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**B-Brussels: measuring the impact of the changing regulatory requirements on administrative costs and administrative burden**

**2010/S 122-184832**

**Contract notice**

**Services**

**Section I: Contracting authority**

**I.1) Name, addresses and contact point(s):**

European Commission, Directorate-General for Regional Policy, REGIO C1, attention: Mr P. Berkowitz, CSM1 07/062, 1049Brussels, BELGIUM. Tel. +32 22968465. Fax +32 22988853. E-mail: regio-C1-Studies@ec.europa.eu

**Internet address(es):**

General address of the contracting authority: [http://ec.europa.eu/regional\\_policy/tender/tender\\_en.htm](http://ec.europa.eu/regional_policy/tender/tender_en.htm)

**Further information can be obtained at:**

As in abovementioned contact point(s).

**Specifications and additional documents (including documents for competitive dialogue and a dynamic purchasing system) can be obtained at:**

As in abovementioned contact point(s).

**Tenders or requests to participate must be sent to:**

As in abovementioned contact point(s).

**I.2) Type of the contracting authority and main activity or activities:**

European institution/agency or international organisation.

General public services.

The contracting authority is purchasing on behalf of other contracting authorities: no.

**Section II: Object of the contract**

**II.1) Description**

**II.1.1) Title attributed to the contract by the contracting authority:**

Measuring the impact of the changing regulatory requirements on administrative costs and administrative burden.

**II.1.2) Type of contract and location of works, place of delivery or of performance:**

Services.

Service category: No 11.

Main place of performance: out of premises of EC.

**II.1.3) The notice involves:**

A public contract.

**II.1.5) Short description of the contract or purchase(s):**

Assessing the impact of changing regulatory requirements on administrative costs and administrative burden of managing EU Structural Funds.

II.1.6) **Common procurement vocabulary (CPV):**  
79000000.

II.1.7) **Contract covered by the Government Procurement Agreement (GPA):**  
Yes.

II.1.8) **Division into lots:**  
No.

II.1.9) **Variants will be accepted:**  
No.

II.2) **Quantity or scope of the contract**

II.2.1) **Total quantity or scope:**

The maximum volume of the contract is 500 000 EUR (lump sum including fees, travel expenses and other costs).  
Estimated value excluding VAT: 500 000 EUR.

II.2.2) **Options:**  
No.

II.3) **Duration of the contract or time limit for completion:**  
Duration in months: 6 (from the award of the contract).

### **Section III: Legal, economic, financial and technical information**

III.1) **Conditions relating to the contract**

III.1.1) **Deposits and guarantees required:**  
Not applicable.

III.1.2) **Main financing conditions and payment arrangements and/or reference to the relevant provisions regulating them:**

The contractor shall submit requests for all payment, expressed in euros, to the Commission. Payments under the contract shall be made as follows:

- (1) 1st interim payment: 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 inception report (deliverable 1);
- (2) 2nd interim payment: 30 % 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 (deliverable 2) and of the previous deliverable;
- (3) payment of the balance equal to 50 % 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 final report (deliverable 4) and the organisation of the report's presentation (deliverable 5), and approval of the previous deliverables.

III.1.3) **Legal form to be taken by the group of economic operators to whom the contract is to be awarded:**

Tenders can be submitted by groupings of service providers/suppliers who will not be required to adopt a particular legal form prior to the contract being awarded, but may be required to do so after the award. However, a grouping of firms must nominate 1 party to be responsible for the receipt and processing of payment for members of the grouping, for managing the service administration, and for coordination. The documents required and listed in the following paragraph III.2 must be supplied by every member of the grouping. Each member of the grouping assumes a joint and several liability towards the Commission.

III.1.4) **Other particular conditions to which the performance of the contract is subject:**  
No.

III.2) **Conditions for participation**

III.2.1) **Personal situation of economic operators, including requirements relating to enrolment on professional or trade registers:**

Information and formalities necessary for evaluating if requirements are met:

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 the 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 3 years preceding this call for tenders,
- any European officials on leave,
- any former agents on secondment within the European institutions having worked for the European Union during the 3 years preceding this call for tenders,
- 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 of 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 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 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.

