or award of contracts, confirming the declaration on honour for every subcontractor for which the Commission will request it.

15. SELECTION CRITERIA

Tenderers must certify that they have the legal position, the economic and financial capacity and the technical capacity to participate in this procurement.

Legal position – means of proof required

- a) Where the tenderer needs a specific authorisation or must be a member of a specific organisation in order to provide the services concerned in his country of origin, he must prove that he holds this authorisation or that he belongs to this organisation.
- b) The tenderer is required to furnish proof of his enrolment on the professional or trade register, or a sworn statement or certificate in accordance with the conditions laid down in the Member State in which he is established.

Economic and financial capacity – means of proof required

The tenderers must prove that they have the economic and financial capacity to carry out the tasks set out in the tender specifications throughout the duration of the contract. Proof of financial and economic standing must be provided by one or more of the following:

- appropriate statements from banks or evidence of professional risk indemnity insurance;
- the presentation of balance sheets or extracts from balance sheets for at least the last two years for which accounts have been closed, where publication of the balance sheet is required under the company law of the country in which the economic operator is established;
- a statement of overall turnover and turnover concerning the services covered by the contract during a period which may be no more than the last three financial years.

Technical and professional capacity – means of proof required

Technical capacity will be assessed on the basis of expertise, knowledge, efficiency, experience and reliability in the following areas:

- Sound knowledge of the Romanian context, with regard in particular to the institutional framework at national and local level;
- Experience in public procurement and in evaluation of public institutions;
- Capacity and reliability in data and information collection and treatment.
- Experience in formulating policy recommendations.

The following shall serve as proof:

- (a) Academic and professional qualifications of the service provider or contractor and/or those of the firm's managerial staff and, in particular, those of the person(s) responsible for providing the services (including a detailed presentation of the tenderer namely focused on its experience concerning the subject of the present invitation to tender; detailed curriculum vitae of each of the persons who participate in the conception and elaboration of the study specifying the different diplomas obtained (copies of which may be requested by the Commission where appropriate) and the expertise and experience relevant to the subject matter of the present invitation to tender);
- (b) a list of the principal evaluation work/surveys/market research undertaken in the past three years, with the sums, dates and recipients, public or private;
- (c) a description of the technical equipment and the measures employed to ensure the quality of services, and a description of the firm's study and research facilities;

- (d) a statement of the average annual manpower and the number of managerial staff of the service provider or contractor in the last three years;
- (e) an indication of the proportion of the contract which the service provider may intend to subcontract.

16. AWARD CRITERIA

The contract will be awarded to the tender that is **most economically advantageous**. This will be determined in the light of the price and the quality of the tender. The successful tender will be one providing a high level of quality (for which it will be given a mark) with the lowest ratio of total cost to the technical quality mark achieved. Tenders with a mark below 50% of available points will not be considered.

The quality of the tender will be assessed as a function of the following criteria - up to a maximum of 100 points, as follows:

- *Understanding of the tasks (15 %)*
- *Quality and relevance of the methodology (35%)*
- *Organisation of the work and planning (50 %)*

17. TENDER TO BE SUBMITTED BY THE TENDERER

Tenderers must include the following information in their replies:

- All the information and documentation needed to enable the contracting department to appraise tenderers/tenders on the basis of the exclusion, selection and award criteria.
- The price;
- Any other information and documentation required in the tendering documents.

Tenders may be written in any of the official languages of the European Union.

Tenders from the consortia of companies or groups of service providers must specify the role, qualifications and experience of each member or group.

The tenderer and each member of any consortia of companies or groups of service providers must provide the following: proof of eligibility for the contract, an assurance that there is no conflict of interest and the documents relating to the exclusion and selection criteria.

The previous provisions also apply to any subcontractors that may be involved in the tender. If this is the case, this should be explicitly explained, providing details on the tasks or services that the subcontractors will be called to carry out.

In case of tenders involving subcontractors, a letter of intent must be supplied by each subcontractor stating its unambiguous undertaking to collaborate with the tenderer if he wins the contract and the extent of the resources that it will put at the tenderer's disposal for the performance of the contract.

Tenders shall include a work programme containing a clear and detailed description of in particular the following elements:

1. A detailed methodology and the manner in which the research will be conducted, covering in particular:

- the relevance of the proposed methodology to the objectives of the study ;
 - the appropriateness of the size and composition (stratification) of the samples proposed for the analysis, indicating in particular: how the samples will be structured; how the tenderer will ensure that the size and composition of the samples will produce comprehensive, robust and reliable results;
 - the method of approaching public authorities, contracting authorities or economic operators (e.g. surveys, interviews, by telephone, by direct contact);
 - mechanism(s) to be applied in the event of any shortfall in the availability of source data (e.g. what will be done to ensure that data or information actually collected will permit the level of analysis required and explaining how any such shortfall will be made up).
2. The proposed organisation of work, as well as the resources in terms of time and personnel to be devoted to the various elements of the work, in particular:
- organisation of work and brief description of responsibilities of each person with managerial and non-managerial function in the team;
 - infrastructure to be established for the collection and elaboration of data (e.g. data extraction, translation, adequate follow-up) and any other technical equipment to be used while conducting the work.
 - Planning of work

Tenderers will also have to indicate how they envisage exercising the control over subcontractor(s), if any.

18. OPENING OF TENDERS

Tenders will be opened on **28.06.2010** at 10 o'clock a.m. at Avenue de Tervuren 41, 1040 Brussels (CSM2 building, room 0/54). Tenderers may be present at the opening of tenders. Each tenderer may take part or send a representative.

Annexes to the Tender specifications: I - Draft service contract

II. - Model for Declaration on honour