



EUROPEAN COMMISSION
DIRECTORATE-GENERAL
REGIONAL POLICY
Policy development
Evaluation

Brussels, 09.08.2010*007187
REGIO.C.4./KS D(2010) 680219

Dear Sir/Madam,

**Subject: Call for tenders by open procedure n° 2010.CE.16.B.AT.041 –
Expert Evaluation Network delivering Policy Analysis**

1. I enclose the call for tenders relating to the above mentioned contract.
2. If you are interested in this contract, you should submit a tender in triplicate in one of the official languages of the European Union.
3. Bids must be submitted
 - a) either by post or by courier not later than **04/10/2010**, in which case the evidence of the date of dispatch shall be constituted by the postmark or the date of the deposit slip, to the following address:

European Commission
Directorate-General for Regional Policy,
Evaluation Unit,
CSM 1 – 4/123
B – 1049 Brussels

- b) or delivered by hand to the following address:

European Commission
Directorate-General for Regional Policy,
Evaluation Unit,
CSM 1 – 4/123

Exact address :
avenue du Bourget, 1
B-1140 Brussels (Evere)
Belgium

not later than the end of working hours on **04/10/2010**. In this case, a receipt must be obtained as proof of submission, signed and dated by the official in the Commission's central mail department who took delivery. The department is open from 08.00 to 17.00 Monday to Thursday, and from 8.00 to 16.00 on Fridays. It is closed on Saturdays, Sundays and Commission holidays.

4. Tenders must be placed inside two sealed envelopes. The inner envelope, addressed to the department indicated in the invitation to tender, should be marked as follows: **"Invitation to tender n° 2010.CE.16.B.AT.041 - not to be opened by the internal mail department"**. If self-adhesive envelopes are used, they must be sealed with adhesive tape and the sender must sign across this tape.

The inner envelope must also contain two sealed envelopes, one containing the technical specifications (*on paper plus a CD or DVD with a copy of those documents in electronic format -word or pdf-format*) and the other the financial bid. Each of these envelopes must clearly indicate the content ("Technical" and "Financial").

5. The specification, listing all the documents that must be produced in order to tender, including supporting evidence of economic, financial, technical and professional capacity and the draft contract are attached.
6. Tenders must be:
 - signed by the tenderer or his duly authorised representative;
 - perfectly legible so that there can be no doubt as to words and figures.
7. Period of validity of the tender, during which the tenderer may not modify the terms of his tender in any respect: 6 months from the date it was submitted.
8. Submission of a tender implies acceptance of all the terms and conditions set out in this invitation to tender, in the specification and in the draft contract and, where appropriate, waiver of the tenderer's own general or specific terms and conditions. It is binding on the tenderer to whom the contract is awarded for the duration of the contract.
9. Contacts between the contracting department and tenderers are prohibited throughout the procedure save in exceptional circumstances and under the following conditions only:

Before the final date for submission of tenders:

At the request of the tenderer, the contracting department may provide additional information solely for the purpose of clarifying the nature of the contract.

Any requests for additional information must be made in writing only to the attention of the Evaluation Unit, Regio-Directeur-C@ec.europa.eu.

Requests for additional information received less than five working days before the closing date for submission of tenders will not be processed.

The Commission may, on its own initiative, inform interested parties of any error, inaccuracy, omission or any other clerical error in the text of the call for tenders.

Any additional information including that referred to above will be sent simultaneously to all tenderers who have requested the specification and will be published at the internet address below.

Tendering documents are available on the website of Directorate General for Regional Policy at the following address:

http://ec.europa.eu/regional_policy/tender/tender_en.htm (including any additional information referred to above).

Potential tenderers are requested to regularly verify the internet website.

After the opening of tenders

If clarification is required or if obvious clerical errors in the tender need to be corrected, the contracting department may contact the tenderer provided the terms of the tender are not modified as a result.

10. This invitation to tender is in no way binding the Commission. The Commission's contractual obligation commences only upon signature of the contract with the successful tenderer.