Selection criteria:

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.

**III.2.2) Economic and financial capacity:**

Information and formalities necessary for evaluating if requirements are met:

The tenderer 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:

— bank declarations,

— balance sheets or summarised balance sheets covering at least the last 2 years for which the accounts have been closed,

— a statement of general turnover or turnover relating to the services in question, covering the last 3 financial years.

**III.2.3) Technical capacity:**

Information and formalities necessary for evaluating if requirements are met:

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

— knowledge of the governance structures of Member States and those of the European Union,

— knowledge of the EU cohesion policy and its delivery,

— capacity of drafting and presentation of multi-country and multi-disciplinary analytical reports,

— basic knowledge of public accounts,

— experience of the coordination of a team of researchers.

The following shall serve as proof:

(a) the educational 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 or persons responsible for providing the services;

(b) a list of the principal services provided in the past 3 years, with the sums, dates and recipients, public or private;

(c) a description of the technical equipment and tools to be employed by the firm for performing a service or works contract;

(d) a statement of the average annual manpower and the number of managerial staff of the service provider or contractor in the last 3 years;

(e) proportion of the contract which the tenderer may intend to subcontract.

**III.2.4) Reserved contracts:**

No.

**III.3) Conditions specific to services contracts**

**III.3.1) Execution of the service is reserved to a particular profession:**

No.

**III.3.2) Legal entities should indicate the names and professional qualifications of the staff responsible for the execution of the service:**

Yes.

**Section IV: Procedure**

**IV.1) Type of procedure**

**IV.1.1) Type of procedure:**

Open.

**IV.2) Award criteria**

**IV.2.1) Award criteria:**

The most economically advantageous tender in terms of the criteria stated in the specifications, in the invitation to tender or to negotiate or in the descriptive document.

**IV.2.2) An electronic auction will be used:**

No.

**IV.3) Administrative information**

**IV.3.1) File reference number attributed by the contracting authority:**

2010CE16BAT030.

**IV.3.2) Previous publication(s) concerning the same contract:**

No.

**IV.3.3) Conditions for obtaining specifications and additional documents or descriptive document:**

Payable documents: no.

**IV.3.4) Time limit for receipt of tenders or requests to participate:**

9.8.2010 (17:00).

**IV.3.6) Language(s) in which tenders or requests to participate may be drawn up:**

Bulgarian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Irish, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish and Swedish.

**IV.3.7) Minimum time frame during which the tenderer must maintain the tender:**

Duration in month(s): 6 (from the date stated for receipt of tender).

**IV.3.8) Conditions for opening tenders:**

Date: 16.8.2010 (10:00).

Place: DG REGIO, CSM1 09/22, rue Père de Deken 23, 1040 Etterbeek, BELGIUM.

Persons authorised to be present at the opening of tenders: yes.

1 person per tenderer or a representative.

**Section VI: Complementary information**

**VI.1) This is a recurrent procurement:**

No.

**VI.2) Contract related to a project and/or programme financed by EU funds:**

No.

**VI.3) Additional information:**

As all the tendering documents and any additional information are available on the website of Regional Policy DG at the address [http://www.ec.europa.eu/regional\\_policy/tender/tender\\_en.htm](http://www.ec.europa.eu/regional_policy/tender/tender_en.htm) potential tenderers are requested to regularly verify the Internet website.

**VI.4) Procedures for appeal**

**VI.4.1) Body responsible for appeal procedures:**

General Court, rue du Fort Niedergrünewald, 2929 Luxembourg, LUXEMBOURG. Tel. +352 4303-1. Fax +352 4303-2100. E-mail: [cfi.registry@curia.europa.eu](mailto:cfi.registry@curia.europa.eu) Internet: <http://curia.europa.eu>

VI.5) **Date of dispatch of this notice:**  
16.6.2010.