



Tender Specifications

Open call for tender n° VT/2013/056

Technical part

1. Title of the contract

Pilot project - Promoting protection of the right to housing – Homelessness prevention in the context of evictions

2. Background

2.1. Homelessness on the EU policy agenda

Member States have the primary responsibility and competence to tackle homelessness and housing exclusion. The European Union can support their actions in this field. A set of EU policies is of relevance to address the complex causes of homelessness including EU social inclusion, regional development, migration, financial, health or human rights policies¹.

Launched in March 2010, the Europe 2020 Strategy² set out a new socio-economic strategy to exit the crisis and prepare the European economy for the next decade. The Europe 2020 Strategy, through its European Platform against Poverty and Social Exclusion flagship initiative and the accompanying Communication³, identified homelessness as one of the most severe forms of poverty and deprivation. It called for the development of appropriate and integrated responses, both to prevent and tackle homelessness in the framework of a

1 For a non-exhaustive list of relevant EU policy actions see Annex I of the Commission Staff Working Document (2013)42 final on confronting homelessness in the European Union

2 Commission Communication COM(2010)2020 final on Europe 2020 A Strategy for Smart, Sustainable and Inclusive Growth.

³ Commission Communication COM(2010)758 final on the European Platform against Poverty and Social Exclusion: A European framework for social and territorial cohesion

wider EU social inclusion policy. The Strategy also set a headline target to reduce the number of people living in poverty and social exclusion by at least 20 million by 2020.

In the Social Protection Committee (SPC) Member States together with the European Commission work on social inclusion through the Open Method of Coordination as an EU level platform for knowledge-sharing and exchange of good practices. Homelessness featured high on the Social Protection Committee's agenda especially in 2009 and the issue was addressed through thematic peer reviews, reports and questionnaires, contributing usefully to policy work. Moreover, the SPC is active in developing indicators and monitoring methods on social inclusion through its Indicators Subgroup (ISG).

The European Year of Combating Poverty and Social Exclusion in 2010⁴ raised awareness of the specific problem of homelessness in a general poverty and exclusion context all over Europe. The 2010 Joint Report on Social Protection and Social Inclusion,⁵ called for the development and implementation of national or regional homelessness strategies and provided guidance on how to do this, placing a strong emphasis on effective governance, monitoring and evaluation, and the setting of specific targets.

In 2008 in a Written Declaration the European Parliament asked the European Union to address street homelessness as an urgent priority and to assist Member States with the development of winter plans for the homeless⁶. In another Written Declaration in 2010, MEPs called upon the EU to support Member States in their efforts to reduce and solve the problems of homelessness⁷. In September 2011, the European Parliament adopted a Resolution⁸, urging Member States to make progress towards the goal of ending street homelessness by 2015 and calling for the development of an ambitious, integrated EU strategy, underpinned by national and regional strategies, with the long-term aim of ending homelessness within the broader social inclusion framework.

Also the Committee of the Regions of the EU and the European Economic and Social Committee adopted Opinions on homelessness, respectively in 2010⁹ and 2011¹⁰.

A Consensus Conference held in December 2010¹¹ under the Belgian Presidency of the EU Council of Ministers brought together a wide range of interested parties and produced valuable recommendations on elements of comprehensive homelessness strategies. The

4 See <http://ec.europa.eu/social/main.jsp?langId=en&catId=637>

5 Joint Report on Social Protection and Social Inclusion 2010. European Commission February 2010.

6 Declaration of the European Parliament on ending street homelessness, April 2008.

7 Declaration of the European Parliament on an EU homelessness strategy, December 2010.

8 Resolution of the European Parliament on an EU Homelessness Strategy B7-0475/2011.

9 Opinion of the European Economic and Social Committee on homelessness. CESE 1592/2011.

10 Opinion of the Committee of the Regions on Combating homelessness. 2011/C 15/08.

11 See <http://ec.europa.eu/social/main.jsp?catId=88&langId=en&eventsId=315&furtherEvents=yes>

Danish Presidency conference on the 11th European meeting of People Experiencing Poverty in May 2012 was also devoted to homelessness and housing rights in the context of the crisis. The June 2012 Employment, Social Policy, Health and Consumer Affairs (EPSCO) Council of the EU called on Member States and the Commission to develop and promote adequate social schemes for persons who are homeless in accordance with their respective

competences, and taking into account the specific situation in each Member State. The Irish Presidency organised an informal Roundtable for EU ministers responsible for homelessness in March 2013 to discuss the conditions of a closer cooperation between Member States on homelessness and to agree on areas of collective action.