Up to the point of signature, the contracting authority may either abandon the procurement or cancel the award procedure, without the candidates or tenderers being entitled to claim any compensation. This decision must be substantiated and the candidates or tenderers notified.

11. You will be informed whether or not your tender has been accepted.
12. If your offer includes subcontracting, it is recommended that contractual arrangements with subcontractors include mediation as a method of dispute resolution.
13. If processing your reply to the invitation to tender involves the recording and processing of personal data (such as your name, address and CV), such data will be processed pursuant to Regulation (EC) No 45/2001 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data. Unless indicated otherwise, your replies to the questions and any personal data requested are required to evaluate your tender in accordance with the specifications of the invitation to tender and will be processed solely for that purpose by Ms Veronica Gaffey, Head of Evaluation Unit, Directorate General for Regional Policy, e-mail: regio-eval@ec.europa.eu.

Details concerning processing of your personal data are available on the privacy statement at the page

http://ec.europa.eu/dataprotectionofficer/privacystatement_publicprocurement_en.pdf.

14. You are informed that for the purposes of safeguarding the financial interest of the Union, your personal data may be transferred to internal audit services, to the Court of Auditors, to the Financial Irregularities Panel and/or to the European Anti-Fraud Office (OLAF).

Data of economic operators which are in one of the situations referred to in Articles 93, 94, 96(1)(b) and 96(2)(a) of the Financial Regulation¹ may be included in a central database and communicated to the designated persons of the Commission, other institutions, agencies, authorities and bodies mentioned in Article 95(1) and (2) of the Financial Regulation. This refers as well to the persons with powers of representation, decision making or control over the said economic operators. Any party entered into the database has the right to be informed of the data concerning it, up on request to the accounting officer of the Commission.



Natalija Kazlauskienė
Director

p.o.

¹ Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 (OJ L 248 of 16.09.2002), as amended by Council Regulation (EC, Euratom) No 1995/2006 of 13 December 2006 (OJ L 390 of 30.12.2006)

EXPERT EVALUATION NETWORK DELIVERING POLICY ANALYSIS

Terms of Reference

1. TITLE OF CONTRACT

The full title of the contract is "**Expert Evaluation Network delivering Policy Analysis on the Performance of Cohesion Policy 2007-2013**".

2. OVERALL PURPOSE AND CONTEXT OF CONTRACT

The European Commission, Directorate-General for Regional Policy, is responsible for the European Regional Development Fund (ERDF) and the Cohesion Fund, which together during the 2007-2013 period will invest EUR 268 billion in the development of regions across 27 Member States, through 330 programmes under 3 objectives: Convergence, Regional Competitiveness & Employment and European Territorial Co-Operation.

While evaluation responsibilities are shared between the European Commission and the Member States, the Directorate-General for Regional Policy is accountable to the European Parliament and the European public at large for the resources spent. This increasingly includes an emphasis on the effects of Cohesion Policy: What was achieved as a result of the resources invested? What worked? What didn't? Why? What was the relative effectiveness of different interventions and why? What works in different contexts and why?

Member States are responsible for the ex-ante and ongoing evaluation of their programmes. Under the current regulations, Member States and regions, while not obliged, are encouraged to design their own plans for evaluation, deciding what to evaluate and when, according to their needs. At this stage, in mid 2010, evaluations are now taking place in most Member States. The amount and variety of evaluations will increase over time. New methods are also being tested in the context of the move away from only programme-wide evaluations (e.g., counterfactual impact evaluation, ex-post cost benefit analysis, more rigorous "realistic evaluation", etc.). The Commission wishes to encourage this development and highlight examples of good practice.

In this context, a key challenge for the Directorate-General for Regional Policy is to gather and synthesise where possible the results of evaluations and other policy analysis undertaken in the Member States. Such aggregation and synthesis is necessary to feed the policy debate on the performance of Cohesion Policy. A further objective is to highlight good practices in evaluation and encourage their wider use across the EU.

