

# **Specifications**

## **Tender No VT/2013/18**

### **Technical part**

#### **1. TITLE OF THE CONTRACT**

ESF - Data collection and validation support for the management of the European Social Fund 2014-2020.

#### **2. BACKGROUND**

##### **2.1 European Social Fund**

The European Social Fund (ESF) was established by the Treaty of Rome and is the oldest established of the Structural Funds (TFEU art 162). The European Social Fund is an expression of European solidarity. For the period 2007 to 2013, the ESF has an annual budget of approximately € 11 billion, 70% of which is allocated to the less developed regions of the EU. It is the main financial tool through which the EU translates its strategic labour market, human resources development and social inclusion policy aims into action. The ESF is part of the EU policy tools in support of economic, social and territorial cohesion, and constitutes the main EU financial instrument in support of the European Employment Strategy, an integral part of the Europe 2020 strategy for smart, inclusive and green growth and jobs.

The ESF strategy and budget are negotiated between the EU Member States, the European Parliament and the European Commission (EC). On this basis, seven-year Operational Programmes are drafted by Member States and adopted by the EC. These Operational Programmes are then implemented by the Member States through a wide range of organisations, both in the public and private sector.

The European Social Fund is based on the principles of co-financing and shared management common to all Cohesion Policy instruments:

- **Co-financing:** EU financial support always runs alongside national public or private financing. The level of EU intervention is linked with the situation on the ground. The maximum co-financing in 'convergence' regions, i.e. regions with a GDP 25% or more below average, it is between 75% and 85 %, in 'competitiveness and employment regions' the maximum co-financing rate is 50%.
- **Shared management:** the legislative basis for the ESF is set at European level. Member States' authorities prepare and implement the Operational Programmes. The ESF Managing Authorities (MAs) are responsible for the collection, recording, storage and transmission to the EC of data on programme implementation (monitoring data). However, the EC retains the overall responsibility for the execution of the EU budget.

## 2.2 Cohesion policy in the next programming period 2014-2020

On 6 October 2011, the EC adopted a package of legislative proposals<sup>1</sup> for Cohesion Policy including the ESF for the 2014-2020 period. The draft ESF Regulation intends to focus the ESF on four ‘thematic objectives’ throughout the European Union: (i) promoting employment and labour mobility; (ii) investing in education, skills and lifelong learning; (iii) promoting social inclusion and combating poverty; (iv) enhancing institutional capacity and an efficient public administration. Each thematic objective is further detailed in ‘investment priorities’.

One of the guiding principles underlying the legislative proposals is a strengthened performance orientation in programme design, implementation and monitoring and evaluation. MAs will continue to be responsible for the collection, recording and storage and transmission to the EC of monitoring data. They will in the future also be required to store data at the level of individual participants (micro-data).

MAs are required to transmit aggregated monitoring data in a structured format once per year starting in 2016 via a common web application. Serious deficiency in the quality and reliability of the data transmitted could lead to a suspension of interim payments to Member States.

## 2.3 ESF indicators and reporting

Member States collect data on the implementation of ESF interventions on the basis of indicators set out in the operational programmes. In addition and for the first time in the current programming period 2007-2013 Member States provide data for a set of common indicators for all Operational Programmes. These common indicators, set out in Annex XXIII of the Commission Implementing Regulation<sup>2</sup> cover some basic characteristics of participants, i.e. outputs. Results are currently exclusively captured through programme-specific indicators. Member States and the Commission use a common web platform to interact electronically, namely the SFC2007. Technical issues related to the SFC2007 are outside the scope of this contract.

The set of common indicators introduced in Annex XXIII of the Commission Implementing Regulation allowed the EC to provide some basic aggregated data on participants of ESF support<sup>3</sup>.

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<sup>1</sup> See Proposal for a Regulation of the EP and of the Council laying down Common provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund, the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund (in short: Common Provisions Regulation or CPR) [http://ec.europa.eu/regional\\_policy/sources/docoffic/official/regulation/pdf/2014/proposals/regulation/general/general\\_proposal\\_en.pdf](http://ec.europa.eu/regional_policy/sources/docoffic/official/regulation/pdf/2014/proposals/regulation/general/general_proposal_en.pdf) , Proposal for a Regulation of the EP and of the Council on the European Social Fund [http://ec.europa.eu/regional\\_policy/sources/docoffic/official/regulation/pdf/2014/proposals/regulation/esf/esf\\_proposal\\_en.pdf](http://ec.europa.eu/regional_policy/sources/docoffic/official/regulation/pdf/2014/proposals/regulation/esf/esf_proposal_en.pdf)