It is also worth recalling that EU funds like the European Social Fund, PROGRESS, the European Regional Development Fund and the European Aid to the Most Deprived can finance targeted actions for the benefit of homeless people in the Member States. These actions may include for instance personal reintegration programmes, integrated housing interventions for marginalised communities, improving access to quality homeless services, funding for social innovation projects and EU networks active in the field of homelessness.

While Member States have the primary competence and responsibility for implementing housing policies, a number of international agreements¹² contain rights-based provisions to promote access to or to retain housing as a precondition for a dignified life. Article 34(3) of the Charter of Fundamental Rights of the European Union provides that 'In order to combat social exclusion and poverty, the Union recognises and respects the right to social and housing assistance so as to ensure a decent existence for all those who lack sufficient resources, in accordance with the rules laid down by Union law and national laws and practices'. The Council of Europe's Committee of Social Rights regularly monitors the situation in each Member State in to see if it conforms with Article 31 of the European Social Charter which sees the right to housing as a fundamental human right.

2.2. Addressing homelessness and evictions in the Social Investment Package

The European Commission adopted on the 20th of February 2013 a comprehensive Social Investment Package for Growth and Cohesion in order to address the multiple challenges posed to Europe's social model coming from demographic trends, the emerging knowledge economy and the impact of the economic crisis.

The Package puts forward proposals to enhance social cohesion and restore economic growth by investing more in human capital, mobilising a larger share of Europe's potential, whilst ensuring social inclusion and an adequate level of social protection. It provides concrete guidance on the modernisation of Europe's social protection systems and on the support the EU can offer for the implementation of structural reforms, including through the European Social Fund.

12 The right to housing is addressed among others in the EU Charter of Fundamental Rights (Article 34(3)), the Universal Declaration of Human Rights or the International Covenant on Economic, Social and Cultural Rights

Reforming the social protection systems must result in much-needed efficiency gains and in structural changes that move away from the traditional paradigm of redistributive transfers towards a more preventive, investment-driven approach. Therefore, well-targeted social investments should be an important part of EU and Member States' economic, social and employment policies, and of their responses to the crisis, in order to achieve the objectives and poverty-reduction targets set out in the Europe 2020 Strategy.

The Social Investment Package calls on Member States to foster social inclusion through providing quality, affordable and accessible essential services, including social housing, and thus reinforcing the messages of the 2008 Recommendation on Active Inclusion¹³.

The Social Investment Package also contains a specific Staff Working Document in which the Commission provides guidance on how to confront homelessness in the European Union. It explores current trends in homelessness in the EU, good practices by Member States and the core elements of integrated homelessness strategies while highlighting the support role of the EU, through EU policy work and the use of EU Funds.

The Social Investment Package seeks to mobilise Member States to implement long-term, housing-led, preventative and integrated homelessness strategies at national, regional and local level. Member States are also asked to improve their safeguard measures against evictions.

Evictions and repossessions/foreclosures as pointed out in the Social Investment Package seem to have increased especially since the onset of the crisis, contributing to rising levels of homelessness. While evidence suggests that many evictions could actually be prevented with well-designed, targeted services and support measures, such measures in Member States may be lacking, may not reach potential beneficiaries or do not provide sufficient safeguard against evictions or help at re-housing evicted people.

3. Subject of the contract

This pilot project focuses on the protection of the right to housing as seen in a broad context, encompassing the prevention of evictions, early intervention, providing support for the rapid re-housing of those evicted and measuring the impacts of eviction, in particular on homelessness.

The project will support the EU poverty reduction and active inclusion strategy through combatting homelessness, reducing housing vulnerability and promoting access to quality and efficient social services as underpinned by the Europe 2020 Strategy and the Social Investment Package.