The Directorate-General for Regional Policy has therefore decided to launch an expert evaluation network, tasked to examine and synthesise evaluation results and undertake policy analysis at Member State level and then synthesise these to the EU level. A first contract covered the results of 2010.

The analysis produced by the expert network will be discussed with the Member States.

3. SUBJECT OF CONTRACT

The objective of this contract is to establish an expert evaluation network which will deliver policy analysis and evidence on the performance of Cohesion Policy programmes, based on the monitoring and evaluation work underway in the Member

States, analysing these results in the context of available statistical and policy research available.

This will be done through one contract with a lead contractor who will mobilise, co-ordinate and synthesise the work of the network. The lead contractor will sub-contract national experts.

The network will work in the years 2011-2013. Directorate-Regional for Policy will conclude a one year contract for 2011 that can be renewed twice by one year if the Directorate-General is satisfied by the quality of work delivered by the network.

3.1. Scope

The scope of this contract is the 316 Convergence, Regional Competitiveness and Employment, and European Territorial Co-Operation Objectives (cross border strand) across the 27 Member States of the European Union which are co-financed by the ERDF and the Cohesion Fund. The focus will be on evaluations undertaken by Managing Authorities and other research available within the Member States, programming documents and annual implementation reports, information held on the information systems of the Directorate-General for Regional Policy on financial and physical performance and statistical data available from Eurostat and other statistical sources.

3.2. Tasks

There are four tasks to be undertaken under this contract.

Task 1 – Thematic Policy Papers

For 2011, to co-ordinate the production of 27 policy papers (one for each country) on the topics of renewable energy and energy efficiency of residential housing and to produce a synthesis report.²

Literature review: The lead contractor will carry out a preparatory literature review on the following questions:

- Typical electricity prices and profitability rates for main types of renewable energies (water, wind, solar thermal and photo voltaic, bio fuel), differentiated by geographic aspects, and their development trends. Comparison to price of electricity produced from fossil energy sources.
- Financial, regulatory and institutional hurdles for improving the energy efficiency of residential housing.

The lead contractor will present basic statistic information for the theme under consideration such as share of renewable energy in primary energy consumption and electricity consumption, both at EU and Member State level.

² Articles 4, 5 and 6 of the ERDF regulation 1080/2006 refer to energy efficiency and renewable energies in the scope of assistance of ERDF as part of its goals for supporting sustainable integrated regional and local economic development;

The policy papers should answer the following questions:

1. What are the main measures to promote renewable energies in ERDF programmes? What are the main features of national policies of Member States to promote renewable energies? What is the relative importance of the ERDF investment in this field? Is there a difference, complementarity or overlap of instruments between ERDF measures and national measures?
2. What are the main measures to promote energy efficiency of residential housing in ERDF programmes? What are the main features of national policies of Member States to promote energy efficiency in residential housing? What is the relative importance of the ERDF? Is there a difference of instruments between ERDF measures and national measures?
3. For points 1 and 2: Do the ERDF programmes or their implementing instruments state a clear rationale for public intervention? Do Member States vary the rate of support depending on the profitability of supported measures (or potential for self-financing in the case of better energy efficiency of residential housing)?

It is anticipated that the relative importance of questions 1 and 2 will be different across Member States.

In addition to screening ERDF programmes, experts will use secondary literature to answer these questions and to validate findings by interviews with some few stakeholders and policymakers.

The synthesis report should collate and compare the results of the policy papers and in particular reflect on the findings in light of the different contexts involved.

The policy papers should be on average 10 pages long, while the synthesis report should contain a maximum of 40 pages.

The tender documentation should include a draft template for the policy papers and a description of the approach of the co-ordinating contractor to co-ordinate and quality assure the work. Draft annotated contents of the synthesis report should also be included in the tender, highlighting the important elements to be drawn out in the synthesis.