<sup>2</sup> See Regulation (EC) No 1828/2006 setting out rules for the implementation of Council Regulation (EC) No 1083/2006 laying down general provisions on the European Regional Development Fund, the European Social Fund and the Cohesion Fund and of Regulation (EC) No 1080/2006 of the European Parliament and of the Council on the European Regional Development Fund <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2006:371:0001:0163:EN:PDF>

<sup>3</sup> See the point on "Who is participating?" on the ESF website: <http://ec.europa.eu/esf/main.jsp?catId=66&langId=en>

Experience with data collection and data quality overall is quite mixed in the current period as far as the provision of sound data on outputs and in particular on achievements is concerned. Some of the difficulties are:

The current guidance has proven insufficient to ensure a common understanding of the indicators set out in Annex XXIII. This poses difficulties when aggregating the data at EU level. Furthermore the monitoring systems established in the Member States often distinguish between Annex XXIII data and programme indicators. These two systems do not always speak to each other and sometimes produce very inconsistent data.

The EC's proposals for the cohesion policy regulations for the programming period 2014-2020s aim to tackle some of these problems. Annex 1 of the draft ESF Regulation lists common indicators which capture outputs for participants and entities as well as results for participants. The EC has drafted a guidance document on ESF monitoring and evaluation which contain comprehensive definitions of these common indicators and quality standards for data processing. In addition to the common indicators, operational programmes may contain programme-specific indicators for which Member States will develop appropriate definitions.

As regards monitoring, the Common Provision Regulation (CPR) sets out the requirement to collect and store individual participants' data. The existence of such a micro-data base will enable the MAs to cross-tabulate participants' characteristics for targeted monitoring (e.g. no. of participants with a specific employment status, age and/or educational achievements) and for evaluation purposes.

In the programming period 2014-2020 the EC will continue to collate the aggregated data on common indicators received in structured form from the Member States and make them available as standardised reports. To this end the EC will have to update the current SFC2007 application to SFC2014 and ensure that the system is operational and in line with the legal requirements for the 2014-2020 programming period. In order to verify the quality of the data, the EC will perform consistency checks on the data received.

The following possible sources of problems for data collection in the programming period 2014-2020 (non-exclusive list) are anticipated:

- Authorities, bodies or beneficiaries involved in the implementation of projects not understanding the indicator definitions and recording, storing and reporting inappropriate data;
- Recording cumulative and not annual data;
- Data quality of common and programme-specific indicators;
- Data protection requirements for processing and accessing of micro-data;
- Reconciliation of different cut-off-dates;
- Treatment of missing values;
- Ineffective data validation system;
- Reporting and retroactive correction of annual data;
- Sampling technique ensuring representativeness.

### **3. SUBJECT OF THE CONTRACT**

With the contract "ESF – Support to ESF data collection and validation" the EC envisages for the first time the set up and running of a "data support centre" for all EU Member States and MAs. The data support centre will assist MS to fulfil the monitoring requirements set out in

the Regulations, notably regarding data processing (in particular data collection, recording, storage) and transmission of structured data to the EC using SFC2014.

The objective of the contract described below is to assist MAs and thereby to support the EC in its effort to improve the quality of data on ESF interventions in such a way that the collected, stored and reported data on common and programme-specific indicators are reliable and consistent and allow meaningful aggregate reporting and analysis. The contract does not include any audit tasks.

#### **4. TASKS TO BE CARRIED OUT BY THE CONTRACTOR**

##### ***Task 1: Developing a guidance document:***

This task will entail analysing the data collection problems set out under section 2, interviewing EC and MS staff to clarify the possible problems in relation to data collection and analysing and suggesting possible methodological and practical solutions which could be implemented to address the above problems.

This will result in an overview of the existing problems and gaps in the monitoring systems.

The guidance is to be submitted in English, French and German to the EC for approval 6 weeks after signing the contract. This guidance document is the first building block of the frequently asked questions (FAQ) guide described below.

##### ***Task 2: Set-up and running of a data support centre***

A data support centre is to be set up and maintained during the contract period. The bidders should present proposals on how the centre will ensure the swift and efficient electronic exchanges and storage of information, possibly through a web platform.