¹³ Commission Recommendation 2008/867/EC on the active inclusion of people excluded from the labour market

To meet these goals, the contractor shall:

3.1. Prepare a study covering all 28 Member States of the EU which:

- provides an overview and analysis of available data and trends regarding housing evictions and establishes the reasons and impacts of eviction, including in particular the relative importance of eviction as a pathway into homelessness
- illustrates the legislative and regulatory framework, availability, effectiveness and cost-efficiency of measures designed to prevent evictions and enable early interventions
- suggests ways to improve data collection and monitoring of evictions in the Member States, identifying the most important data sources
- formulates recommendations based on best practices to better prevent and tackle evictions and homelessness as a result of evictions.

3.2. Organise an European seminar in Brussels to discuss the findings of the study

as set out in details in the part on the deliverables below at point 4.3.

In the context of this contract:

- *Eviction*¹⁴ – the following main situations leading to evictions will be considered: 1) in the case of rentals (non-owned properties), the removal of a tenant from occupation of a premises in which s/he resides initiated by a landlord either by re-entry of premises or through a court action 2) in the case of property ownership, evicting owners following the confiscation/repossession of real estate property through judicial processes or foreclosure upon default in required payment. Unless explicitly stipulated otherwise in the text, evictions are defined as actual evictions.
- *Primary (or main) private residence* - the dwelling where a person usually resides, typically a house or an apartment. While Member States' definitions may diverge, a primary residence is usually considered as a legal residence for tax purposes and/or acquiring a mortgage.

The contractor shall involve a Project Director and a team of experts with duties and qualifications specified below at point 11.b)

4. Tasks to be carried out by the contractor

The work for this contract covers the 28 Member States of the European Union. Besides, the contractor should explore any international, non-EU good practices which can be usefully recommended to EU Member States in the context of the study.

¹⁴ Acknowledging that the legal definition and procedures for evictions may differ by Member States.

Study

4.1. The **first deliverable**, expected by the end of the ninth month of the contract, is Part I of the study.

On the basis of country-specific data and analysis, Part I of the study should show the latest data and trends in, reasons for and effects of initiated and actual evictions and establish the relative importance of eviction as a pathway into homelessness.

In particular, in Part I:

4.1.1. The contractor shall draw up *national eviction profiles* for each of the 28 Member States, which:

- Identify the main *country-specific reasons for evictions* and the relative importance of each reason as a proportion of the total number of evictions in each Member State.
- Identify and analyse the main consequences/effects of evictions on the individuals subject to evictions, as regards changes in their housing situation. In this context, the contractor should examine *the link between evictions and homelessness*¹⁵ for each Member State, analysing in particular in what proportion evictions concerned primary private residence, in what proportion evictions are followed or very likely to be followed by episodes of homelessness and what is the average time spent in homelessness following evictions.
- *Present data for each year in the 2010-2013 period* showing the absolute number of formal eviction procedures instigated and the absolute number of eventually executed evictions in each EU Member State, broken down by tenure type - that is, if the evictions concerned non-owned property (e.g. rentals in the private sector, rentals in the social sector, freely used properties) or followed repossessions/foreclosures of own property.
- *Separately for the main tenure types of social rentals, private rentals and own property (concerned by repossessions/foreclosures)*, provide data for each year in the period of 2010-2013, which can help establishing:
 - the relative *geographical dispersion* of evictions within the Member States (at least by NUTS II regions¹⁶);
 - the *main characteristics of households/families* subject to evictions. These may include for example indications on their age, gender, household/family composition, number of children under 18 years, migrant background, employment status etc. Any

¹⁵ Homelessness in the application of this paragraph primarily covers cases of rooflessness and/or houselessness, as defined by the ETHOS typology of homelessness and housing exclusion. The ETHOS definition can be consulted in Annex II of the Commission Staff Working Document (2013) 42 final on Confronting Homelessness in the European Union.

¹⁶ See http://epp.eurostat.ec.europa.eu/portal/page/portal/nuts_nomenclature/introduction

episodes of evictions which seem to visibly affect certain, well-identifiable parts of the population (so-called group evictions) should be signalled in the analysis.

