



EUROPEAN COMMISSION

DIRECTORATE-GENERAL

REGIONAL POLICY

Austria, Czech Republic, Germany, the Netherlands, Slovakia, Slovenia

The Director

Brussels, **13.08.2010\*007367**  
DG REGIO F2/DP/ vk D(2010)790215

Dear Sir/Madam,

**Subject: Call for tenders by open procedure n° 2010.CE.16.O.AT.050 –  
"Comparative study of the project selection process applied in  
cohesion policy programmes 2007 – 2013 in a number of Member  
States".**

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 **29 September 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,  
Unit F.2 Czech Republic  
CSM 2 – 05/094  
B – 1049 Brussels

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

European Commission  
Directorate-General for Regional Policy,  
Unit F.2 Czech Republic  
CSM 2 – 05/094

**Exact address :**

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

not later than the end of working hours on **29 September 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.O.AT.050 - 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-*) 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 Directorate F - Unit Czech Republic, regio-republique-tcheque@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](http://ec.europa.eu/regional_policy/tender/tender_en.htm).

**Potential tenderers are requested to regularly verify the internet website.**

After the opening of tenders

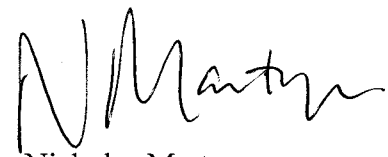
If clarification is required or if obvious clerical errors in the tender need to be corrected, the contracting department may contact the tenderer provided the terms of the tender are not modified as a result.

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 the entity acting as data controller (Unit F2 of Directorate-General for Regional Policy). 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](http://ec.europa.eu/dataprotectionofficer/privacystatement_publicprocurement_en.pdf)
14. You are informed that for the purposes of safeguarding the financial interest of the Communities, your personal data may be transferred to internal audit services, to the European 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 Regulation 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.



Nicholas Martyn

## Specifications

### 1. TITLE OF CONTRACT

Comparative study of the project selection process applied in cohesion policy operational programmes 2007 – 2013 in a number of Member States

### 2. OVERALL PURPOSE AND CONTEXT OF THE EVALUATION

The European Commission, Directorate-General for Regional Policy (DG REGIO) intends to undertake a **comparative study of the project selection process** under 3 themes across 14 cohesion policy operational programmes financed by the European Regional Development Fund during the programming period 2007-2013 in 6 EU Member States, as follows:

	Research & Development – Technology transfer	Innovations in the SMEs	Urban Regeneration	Number of OPs
<b>Austria</b>	OP Styria	OP Styria	OP Vienna	2
<b>Czech Republic</b>	OP Research and Development Innovations for	OP Enterprise and Innovations	Regional OP Moravia-Silesia	3
<b>Germany</b>	OP Saxony	OP Hessen	OP Brandenburg	3
<b>Netherlands</b>	OP East Netherlands	OP East Netherlands	OP West Netherlands	2
<b>Slovakia</b>	OP Research and Development	OP Competitiveness and Economic Growth	Regional OP for Western, Central and Eastern Slovakia	3
<b>Slovenia</b>	OP Strengthening of Regional Development Potentials	OP Strengthening of Regional Development Potentials	OP Strengthening of Regional Development Potentials	1
<b>Total</b>				<b>14</b>

In accordance with the principle of shared management between the Commission and the Member States, each Member State is responsible for establishing management and implementation systems of the operational programmes, which includes also project selection<sup>1</sup>. The project selection is partly based on requirements laid down by cohesion policy regulations and partly by the institutional and administrative context specific to each Member State. It demonstrates – on the one hand – many common patterns across the EU. On the other hand, the way it operates in practice and how it is integrated into

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<sup>1</sup> For the purpose of these Terms of Reference, the term "project" is used as equivalent of the term "operation" as defined in Art.2 of the Council Regulation (EC) 1083/2006 (General Regulation).

broader national and regional systems varies, due to the diversity of institutional and administrative context, e.g. organisational culture, historical settings, socio-economic circumstances, particularities of national legislations.