For 2012 and 2013, themes will be decided by the Commission in due course. Format and work volume will be similar. Examples of possible further themes are rural/urban/local development, climate change, financial engineering or major projects.

Task 2 – Country Reports on Achievements of Cohesion Policy

For each of the years 2011, 2012 and 2013, to co-ordinate the production of 27 **country reports** which should cover the following topics:

1. A synthesis and analysis of information on progress, achievements and changes of EU regional policy in the Member States. The synthesis and analysis will use the qualitative information in Annual Implementation Reports 2010 (2011, 2012) and quantitative information on financial and physical performance (outputs, results and impacts achieved). Reasons for variances compared to targets will be discussed drawing on commentary in the reports. Evaluations analysed under point 3 can deliver additional information.

The attention of tenderers is drawn to the fact that the number and volume of Operational Programmes varies considerably across Member States. This will affect the organisational and analytical approach to individual Member States.

Concerning Objective 3 (territorial co-operation), only cross-border programmes will be covered. The tender should suggest an efficient way of allocating cross-border programmes to country experts and make sure that there is an exchange of information between them on these programmes.

2. An analysis and interpretation of this information in the context of economic and political trends within the MS;
3. Analysis of and commentary on evaluation evidence available in the Member States:
 - a. Evaluations launched and produced in the 2007-2013 period (which evaluations, themes, main findings, which methods, general quality level),
 - b. Identification of good practice in analysed evaluations with an indication why (interesting method, good data, robustness of methods etc.).
 - c. Research or other evidence available within the Member States;

Evaluations analysed by the expert network in 2009 can be excluded.

In each year, a **synthesis report** will also be produced. The synthesis reports should cover the main topics above, including cross border cooperation, aggregating evidence where possible, but also identifying important trends taking place among groups of Member States or macro-regions. Specific examples of good practice in evaluation should be highlighted.

The country reports should be on average 30 pages long and the synthesis reports a maximum of 60 pages. In 2011, a pilot country report even if not complete (Annual Implementation Reports will not be available until early July 2011) will be provided at the time of the submission of the final synthesis report on energy efficiency.

The tender documentation should include:

- a draft template for the country reports.
- Draft annotated contents of the synthesis report.
- a description of the approach of the co-ordinating contractor to co-ordinate and quality assure the work,

The Commission will provide to the successful tenderer for the EU27:

- National Strategic Reference Frameworks,
- Operational Programmes,
- Annual Implementation Reports for 2010, 2011 and 2012, when available,
- Reports of the expert network for the year 2009,
- Financial and physical information from the information systems of the Directorate-General for Regional Policy.

National experts will need to source evaluations and other evidence available in the Member States and organise meetings with national and regional authorities and perhaps evaluators in the Member States to obtain further research and evidence and discuss findings. The tender documentation should estimate the extent of research required across the different Member States.

Task 2 is the main task of the contract. Task 1 is not a sub-task of task 2.

Task 3 – Expert Evaluation Network Meetings

For each of the years 2011, 2012 and 2013, to organise two one day meetings of the expert evaluation network, to discuss the draft synthesis reports and reflect on and deepen the analysis both of country and EU reports and papers through interchange of information and insights among experts. The agenda for these meetings will be prepared by the lead contractor in consultation with the Directorate-General for Regional Policy. Draft agenda for the two meetings in 2011 should be included in the tender documentation.

In each of the years 2011, 2012 and 2013 another two meetings will be dedicated to the discussion of the two synthesis reports of tasks 1 and 2 with the senior management of DG Regional Policy. Only the lead contractor and some few additional experts are required to participate.

Task 4 - Expert review of selected evaluations and studies

In the current programming period 2007-13 Member States carry out evaluations during the programming period according to their needs. Academic research can also be relevant for Structural Fund programmes. The Directorate-General for Regional Policy wishes to make such knowledge accessible to an interested audience and to organise an expert review of the methodological robustness of selected evaluations and studies.