The data support centre must be operational during normal office hours of the country where the contractor is located. During those hours it will be required to respond by phone and electronically (in English, French or German language, depending on the MS preference) with the required expertise to questions from the MAs. Appropriate equipment to exchange data - whenever necessary - should be available.

This data support centre will perform the following activities:

##### **a. Methodological support.**

- Clarify if necessary and transfer any methodological question from MAs for which guidance does not yet exist to the indicated EC contact point within two working days and relay to the MAs the EC's answer within one working day. The contact with the EC is to be ensured by electronic means (web-based or per e-mail).
- Reply to MAs on any question for which guidance is already published or provided by previous EC answers within two working days.
- Register each request together with the answer given to allow for a track record of responses. These questions and responses will form the second building block of the FAQ guide described below.

**b. Support regarding data collection, recording, validation, storage and transmission to the EC**

- Monitor progress in establishing or adapting monitoring information systems established by the MA for processing (collection, recording, storage and transmission to the EC) the data in line with the Common Provision Regulation (CPR) and the ESF Regulation. This includes systems which record and store individual participants' data. The bid should present a template which outlines the different aspects of monitoring system. It should also set out how the contractor intends to collect the information on the monitoring systems established by the MAs and how it intends to systematically present the systems in place in the progress and in the technical annex of final report.
- Upon request or upon own initiative offer assistance to MAs in identifying possible systemic weaknesses in data collection, recording and storage, make proposals for improvement and document the problem solving process.
- Upon request or upon own initiative offer advice technical and methodological advice to MA on ways to establish, improve or adapt their monitoring information systems (data collection, recording and storage) to comply with the monitoring requirements of the 2014-2020 programming period.
- Pro-actively or upon request, provide methodological advice and technical support to MAs in the set-up and running of data validation systems geared to validate the micro-data received and stored and the aggregated data to be transmitted to the EC.
- If MAs intend to undertake a trial run of data processing, provide methodological support upon request, including assistance in consistency checks and in analysis of the functioning of the data-flow.

**c. Support in upgrading of the common web application (SFC2014)**

- The contractor shall provide methodological advice to the EC in view of the interoperability of the monitoring information systems established by the Member States and the SFC2014 system.
- Upon request, the contractor shall provide technical assistance to MAs, regarding any data-immanent or methodological difficulties they might have with the SFC web application relating to data processing. However, support to remedy hard- and software problems and basic manipulations in the SFC2014 system do not form part of this assignment.

For all these support activities the contractor shall run a quality control routine, allowing MAs to evaluate the quality and utility of the services provided. The bid shall outline details of this quality control and how the contractor will report the results to the EC.

***Task 3: Drafting and updating of FAQ guide***

The guide will consist of two parts. Part one will set out the solutions and principles developed under task 1. Part two will set out the questions received and the responses provided. It shall be submitted after 6 month of signing the contract and updated at the end of the contract. The contractor shall provide the guide in English, French and German. The EC will publish the guide for download from the ESF website.

#### ***Task 4: Presentation***

Additionally to the above mentioned tasks, the contractor will present the work undertaken and progress made on data processing at the ESF Evaluation Partnership Network, the ESF Committee Technical Working Group and/or some other committees or conferences (maximum 3 presentations during the contract year, to be held in Brussels). The content and duration of the presentations shall be discussed and agreed with the EC. They shall be delivered by a senior expert representing the contractor and be held in English language. The exact dates of these presentations will be agreed with the Commission during the contract.

#### ***Guide and details of how the tasks are to be carried out***

The work will be carried out in English, but the contractor should dispose of language resources to be able to understand MA requests in any of the EU's official languages, respond in English, French or German (according to MS preference), and to prepare the FAQ guide in English, French and German.

The tasks entail telephone, e-mail and web-based contacts with the EC and with all MS and – exceptionally, when necessary – fact finding missions to the MS, in general not exceeding three days each. The maximum total number of missions to MS shall not exceed 5. The need for a specific mission and the respective arrangements shall be discussed with and agreed by the EC prior to the mission.

The bidder is expected to work in its offices and not in the EC premises.

The number of data support requests from MAs requiring assistance and advice (see task 2) are estimated to be 10-15 per week in total. In addition, the contractor is expected to pro-actively contact MS with view to the activities set out under task 2.