EU regulations governing cohesion policy<sup>2</sup> during the period 2007 – 2013 define the managing authority (MA) as a body responsible for managing and implementing an operational programme in accordance with the principle of sound financial management. This also includes a guarantee that operations are selected for funding in accordance with the criteria applicable to the operational programme and that they comply with applicable community and national rules for the whole of their implementation period. For the purposes of the selection of operations, the managing authority shall ensure that beneficiaries are informed of specific conditions concerning the products or services to be delivered under the operation, the financing plan, the time-limit for execution and the financial and other information to be kept and communicated. The MA shall satisfy itself that the beneficiary has the capacity to fulfil these conditions before the approval decision is taken. Apart from the MA, the monitoring committee also plays an important role in the whole process, as it shall consider and approve the criteria for selecting the operations financed.

Finally, the beneficiaries are key players in the process, who need to prepare the projects in accordance with the managing authority's requirements and submit their applications. At the end, the success of each programme's implementation in terms of achieving its objectives and targets is primarily based on the projects selected, approved and then implemented.

Results of the study will especially be used to help inform preparation and implementation of the next programming period of cohesion policy after 2013.

### **3. SCOPE AND SUBJECT OF CONTRACT**

The scope of this comparative study shall include all aspects of the project selection process ranging from formulation of the selection criteria through calls for projects (or similar act by the MAs), preparation of project application by the beneficiaries and their submission to the MA, assessment of the applications and project selection (approval or rejection) by the MA. All references to the project selection process in these Terms of Reference shall be understood as comprising the abovementioned activities.

The objectives of the study are

- To assess the efficiency of the project selection process (i.e. carrying out selection process with least resources and without delays) including in terms of administrative costs linked with the project selection
- To assess the effectiveness of the project selection process (i.e. selecting the projects best fulfilling the objectives of the operational programmes).
- To identify good practice examples for each chosen theme across the six Member States both in terms of efficiency and effectiveness and to propose recommendations that could serve all EU-27 for post 2013 policy design.

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<sup>2</sup> Commission Regulation (EC) No 1828/2006 as last amended by Regulation (EC) No 846/2009, Art. 5 and 13 in particular.

The analysis will be at the level of Member States listed under the point 1 and at the level of the chosen themes.

### 3.1. Tasks

The objective of the study gives rise to a number of tasks to be undertaken by the consultant and taking into account the methodological approach referred to in section 3.2:

**Task 1:** To establish an overview of selection procedures separately for each theme across the Member States based on available documents (for example: operational programmes, selection criteria, description of management and control systems, guidance documentation provided to beneficiaries) focusing on the following aspects:

- Institutional and administrative context
- Structure and details of selection method (including selection criteria and the process of their approval)
- Establishment and composition of bodies responsible for selection of operations (e.g. evaluation committees)
- Guidance and support provided to potential final beneficiaries

**Task 2:** To review and analyse the practical application of the selection methods in each Member State separately for each theme.

This task should provide an assessment of selection procedures from the point of view of Managing Authorities as well as project beneficiaries.

The consultant will:

- Conduct interviews with the Managing Authorities for the programmes (and/or bodies delegated by Managing Authorities to carry out the project selection) and representative sample of beneficiaries to receive their feedback/opinion on the project selection process, including their potential recommendations for improvement.
- Carry out a survey through questionnaires addressed to project beneficiaries to assess the project selection process from the point of view of project beneficiaries
- Analyse all available documents and data collected via questionnaires and interviews and, combined with expert opinions, answer the following questions:
  - What is the availability, suitability, quality and "user-friendliness" of the national eligibility rules and guidance provided by the Managing Authorities (or delegated bodies) to potential beneficiaries during the entire process until the project selection?
  - What is the overall efficiency of the project selection process for each theme and Operational Programme? How might the project selection process be simplified in order to minimise the administrative burden for the beneficiaries without potential negative impacts on sound financial management or achievement of Cohesion policy and programme objectives?
  - What is the overall effectiveness of the project selection process for each theme and Operational Programme? How extensive and complex is the project application form, including its annexes, to be completed by

potential beneficiaries? How transparent/complex/efficient is the evaluation process of projects/operations submitted?

- Assess the administrative burden that final beneficiaries face during the whole project selection process. Quantitative criteria will be introduced (for example costs of the entire selection procedure as defined in Chapter 3, duration of the process etc.)

**Task 3:** Provide a qualitative analysis and comparison across themes and across countries of findings obtained during the field research. For each theme, the consultant will:

- identify good practice of the project selection process, including selection criteria,
- provide conclusions and recommendations that could serve all EU-27. The conclusions and recommendations must be done per theme across Member States concerned.