The task includes the following steps:

- In each of the years 2011, 2012 and 2012 the Commission will select evaluations or studies that after a first review are deemed to meet certain quality standards. Evaluations of good quality identified by the expert network under task 2 will be of special interest. In 2011, up to seven evaluations will be selected, up to ten in 2012 and 2013.
- The contractor will subcontract three experts for a review of the methodological robustness of these studies. The experts will need to have a solid academic reputation in terms of methodology, both quantitative and qualitative. The selection of experts will be agreed with the Commission services. Typically, the experts will be different from the experts carrying out tasks 1 and 2 of this contract.
- The contractor will prepare and agree a short assessment grid and a rating with the experts and the Commission. Based on this, experts are expected to write up and to exchange with each other a short assessment of each study.
- In each of the years, 2011, 2012 and 2013, the experts will meet as a panel to agree on a judgment. The contractor will act as secretary to the panel. Costs linked to the panel meeting, including travel costs, will be born by the contractor. The Commission can provide meeting facilities in Brussels (a meeting in Brussels is not required, though). The tender will suggest number and agenda of panel meetings in 2011.
- For each evaluation or study, the contractor will write up an abstract, when missing, a summary (up to four pages) and the judgement of the panel (all documents in English).
- For studies not available in a language understood by all three experts, the contractor will produce summaries of the studies to be examined in an appropriate language (up to 15 pages). In addition, the contractor will subcontract one additional expert

with an excellent knowledge of the language involved. The additional expert can be the same expert carrying out tasks 1 and 2. All studies might require this approach.

3.3. Time Schedule and Deliverables

The duration of the tasks will be from 1 January 2011 to 31 December 2011. If the contract is renewed as mentioned above in section 3, "Subject of contract", the timetables for 2012 and 2013 will be similar to the example of the year 2011.

Timetable for 2011

Deliverable/Meeting	Deadline
Inception Report	1 February 2011
Steering Group Meeting	Mid February 2011
Literature review	Mid March 2011
27 draft Thematic Policy Papers & draft Synthesis Report	End May 2011
Steering Group Meeting and meeting of the network	June 2011
Meeting of expert panel under task 4	Second half of the year
Finalised Policy Papers and Synthesis Report and pilot country report	End July 2011
27 draft Country Reports	Mid October 2011
Draft Synthesis Report	End October 2011
Steering Group Meeting and meeting of the network	November 2011
Finalised Country Reports and Synthesis Report	December 2011

The **Inception Report** will outline the approach to all tasks of the contract. Specifically, the report should include for each of Tasks 1 and 2:

- lists of documentation and analysis to be provided at central level and what must be obtained by the national experts,
- guidance on how many interviews should be undertaken for the national work and with what type of stakeholders,
- templates for gathering data and structuring analysis, and
- guidance on how to move from completed templates to policy papers and country reports, respectively.

For Task 3, the Inception Report should contain the developed annotated contents for the Synthesis Reports and an approach to maximising the added value of the network meetings. For the years 2012 and 2013, no inception reports are expected. Instead, working instructions for task 1 and, if necessary, amended instructions for task 2 will be drawn up by the central team in due course.

The other deliverables for 2011 are the **27 Policy Papers on Energy Efficiency and Renewable Energy**, one for each Member State and a **Synthesis Report**; the **27 Country Reports on the achievements of Cohesion Policy** and a **Synthesis Report**, and the **documentation** for the work of the **expert panel** as described under task 4. Similar deliverables are expected for 2012 and 2013.

One hard copy and an electronic version (Word format and PDF format or equivalent application compatible with MS Office) of each final policy paper and country report are required. For synthesis reports three hard copies and an electronic version (Word format and PDF format or equivalent application compatible with MS Office) are required.

The lead contractor will provide presentation material for each of the synthesis reports in English (PowerPoint or equivalent application compatible with MS Office) for the use of Commission services.