Documents governing this assignment are the cited legal texts and the CPR and the ESF Regulation 2014-2020; the attached (draft) guidance for the ESF monitoring and evaluation for the programming period 2014-2020, the final report of the study "Template for EC reporting and 2008 outline report" and any other document produced by the EC to specify further e.g. indicator definitions and reporting requirements.

### **5. ORGANISATION OF THE WORK**

The contractor should dispose of/put in place the appropriate structure in order to fulfil the tasks set out in these Terms of Reference.

The Directorate General for Employment, Social Affairs and Inclusion will establish a steering group with representatives of the relevant Directorates of the Directorate General as well as other relevant Directorates General. The contractor will provide documentation for and attend the kick-off meeting and at least two steering group meetings. Additional technical meetings between the contractor and the manager of the exercise in the Directorate General for Employment, Social Affairs and Inclusion can be organised where appropriate.

## 6. TIME SCHEDULE AND REPORTING

The duration of the contract will be 12 months and is renewable once with the express written agreement of the parties, indicating the date on which the execution of the tasks shall start. (see Article I.2. of the draft contract).

The indicative schedule of deliverables and meetings is as follows.

<i>Deliverable/Meeting</i>	<i>Months</i>	<i>Payments</i>
Kick-off meeting	1 week	
Guidance document (approved)	1.5	1 <sup>st</sup> interim payment
Flash report (submitted)	2	
Flash report (submitted)	3	
Flash report (submitted)	4	
Flash report (submitted)	5	
Flash report (submitted)	6	
Progress report (approved)	6	2 <sup>nd</sup> interim payment
FAQ guide (approved)	6	2 <sup>nd</sup> interim payment
Steering group meeting	7	
Flash report (submitted)	7	
Flash report (submitted)	8	
Flash report (submitted)	9	
Flash report (submitted)	10	
Flash report (submitted)	11	
Draft Final report, including technical annex	11	
Flash report (submitted)	12	
Steering group meeting	12	
Final report, including technical annex (approved)	12	Balance payment
Updated FAQ guide (approved)	12	Balance payment

### Reporting:

The contractor should deliver the following reports written in clear English language:

- Monthly flash reports: At the end of each contract month, the contractor shall provide a short overview (1-2 pages) of the activities undertaken in the reporting month (first edition 2<sup>nd</sup> month after signing the contract). The flash report should also describe main problems/challenges encountered and the number and origin of MAs requests received and the number and origin of MAs contacted upon own initiative.
- A guidance document: 6 weeks following the start of the contract, the contractor shall submit a guidance document addressing the main sources of data collection problems (see

Task 1 above). The document shall be approved by the EC. In addition to English, the guidance document shall be submitted in French and German as well.

- A progress report: After 6 months, the contractor shall submit a progress report. The report shall describe a) the work performed during the first 6 months of the contract year with view to the various tasks set out above and b) the progress made by MAs in establishing or adapting their monitoring information systems and c) the results of the quality control routine. The report shall be approved by the EC.
- FAQ guide: After 6 months of the contract year and updated 6 months thereafter (see Task 3 above) the contractor shall submit a FAQ guide. The guide shall be approved by the EC. In addition to English, the FAQ guide shall also be submitted in French and German.
- A final report: At the end of the contract year, the contractor shall submit a final report describing the work done during the year with view to the tasks set out above, drawing conclusions and giving recommendations, if appropriate. A technical annex to the final report shall provide a comprehensive overview and assessment of monitoring information systems established in each Member State. This shall cover the monitoring information systems' ability (i) to correctly collect and aggregate the micro data for common and programme-specific ESF indicators; (ii) to ensure the functioning of the data flow, coherence and quality of the data provided by beneficiaries to MA and from MA to EC. The draft report will be sent to the EC 11 months after signing the contract. The final report including the technical annex shall be approved by the EC.

The approved guidance document (in English, French and German) will be the condition for processing the first interim payment under the contract.

The reception of the monthly flash reports, the approved progress report and approved FAQ guide (in English, French and German) will be the condition for processing the second interim payment under the contract.

The continued reception of the monthly flash reports, the approved final report, including the technical annex and approved updated FAQ guide (in English, French and German) will be the condition to the final payments under the contract.

All documents will be submitted in electronic version (MS WORD), the FAQ guide and the final reports additionally in three paper versions.

## **7. PRICES**

Under the terms of Articles 3 and 4 of the Protocol on the Privileges and Immunities of the European Union, the latter are exempt from all charges, taxes and duties, including value added tax; such charges may not therefore be included in the calculation of the price quoted. The price must be stated in EUR(€), net of VAT, using, where appropriate, the conversion rates published in the C series of the Official Journal of the European Union on the day when the invitation to tender was issued. The amount of VAT is to be indicated separately.