The result of all the three above mentioned tasks should be a document (maximum 150 pages) including analytical work, conclusions and recommendations for each theme and Member State concerned. An Executive Summary of maximum 25 pages will constitute a separate part. These documents have to be provided in the English language.

### **3.2. Methodology**

The study should be based on a sound methodological approach to be explained in the Consultant's offer for each of the above-mentioned tasks.

The following combination of methodologies should be used:

- Desk research including documents review

This will involve a review of a number of documents (*operational programmes, description management and control systems, guidance and support documents provided to beneficiaries etc.*) as well as other documents as suggested by the Commission, Managing Authorities or identified by the contractor (*such as selection criteria etc.*). This review will also include a part on documents/elements required to be provided by beneficiaries during the selection process.

- Fieldwork: interviews with key stakeholders

Key stakeholders to be interviewed in relation to the study are national and regional administrations in charge of cohesion policy programmes as well as other stakeholders as suggested by the Commission or identified by the contractor. Interviews with a representative sample of beneficiaries on the basis of pre-agreed questionnaires for beneficiaries should be foreseen and this aspect of the approach should be specified in the Consultant's offer. Among others, the questionnaires must include questions as: What aspects are included in the selection process? What parts of the project applications are the most difficult to complete by final beneficiaries? What requests

are the most difficult to comply with by final beneficiaries? What type of guidance/support is the most effective?

As a minimum, 50 completed questionnaires and 20 interviews with beneficiaries for each OP under the "Innovations in SMEs" theme are envisaged, as well as 10 completed questionnaires and 5 interviews with beneficiaries for each OP under the "Research & Development – Technology transfer" and "Urban Regeneration" themes. The number of questionnaires and interviews may in exceptional cases be decreased due to serious implementation difficulties after prior approval by the Commission.

### 3.3. Time Schedule and Deliverables

The duration of the tasks is **nine months** starting from the signature of the contract. Main deliverables and their timing are specified below:

#### Reports and meetings required by the Terms of Reference

End Month	Main Deliverables	Meeting
1 week after signature		Kick-Off Meeting with DG REGIO
1	Inception Report	Meeting with Steering Group
3	Report on desk study + progress report	Meeting with Steering Group
6	Draft Final Report	Meeting with Steering Group
8	Final Report + presentation to the EC services	Meeting with Steering Group
9	Presentation to MS concerned	

#### • Deliverable 1: Inception Report

The contractor will provide a short report (20 pages) outlining the methodology to be used for deliverables 2-4, and providing draft questionnaires and reporting formats:

- methodology
- draft questionnaires
- draft questions for interviews
- identification of interviewees
- draft outline for final report (and presentation)

Deadline: one month after the signature of the contract

#### • Deliverable 2: Report on desk study + progress report on interviews

The contractor will provide a report on all activities under task 1 (no more than 40 pages excluding annexes) and a progress report on the results of work under task 2 to date.

Deadline: three months after the signature of the contract

- **Deliverable 3: Draft Final Report + presentation to the steering committee,** including all activities under three tasks structured per theme as well as per country;

This Report will have the same structure as the Final Report.

Deadline: six months after the signature of the contract

- **Deliverable 4: Final Report including an Executive Summary** (not more than 25 pages) + a presentation to European Commission services

Deadline: eight months after the signature of the contract

- **Deliverable 5: A single one day presentation of the collected results to the Member States concerned**

Deadline: nine months after the signature of the contract

All reports need to be delivered in English in a hard copy (5 copies) and an electronic version (WORD format and pdf format or other application compatible with MS Office).

**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.**

### **3.4. Organisation of the Study**

The study will be organized on the basis of a single contract with DG REGIO. As part of the tender documentation, the contractor should identify the team to be involved, describe their skills and qualifications and quantify the input of each member of the team in terms of days and explain the distribution of tasks between the different experts involved. The contractor has to prove that the team has the capacity to work in the different fields and languages needed.

DG REGIO has established a steering group representative of the units concerned within this directorate-general. The contractor will be required to attend a kick-off meeting with the steering group in Brussels at the start of the assignment. The meeting will enable the consultant to present his proposed working timetable and clarify any issues relating to these Terms of Reference. The contractor will then provide documentation for and attend 3 meetings of the steering group in accordance with time schedule outlined above. It is anticipated that the meetings will take place in order to discuss the Inception Report, Report on desk study and draft Final Report.