All reports will be delivered in English. **Tenderers should note that a high standard of written English and capacity for clear and concise expression of complex ideas is required in all deliverables.** The two synthesis reports for each year will have executive summaries in English, French and German.

The quality of the synthesis reports will be assessed by the Commission services using the quality criteria from the GUIDE to the evaluation of socio-economic development. These can be found in Part 2 of the GUIDE at www.evaled.info. The assessment of the quality will be published by the Commission.

3.4. Organisation of the Network

There will be a single contract with the Directorate-General for Regional Policy for this work. As part of the tender documentation, the team to form the network should be identified, describing their skills and qualifications, quantifying the input of each member of the team in terms of days per task. An expert to participate in network meetings will be nominated for each country. However, more than one expert may be involved in undertaking the analysis in larger Member States. These individuals should have a sound background in economics and regional development. The tenderer should demonstrate that the team has the capacity to work in the different fields and languages needed. The final selection of individual experts will be subject to agreement with the Directorate-General for Regional Policy once a contract is signed with the successful tenderer.

The tender documentation should clearly outline the inputs of the individual country experts and the co-ordinating contractor and the quality assurance role to be played by the co-ordinating contractor.

The Directorate-General for Regional Policy will establish a steering group representative of the relevant Directorates of the Directorate-General as well as other interested Directorates General. The evaluator will provide documentation for and attend 3 meetings of the steering group in 2011 and two steering group meetings in 2012 and 2013. It is anticipated that the meetings will take place in order to discuss the inception report (2011 only), the policy papers and their synthesis, and the country reports and synthesis. In addition, the contractors should make provision to attend a kick-off meeting and 3 progress meetings per year (to be organised when need arises) to be held in the offices of the Directorate-General for Regional Policy.

The reports from the expert network will be presented to and discussed with the Directorate-General for Regional Policy's network of Member State representatives responsible for evaluation.

The Commission will provide the documentation listed under point 3.2, Task 2 above to the successful tenderer. These reports are usually in the language of the Member State concerned.

4. PARTICIPATION IN THE TENDERING PROCEDURE

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 Communities a specific agreement in the area of public contracts, under the conditions provided for in that agreement.

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

As a rule subcontracting is allowed.

Consortia of economic operators are authorised to tender or be candidates.

5. DOCUMENTATION FOR TENDERERS

None

6. VISITS TO PREMISES OR BRIEFING

Not applicable.

7. VARIANTS

Not authorised.

8. VOLUME OF CONTRACT

EUR 1,300,000 maximum for 2011 (lump sum, including fees, travel expenses and other costs). If the contract is renewed as described under section 3, "Subject of the contract" the same maximum volume applies. The renewal is subject to the availability of budgetary means on the side of Directorate-General for Regional Policy.

9. PRICE

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

- The price quoted must be fixed and not subject to revision.
- Under Articles 3 and 4 of the Protocol on the Privileges and Immunities of the European Union, the Union is exempt from all charges, taxes and dues, including value added tax; such charges may not therefore be included in the calculation of the price quoted; the VAT amount must be indicated separately.
- The price tendered must be all inclusive and expressed in euros, including for countries which are not part of the euro zone. For tenderers in countries which do not belong to the euro zone, the price quoted may not be revised in line with exchange rate movements. It is for the tenderer to select an exchange rate and assume the risks or the benefits deriving from any variation.

- The price quoted must include a separate estimate for travel and subsistence expenses. This estimate must be based on the standard Commission rules (published on Inforegio). It must include any travel necessary to meet the contracting authority, and represents, at all events, the maximum amount of travel and subsistence 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. These expenses must be included in the price quoted.
- Costs incurred in preparing and submitting tenders are borne by the tenderers and cannot be reimbursed.

10. TERMS OF PAYMENT

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

Payments under the contract for 2011 shall be made as follows:

- **A first 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 inception report as specified above.
- **A second interim payment** equal to 40 % 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 policy papers and respective synthesis report as specified above.
- **Payment of the balance** equal to 40 % 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 country reports, the respective synthesis report and the previous deliverables.