- the *average actual length* of eviction procedures as a whole and average time elapsed between issuing an eviction order and executing it
- any other characteristics of evictions the contractor finds relevant to address.

- The contractor shall conclude each national profile with a short analysis of main findings and key conclusions

4.1.2. The contractor shall identify and analyse EU-wide trends in evictions by means of a comparative analysis of the above Member State specific eviction profiles. The contractor shall preferably make some comparisons with international (non-EU) eviction profiles as well.

4.1.3. The contractor shall prepare a short executive summary of key outcomes presented in Part I of the study.

Further instructions for Part I:

- Findings of Part I of the study should be based on good quality, statistically verifiable administrative data.
- If, however, the contractor provides evidence that such data are not available at all or in part - and also acknowledging the differences between Member States concerning data collection, legal procedures and definitions applied - best available data or estimates can be used, including aggregate data, ad-hoc surveys, interviews or other proper methods suggested by the contractor. Data sources should be clearly identified and reasons for non-availability of data described in detail.
- Findings shall be presented in a user-friendly manner allowing for ease of comparison between Member States and crossing data by breakdown factors, e.g. through comparative data tables. National eviction profiles shall not exceed 25 A4 size pages each (not including annexes).

4.2. The **second deliverable** expected by the end of month 15 of the contract is Part II of the study.

Part II will identify the most effective and efficient measures to prevent, tackle and monitor evictions. It should cover all relevant existing measures, including temporary measures introduced as a result of the crisis. A separate set of analysis shall be prepared for measures concerning private rentals, social rentals and own properties (the latter in the context of evictions due to repossessions/foreclosures).

In particular, on basis of a thorough analysis, in Part II:

4.2.1. Best adapted to the different legal, regulatory and service environment of the Member States, the contractor shall *formulate concrete country-specific suggestions* for each of the 28 Member State on:

- How housing evictions could be *prevented* in the most effective and cost-efficient ways? Notably how *prevention* and *early intervention* could be ensured in the most

effective and cost-efficient ways so that people at-risk-of imminent housing evictions could avoid evictions? The analysis shall cover in particular how to enable the earliest identification and most efficient reach-out for people at-risk-of evictions and how best to offer them targeted information, advice and practical help so that they could avoid evictions, and homelessness due to evictions.

- What concrete steps need to be taken to ensure the most effective and cost-efficient *follow-up support* such as rapid re-housing support so that people actually evicted could avoid homelessness?
- What concrete steps should be taken to *improve the effectiveness and cost-efficiency* of already existing legal, regulatory, financial and service-type anti-eviction measures and which further measures to prevent housing evictions seem necessary to be put into place in the given Member State?
- How the accuracy and timeliness of *data collection* systems and the *monitoring* of evictions could be improved to enable interventions to occur at the earliest possible stage and so as to foster the creation of evidence-based housing and homelessness policies?

4.2.2. The contractor shall prepare a short *executive summary* of key outcomes, which highlights main conclusions and useful *findings for the European Union* relating to practices to prevent, tackle and monitor evictions, comparing Member State and preferably also international (non-EU) best practices.

4.2.3. The contractor shall also prepare an *Annex* with country sheets for each of the 28 Member State containing a short *summary* of their respective *anti-eviction and early intervention measures* for households subject to an eviction notice as well as *follow-up support measures* offered for those evicted. The Annex shall also give details of the main *legal and regulatory provisions* – in force or planned to be introduced - regulating eviction procedures in each of the 28 Member States, indicating the law source, conditions of application, procedural rules and timeline.

Further instructions for Part II

- Findings under Part II - especially the arguments on cost-efficiency and effectiveness - shall be underpinned by good quality data. When establishing effective and cost-efficient ways of prevention and early intervention in cases of eviction, attention should be given to providing the proper *incentives to strike the right balance between tenants/landlord and/or debtor/creditor interests* (the latter in the context of housing foreclosures and repossessions). Besides, *potential housing market consequences* of different anti- eviction measures should also be considered, e.g. whether they can have an impact on housing price volatility or level, whether they can impact on the composition of the housing stock and quality, e.g. if anti-eviction measures may discourage rentals and/or reduce housing quality. These considerations should be sufficiently articulated and argued in the study.
- The analysis in Part II should be based on a careful, factual and comprehensive assessment of available anti-eviction and early intervention measures. It should

include a) all measures targeting the prevention and tackling of evictions specific to the reasons for evictions identified in Part I of the study and/or b) measures which are not explicitly designed to prevent evictions but which (potentially) have a strong effect to prevent evictions or homelessness as a result of evictions.