The Commission will provide most of the following documentation or access to: Operational Programmes, description of Management and Control Systems, selection criteria (usually available in the language of the Member State concerned only). Some necessary documentation may be accessible to the contractor from Member States only. Therefore, the contractor should take due account of the time needed for sourcing this documentation.

The presentation to the European Commission services will take place in DG REGIO premises. The one day presentation to the Member States concerned, may take place in Brussels or in one of the Member States concerned. The contractor will not be responsible for the organisation of these two events.

#### **4. PARTICIPATION IN THE TENDERING PROCEDURE**

Participation in this tendering procedure is open on equal terms to all natural and legal persons coming within the scope of the Treaties and to all natural and legal persons in a third country which has a special agreement with the Communities in the field of public procurement on the conditions laid down in that agreement.

The Multilateral Agreement on Government Procurement (GPA) concluded within the WTO applies and the contract is also open to nationals of States that have ratified this Agreement, under the conditions provided therein. The GPA does not cover all contracts awarded by the EU Institutions. 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](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 or be candidates.

#### **5. DOCUMENTATION FOR TENDERERS**

- Ex post evaluation of cohesion policy programmes 2000 – 2006 co-financed by the ERDF (objective 1 and 2), Work package 11: Management and implementation systems for cohesion policy – Final report available on [http://ec.europa.eu/regional\\_policy/sources/docgener/evaluation/expost2006/wp\\_11\\_en.htm](http://ec.europa.eu/regional_policy/sources/docgener/evaluation/expost2006/wp_11_en.htm)
- Operational Programmes as indicated under point 2
- The study "Regional governance in the context of globalisation: reviewing governance mechanisms and administrative costs" available on [http://ec.europa.eu/regional\\_policy/sources/docgener/studies/study\\_en.htm](http://ec.europa.eu/regional_policy/sources/docgener/studies/study_en.htm)

#### **6. VISITS TO PREMISES OR BRIEFING**

Not applicable.

#### **7. VARIANTS**

Not authorised.

#### **8. VOLUME OF CONTRACT**

€ 300 000 maximum (lump sum, including fees, travel expenses and other costs).

## 9. PRICE

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

- The prices quoted must be fixed and not subject to revision.
- 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 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 risk 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 and are not reimbursed apart.
- 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.
- Cost incurred in preparing and submitting tenders are borne by tenderers and cannot be reimbursed.

## 10. TERMS OF PAYMENT

The contractor shall submit requests for all payments, expressed in euros, to the Commission.

Payments under the contract 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.

A second interim payment equal to 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 Report on Desk Study and Progress Report.

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 the presentation of the approved Final Report to the Member States concerned.

(for details on terms of payment see the draft contract)

## 11. CONTRACTUAL TERMS AND GUARANTEES

Not applicable.

## 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.

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\* 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:

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

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.

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 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:

- Knowledge of cohesion policy; in particular in the area of ERDF and Cohesion Fund.
- Knowledge of and capacity to analyse management and implementation systems of cohesion policy
- The drafting and presentation of analytical reports;

- The manipulation and analysis of data;
- Capacity to deliver texts of good quality in English.

Proof of the above may be furnished by means of:

- i) 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;
- ii) Main services provided over the past three years, together with details of values, dates and public or private recipients involved;
- 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 one providing a high level of quality (for which it will be given a mark) 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:

- Demonstration of an understanding of the objectives and tasks of Terms of Reference (20%)
- Appropriateness and quality of the methodology for the tasks defined in the specifications (40%)
- Quality of planning of human resources and work organisation; including co-ordination and quality assurance measures (40 %)

### **13. TENDERS**

#### **General comments**

Tenderers must include in their replies

- all the information and documentation needed to enable the contracting authority 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 from the consortia of companies or groups of service providers must specify the role, qualifications and experience of each member or group, and submit all the applicable documents required in the tendering documents.

The previous provisions also apply to any subcontractors that may be involved in the tender.

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 disposal for the performance of the contract.

#### **14. OPENING OF TENDERS**

Tenders will be opened on 06/10/2010 at 14.00 at CSM2 00/141, DG Regional Policy, avenue de Tervuren 41, 1040 Brussels. Tenderers may be present at the opening of tenders. Each tenderer may take part or send a representative.