The maximum amount of the contract is 500 000 €. Any bid exceeding this amount will not be considered.

## Part A: Professional fees and direct costs

- Fees, expressed as the number of person-days multiplied by the unit price per working day for each expert proposed. The unit price should cover the experts' fees and administrative expenditure (management of the firm, secretariat, social security, salaries etc.) incurred directly or indirectly by the Contractor in performance of the tasks which may be entrusted to it.

Fees must also include the travel and subsistence costs for services provided in the Commission's premises. Travels to Brussels should be budgeted for at least four meetings as specified in section 4, task 4.

- Travels to Member States: The maximum total number of missions to MS shall not exceed 5. The need for a specific mission and respective arrangements shall be discussed with and agreed by the EC prior to the mission.
- Translation costs: The contractor is expected to plan a budget for translation of questions received, if the team's language competencies do not cover all official EU languages and for translating the guidance document and the FAQ guide into English, French and German.

## Part B: Reimbursable expenses

Not applicable.

For information: The agreed rates (in EUR per calendar day) to be used for the purposes of the present Contract are the following:

### DAILY SUBSISTENCE ALLOWANCES ON A MISSION Member States of European Union

<i>DESTINATIONS</i>	<i>Daily Subsistence Allowances in EUR</i>	<i>Maximum for hotel in EUR</i>
<i>Allemagne</i>	<i>93</i>	<i>115</i>
<i>Autriche</i>	<i>95</i>	<i>130</i>
<i>Belgique</i>	<i>92</i>	<i>140</i>
<i>Bulgarie</i>	<i>58</i>	<i>169</i>
<i>Chypre</i>	<i>93</i>	<i>145</i>
<i>Danemark</i>	<i>120</i>	<i>150</i>
<i>Espagne</i>	<i>87</i>	<i>125</i>
<i>Estonie</i>	<i>71</i>	<i>110</i>
<i>Finlande</i>	<i>104</i>	<i>140</i>
<i>France</i>	<i>95</i>	<i>150</i>
<i>Grèce</i>	<i>82</i>	<i>140</i>
<i>Hongrie</i>	<i>72</i>	<i>150</i>
<i>Irlande</i>	<i>104</i>	<i>150</i>
<i>Italie</i>	<i>95</i>	<i>135</i>

<i>Lettonie</i>	66	145
<i>Lituanie</i>	68	115
<i>Luxembourg</i>	92	145
<i>Malte</i>	90	115
<i>Pays-Bas</i>	93	170
<i>Pologne</i>	72	145
<i>Portugal</i>	84	120
<i>République Tchèque</i>	75	155
<i>Roumanie</i>	52	170
<i>Royaume-Uni</i>	101	175
<i>Slovaquie</i>	80	125
<i>Slovénie</i>	70	110
<i>Suède</i>	97	160

Candidate country of European Union

<i>DESTINATIONS</i>	<i>Daily Subsistence Allowances in EUR</i>	<i>Maximum for hotel in EUR</i>
<i>Croatia</i>	60	120

It is recommended to present the detailed offer according to the following model:

#### **Breakdown of prices**

Description	Unit price in EUR	Max. no of units	Unit type	Sub-total per item EUR	Total amounts in EUR
Experts' fees (to be specified for each specific task) Details	0.00	0	w.d.	0.00	0.00
Other costs (to be specified) Details	0.00	0	Unit	0.00	0.00
<b>Total amount</b> (art. I.3.1.) of the contract					<b>0.00</b>

## **8. PAYMENTS AND STANDARD CONTRACT**

In drawing up the bid, the tenderer should take into account the provisions of the standard contract comprising the "General terms and conditions applicable to service contracts".