- Anti-eviction measures may include in particular relevant legal and regulatory provisions; support services, such as, for example, housing advice centres, tenancy sustainment services for at-risk tenants, or prison or hospital in-reach services which are designed to help retain tenancies for short-stay patients or prisoners; financial schemes designed to prevent or tackle foreclosures/repossessions, innovative practices etc.
- Part II should be submitted together with Part I of the study, integrated into a single document (as a full study).

The study shall *complement existing studies* and policy documents prepared by or on behalf of the Commission including:

- The Commission Staff Working Document on Confronting homelessness in the European Union as part of the Social Investment Package¹⁷
- The Commission Staff Working Document on National measures and practices to avoid foreclosure procedures for residential mortgage loans¹⁸
- Study on Mutual Progress on Homelessness through Advancing and Strengthening Information Systems¹⁹
- Study on means to protect consumers in financial difficulty: Personal bankruptcy, datio in solutum of mortgages, and restrictions on debt collection abusive practices²⁰
- Final report on over-indebtedness of European households: updated mapping of the situation, nature and causes, effects and initiatives for alleviating its impact²¹

and other potentially relevant studies.

Findings of Commission studies and documents may be cited or referred to as appropriate and they can set the boundaries of the present study, insofar as a given issue has

¹⁷ Commission Staff Working Document COM (2013) 42 final

¹⁸ Commission Staff Working Paper SEC (2011)357

¹⁹ See at <http://www.trp.dundee.ac.uk/research/mphasis/papers/mphasis-Finaltechnicalreport-30-01-10-rec.pdf>

²⁰ Study available from here: http://ec.europa.eu/internal_market/finservices-retail/docs/fsug/papers/debt_solutions_report_en.pdf

²¹ Currently being finalised by DG SANCO of the European Commission

exhaustively been covered already and data are up-to-date enough. The present study, however, shall go beyond the mere repetition of previous Commission studies contentwise and should rather look for synergies with them.

Seminar

4.3. The **third deliverable** - in month 22 and following the acceptance of the draft study by the European Commission - is to organise in coordination with the European Commission a European one-day seminar in Brussels for about 150 experts and policy-makers from where the usefulness of the findings and recommendations of the report can be tested in more detail.

All organizational and logistic tasks and related costs should be borne by the contractor (including e.g. costs related to invitations, registration, travel, catering and accommodation of speakers and participants, seminar venue, conference materials and any other related costs).

A balanced composition of participants shall be ensured by geographical location (Member States) and expert background. A limited number of key non-EU experts shall be invited.

4.4. Quality control and assessment

The contractor should ensure that the activities undertaken and deliverables are of the highest quality. The contractor is requested to carry out an annual evaluation of the activities focusing on:

- The organisation of the activities;
- The quality of the deliverables, as set out in point 4.1 to 4.3. above.

5. Time schedule and reporting

See Article I.2. of the contract.

5.1 Time schedule

The contract will have a duration of a maximum of 24 months.

5.2. Reporting

Five meetings should be held between the team in charge of the study and the representatives of the Commission in Brussels. This would include one presentation to the Social Protection Committee Indicators Sub-Group (ISG) and possibly one presentation to the Social Protection Committee (SPC) in Brussels.

- **A first meeting:** to take place no later than 1 month after the signature of the contract to discuss the proposed outline of the project, the detailed work plan and the time schedule.
- **A second meeting:** to take place no later than 3 months after the signature of the contract where the contractor should present a report on the state of play of

preparatory works.

- **A third meeting:** to take place no later than 7 months after the signature of the contract. The purpose of the meeting is to discuss advancement made in the study and in particular, Part I of the report.
- **A fourth meeting:** to take place no later than 14 months after the signature of the contract. The purpose of the meeting is to discuss advancements made on Part II of the study.
- **A fifth meeting** to take place before the end of the contract where the contractor should present the draft final report to the Commission and take account of the comments of the Commission.