If the contract is renewed as described under section 3, "Subject of the contract" payments shall be made as follows:

- **A first interim payment** equal to 40 % 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 policy papers and respective synthesis report as specified above under task 1.
- **A second payment** equal to 40 % 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 country reports and respective synthesis report.
- **Payment of the balance** 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 documents linked to the expert panel described under task 4 and previous deliverables.

11. CONTRACTUAL TERMS AND GUARANTEES

- For contractual conditions, see the contractual conditions in the attached draft contract.
- Guarantees: A performance guarantee equal to 5 % of the total amount of the contract shall be issued by a bank, an authorised financial institution or a third party in favour of the Commission and shall be released after payment of the balance.

12. CRITERIA

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 European Union's financial interests;
- (f) they have, following another procurement procedure or grant award procedure financed by the European 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.

* The model declaration on honour published with this call covers all exclusion criteria.

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), 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 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 their honour** signed by the tenderer. However, the Commission reserves the right to verify the information.

C. Tenders submitted by consortia or groups of service providers – tenders involving subcontracting

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 groups of service providers.

* The model declaration on honour published with this call covers all exclusion criteria.

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.

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:

- bank declarations;
- balance sheets or summarised balance sheets;
- a statement of general turnover or turnover relating to the services in question, covering the last three financial years.

Technical capacity – means of proof required

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

- The theory and practice of socio-economic analysis and evaluation;
- Knowledge of fundamental features of cohesion policy and its constituent areas of intervention;
- The drafting and presentation of analytical reports;
- The manipulation and analysis of data;
- Capacity to produce good quality texts in English.

Proof of the above may be furnished by means of:

- i) Academic and professional qualifications held by the service provider and, in particular, by the person(s) to be responsible for the services;

- ii) Main services provided over the past three years, together with details of values, dates and public or private recipients involve;
- iii) Tenderer's average annual manpower and number of managerial staff over the past three years;
- iv) Technical plant and equipment, office-automation and computer equipment available to the tenderer for performing the services;
- v) Company's study and research facilities;
- vi) Proportion of the contract which the tenderer may intend to subcontract.

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 the tender with the lowest ratio of total cost to the quality mark achieved. Tenders with a mark below 50% of available quality points will not be considered. The quality of the tender will be assessed as a function of the following criteria:

- Understanding of the Terms of Reference and appropriately expanding it to the tasks (20%)
- Appropriateness and quality of the methodology for Tasks 1, and 2:
 - a. Method for the Policy Papers, including quality of template (20%),
 - b. Method for the Country Reports, including quality of template (20%),
 - c. Methods to be used for synthesising Member State papers and reports (20%),
- Quality of planning of human resources and work organisation, including co-ordination and quality assurance measures and special attention to the organisation of task 4 (20%).

13. TENDERS

General comments

- The tender consists of all the documents referred to in this section.
- It may be drafted in any of the official languages of the European Union.
- Tenders from consortiums of firms or groups of service providers must specify the role, qualifications and experience of each of the members or of the group.
- Proof of eligibility, a declaration that there are no conflicts of interest, and documents on exclusion and selection criteria must be supplied by each member of the consortiums of firms or groups of service providers submitting a single tender.
- All the documents required for the evaluation (exclusion, selection and award criteria) must be indicated, e.g. in a list.

- It is strongly recommended that a clear distinction be made between documents required under the exclusion, selection and award criteria respectively so as to avoid the risk of criteria being confused when tenders are evaluated. Similarly it should be stated which of the criteria each document is intended to satisfy.

14. OPENING OF TENDERS

Tenders will be opened on **11/10/2010** at **10:00** am at CSM1 9/22, Directorate-General for Regional Policy, rue Père de Deken n° 23, 1040 Brussels. Tenderers may be present at the opening of tenders. Each tenderer may take part or send a representative.