The payment will be made in 3 instalments:

- A first interim payment equal to 30 % of the total amount referred to in Article I.3.1 of the contract shall be made within 60 days from receipt of the invoice.  
The invoice for the first interim payment may be submitted after the European Commission's approval of the guidance document. The contracting authority shall make the payment as specified in Article I.4.2 in the Special Conditions of the contract.
- A second interim payment equal to 30 % of the total amount referred to in Article I.3.1 of the contract shall be made within 60 days from receipt of the invoice.  
The invoice for the second interim payment may be submitted after the European Commission's approval of the progress report, the FAQ guide and reception of the monthly flash reports. The contracting authority shall make the payment as specified in Article I.4.2 in the Special Conditions of the contract.
- The balance payment equal to 40 % of the total amount referred to in Article I.3.1 of the contract shall be made within 60 days from receipt of the invoice.  
The invoice for payment of the balance shall be submitted after the European Commission's approval of the final report, including technical annex, the updated FAQ guide and the reception of the monthly flash reports. The contracting authority shall make the payment as specified in Article I.4.3 in the Special Conditions of the contract.

## **Administrative part**

### **9. PARTICIPATION**

Please note that:

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 Union 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 II A of Directive 2004/18/CE, are not covered by this Agreement.

### **10. GROUPINGS OF ECONOMIC OPERATORS OR CONSORTIA**

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 the

consortium selected may be required to assume a given legal form when it has been awarded the contract if this change is necessary for proper performance of the contract<sup>4</sup>. However, a grouping of economic operators must nominate one party to be responsible for the receipt and processing of payments for members of the grouping, for managing the service administration, and for coordination. The documents required and listed in the following points 10 and 11 must be supplied by every member of the grouping.

Each member of the grouping assumes a joint and several liability towards the Commission.

## **11. EXCLUSION CRITERIA AND SUPPORTING DOCUMENTS**

1) Bidders must provide a declaration on their honour, duly signed and dated, that they are not in one of the situation referred to in Articles 106 and 107 (1) of the Financial Regulation (available at [http://ec.europa.eu/employment\\_social/calls/pdf/dechonor\\_en.pdf](http://ec.europa.eu/employment_social/calls/pdf/dechonor_en.pdf)).

Those articles are as follows:

"Article 106:

1. Candidates or tenderers shall be excluded if:

- (a) they are bankrupt or being wound up, are having their affairs administered by the courts, have entered into an arrangement with creditors, have suspended business activities, are the subject of proceedings concerning those matters, or are in any analogous situation arising from a similar procedure provided for in national legislation or regulations;
- (b) they or persons having powers of representation, decision making or control over them have been convicted of an offence concerning their professional conduct by a judgment of a competent authority of a Member State which has the force of *res judicata*;
- (c) they have been guilty of grave professional misconduct proven by any means which the contracting authority can justify including by decisions of the EIB and international organisations;
- (d) they are not in compliance with 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 performed;
- (e) they or persons having powers of representation, decision making or control over them have been the subject of a judgment which has the force of *res judicata* for fraud, corruption, involvement in a criminal organisation, money laundering or any other illegal activity, where such illegal activity is detrimental to the Union's financial interests;
- (f) they are subject to an administrative penalty referred to in Article 109(1). (...)

*Article 107(1):*

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

- (a) are subject to a conflict of interests;

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<sup>4</sup> These entities can take the form of an entity with or without legal personality but offering sufficient protection of the Commission's contractual interests (depending on the Member State concerned, this may be, for example, a consortium or a temporary association).

The contract has to be signed by all members of the group, or by one of the members, which has been duly authorised by the other members of the grouping (a power of attorney or sufficient authorisation is to be attached to the contract), when the tenderers have not formed a legal entity.

(b) are guilty of misrepresenting the information required by the contracting authority as a condition of participation in the procurement procedure or fail to supply that information; (...)"

2) The tenderer to whom the contract is to be awarded shall provide, within a time limit defined by the contracting authority and preceding the signature of the contract, the evidence referred to in Article 143 of Rules of Application, confirming the declaration referred to in point 1 above.

#### Article 143 of the Rules of Application – Evidence

3. The contracting authority shall accept as satisfactory evidence that the candidate or tenderer to whom the contract is to be awarded is not in one of the situations described in points (a), (b) or (e) of Article 106(1) of the Financial Regulation, a recent extract from the judicial record or, failing that, an equivalent document recently issued by a judicial or administrative authority in the country of origin or provenance showing that those requirements are satisfied. The contracting authority shall accept, as satisfactory evidence that the candidate or tenderer is not in the situation described in point (a) or (d) of Article 106(1) of the Financial Regulation, a recent certificate issued by the competent authority of the State concerned.

Where the document or certificate referred to in paragraph 1 of this Article is not issued in the country concerned and for the other cases of exclusion referred to in Article 106 of the Financial Regulation, 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 country of origin or provenance.

4. Depending on the national legislation of the country in which the candidate or tenderer is established, the documents referred to in paragraphs 1 and 3 shall relate to legal persons and/or 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 candidate or tenderer”.

3) The contracting authority may waive the obligation of a candidate or tenderer to submit the documentary evidence referred to in Article 143 of the Rules of Application, if such evidence has already been submitted to it for the purposes of another procurement procedure launched by DG EMPL and provided that the issuing date of the documents does not exceed one year and that they are still valid.

In such a case, the candidate or tenderer shall declare on his honour that the documentary evidence has already been provided in a previous procurement procedure and confirm that no changes in his situation have occurred.

## 12. SELECTION CRITERIA

The candidates will be selected on the basis of their financial and economic capacity and their professional and technical capacity.

1) Economic and financial capacity to carry out the tasks set out in the tender specifications must be demonstrated as follows:

(a) Presentation of balance sheets and profit and loss account for the last two financial years, where the tenderer is required by law to produce such statements. Where the relevant company law requires these financial statements to be audited, the audit's statement should be included. Where the tenderer is not required to produce full financial

- statements, other documents establishing financial capacity should be submitted (appropriate statements of banks, evidence of professional risks indemnity insurance, tax return, or similar). This certificate must be provided by each member of the consortium;
- (b) The tenderer (or all partners of the consortium together) must provide a statement of overall turnover of the last financial year (equivalent to minimum 2 times amount of the contract);
  - (c) A bank declaration providing evidence of good financial standing; in the case of tenders from consortia, this declaration must be provided by each member of the consortium;

If, for some exceptional reason which the contracting authority considers justified, the tenderer or candidate is unable to provide the references requested by the contracting authority, he may prove his economic and financial capacity by any other means which the contracting authority considers appropriate.

## 2) Professional and technical capacity:

- Educational and professional qualifications and experience of the service provider:
  - a) The project director should be a level I or II expert (qualification levels are outlined in Section 14).
  - b) Project manager should be at least a level III expert
  - b) At least 2/3 of the team should be senior members, that means Category I or II experts.
  - c) The project director and the project manager should have proven experience in the field of the call, including in depth knowledge of data management, statistics and the European Social Fund. The members of the team should have in depth knowledge of management, aggregation, manipulation and quality of data and of descriptive and inferential statistics; and a proven track record in managing similar activities, organisational capacity, and excellent analytical and drafting capacity.

### Means of proof required:

Professional qualifications of the tenderer to undertake the service described above shall be evaluated and verified on the basis of the following:

- The team of the contractor or consortium as a whole should, on the basis of the CV of each team member, demonstrate a solid capability (C1 level in the CEF grid [europass.cedefop.europa.eu/en/resources/european-language-levels-cefr](http://europass.cedefop.europa.eu/en/resources/european-language-levels-cefr)) in at least the three working languages of the EC (English, German and French).
- List of the principal services provided in the past three years.
- Tenderers must enclose the CV of all personnel to be involved directly in performing the contract (including those working for any subcontractors) indicating educational and professional qualifications and experience in areas relevant to the subject of this tender. Please note that CVs should not exceed two pages, it is recommended that they use the presentation of the Europass CV available at <http://europass.cedefop.europa.eu/en/home>.
- A signed commitment (letter of availability) from all named persons (including employees and subcontractors) to accept the work proposed by the tenderer if the tenderer is awarded the contract must be attached. The text of this letter of availability must mention that the named persons accept the work proposed by the tenderer if the tenderer is awarded the contract. A unique letter of availability, signed by all named persons, as well as separate letters, are both accepted

In the case of tenders from consortia: clear identification of the co-ordinator of the work who will also be responsible for signing the contract, and written confirmation from each

member of the consortium that they would be ready and willing to participate in the execution of the contract, and describing their role.

- A declaration by the coordinator certifying the technical capacity and the competence of the team to carry out the services;

### **13. AWARD CRITERIA**

The contract will be awarded to the bid offering the best price/quality ratio, taking into account the following criteria:

#### **AC.1 Understanding of the services (max. 20 points)**

- The degree of understanding of the nature of the assignment, its context and results to be achieved.

#### **AC. 2 Proposed methodology and tools (max. 45 points)**

- Appropriateness, feasibility and robustness of the methodology and tools proposed (max. 30 points);
- Quality and value added of the communication architecture to implement the contract, ensuring efficient and effective delivery of the tasks (max. 10 points).
- Quality of reporting and presentations (max. 5 points)

#### **AC. 3 Approach proposed for the management of the work (max. 35 points)**

- Organisational clarity, coherence and soundness of the work plan; structure of the team, allocation of the human resources for the different stages of the work, milestones, deadlines and critical path analysis and ability to complete the work within the time available (max. 20 points).
- Tailored quality assurance, quality control routine (max. 15 points)

The contract will not be awarded to any tender that does not obtain at least 50% of the maximum score for each award criterion 1, 2 and 3 and at least 70% of the overall score for all award criteria.

The total points will then be divided by the price, with the highest-scoring bid being chosen.

### **14. CONTENT AND PRESENTATION OF BIDS**

#### **14.1 Content of bids**

Tenders must include:

- all information and documents necessary to enable the Commission to appraise the bid on the basis of the selection and award criteria (see points 11, 12 and 13 above);
- information on the composition of the proposed project team and an explanation of the nature and extent of their participation in the project; indication whether or not the proposed staff is currently working for the tenderer on the date of submission of the offer. The tender will clearly indicate if the proposed expert is an employee or not of the tenderer/tenderer consortium. If the proposed expert is not an employee, he will be considered as a subcontractor. Any person who is engaged on another project, where the input from his/her position in that contract will not have ended before the expected start of his/her activities under this contract, and where this commitment restrict his/her intended role under this contract must not be proposed for this contract under any circumstances.

- a bank ID form duly completed and signed by the bank (to be downloaded from [http://ec.europa.eu/budget/contracts\\_grants/info\\_contracts/financial\\_id/financial\\_id\\_en.cfm](http://ec.europa.eu/budget/contracts_grants/info_contracts/financial_id/financial_id_en.cfm));
- a "legal entity" form duly completed (to be downloaded from [http://ec.europa.eu/budget/contracts\\_grants/info\\_contracts/legal\\_entities/legal\\_entities\\_en.cfm](http://ec.europa.eu/budget/contracts_grants/info_contracts/legal_entities/legal_entities_en.cfm));
- the price expressed in EUR;
- the name and function of the contractor's legal representative (i.e. the person authorised to act on behalf of the contractor in any legal dealings with third parties);
- proof of eligibility: tenderers must indicate the State in which they have their registered office or are established, providing the necessary supporting documents in accordance with their national law;
- the detailed CVs of the proposed experts;
- List of experts assigned, classified by level of expertise according following criteria:

<p><b>Level of qualification I</b></p> <p><i>Highly qualified expert having assumed important responsibilities in his/her profession, recruited for his/her management/supervisory, thought and creativity skills as regards professional practise.</i></p> <p><i>He/she must have at least 15 years professional experience of which at least 7 must be connected with the professional sector concerned and the type of tasks to be performed.</i></p>
<p><b>Level of qualification II</b></p> <p><i>Highly qualified expert having assumed responsibilities in his/her profession, recruited for his/her management/supervisory, thought and creativity skills as regards professional practise.</i></p> <p><i>He/she must have at least 10 years professional experience of which at least 4 must be connected with the professional sector concerned and the type of tasks to be performed.</i></p>
<p><b>Level of qualification III</b></p> <p><i>Certified expert having received a high-level training in his/her profession, recruited for his/her thought and creativity skills as regards professional practise.</i></p> <p><i>He/she must have at least 5 years professional experience of which at least 2 must be connected with the professional sector concerned and the type of tasks to be performed.</i></p>
<p><b>Level of qualification IV</b></p> <p><i>Junior expert, newcomer to the profession but holding a university degree or equivalent training related to the professional sector concerned and the type of tasks to be performed.</i></p>

## 14.2 Presentation of bids

- Bids must be submitted in triplicate (i.e. one original and two complete copies, including all administrative documents or declarations).
- They must include all the information required by the Commission (see points 8, 10, 11 and 12 above).
- They must be clear and concise.

- They must be signed by the legal representative.
- They must be submitted in accordance with the specific requirements of the invitation to tender, within the deadlines laid down.

ANNEX TO THE PRESENT SPECIFICATIONS

ANNEX 1 – SUMMARY TABLE FOR THE PRESENTATION OF THE TEAM

Name of expert	Category of expert	Organisation	Work Tasks	No. days	Languages
X	X	Y	(indicate exactly which tasks the expert will be involved in and <u>how exactly</u> )	(on each task separately)	e.g.: PL, ES, CZ