The potential presentations for the Social Protection Committee and its Indicators Sub-Group would be scheduled at the same time of some of the above meetings. The contractor will be informed on the precise dates in due time.

In addition to the specific reports required by each task above-mentioned, the contractor should prepare:

- an **inception report**, to be submitted within 3 months as from the contract signature. It should include a detailed explanation of the first findings;
- an **interim report**, to be submitted at the latest 12 months after the project start. It should detail the state of play in the different activities covered by the contract;
- a **final report**, to be submitted at the latest at the end of the contract period. The final report should incorporate the results of the conference debates and recommendations into the approved draft final report. It should also include a description of post-project sustainability.

All reports should be submitted in English and include for the time period concerned:

- a complete description of the work done;
- a presentation of the results obtained;
- an assessment of the activities and recommendations to improve management procedures;
- any comments, suggestions or recommendations judged useful or necessary by the contractor.

The seminar detailed in 4.3 of the deliverables should be organised after the approval of the draft final report by the Commission. The contractor will present his programme for the seminar at the same time as the final draft report is presented.

Actions/Deliverables	Timetable
Entry into force of the contract	Reference date
Kick-off meeting	Contract signature date + 1 month
Inception report	Contract signature date + 3 months

2 nd meeting	Contract signature date + 3 months
3 rd meeting	Contract signature date + 7 months
1 st deliverable	Contract signature date + 9 months
Interim report	Contract signature date + 12 months
4 th meeting	Contract signature date + 14 months
2 nd deliverable	Contract signature date + 15 months
Draft final report	Contract signature date + 18 months
5 th meeting	Contract signature date + 20 months
Seminar	Contract signature date + 22 months
Final report	Contract signature date + 24 months

6. Prices

6.1 Protocol and taxes applicable

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 amount of VAT is to be indicated separately.

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.

6.2 Details for prices

The maximum amount of the contract is 1,000,000 €.

- **Professional fees and other 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.
- Travel and subsistence costs of experts
- Costs related to tasks to be carried out by the contractor as per point 4 above

- Costs related to quality control and assessment

6.3 Presentation of financial offer

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 Details	0.00	0	w.d.	0.00	0.00
Total amount (art. I.3.1. of the contract°)					0.00

7. Payments and 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".

Payments will be made in 3 instalments:

Interim payments

- **1st interim payment** equal to 20% total contract amount referred to in Article I.3.1 of the contract shall be made within 90 days of receipt of the invoice. The first interim payment will be made after the European Commission's approval of the inception report. The Contracting Authority will make the payment as specified in Article I.4.2 of the contract.
- **2nd interim payment** equal to 50% total contract amount referred to in Article I.3.1 of the contract shall be made within 90 days of receipt of the invoice. The second interim payment will be made after the European Commission's approval of the interim report. The Contracting Authority will make the payment as specified in Article I.4.2 of the contract.

Balance payment

- The **balance payment** equal to 30% total contract amount referred to in Article I.3.1 of the contract shall be made within 90 days of receipt of the invoice.

The balance payment will be made after the European Commission's approval of the final report. The Contracting Authority will make the payment as specified in Article I.4.3 of the contract.

Administrative part

8. 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.

9. 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 contract²². 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.

10. Exclusion criteria and supporting documents

²² 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.

- 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.

Those articles are as follows:

"Article 106:

1. *Candidates or tenderers shall be excluded from participation in procurement procedures 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).*

(...)

Points (b) and (e) of the first subparagraph shall not apply where the candidates or tenderers can demonstrate that adequate measures have been adopted against the persons having powers of representation, decision making or control over them, who are subject to a judgement as referred to in points (b) or (e) of the first subparagraph.

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;*

(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".*

See Annex I (which may be used as a checklist) for the supporting documents accepted by the European Commission to be provided by applicants, tenderers or tenderers to who the contract will be awarded.

- 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.

11. Selection criteria

a) Economic and financial capacity:

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

a) *Economic and financial capacity* to carry out the tasks set out in the tender specifications must be demonstrated with the provision of the following documents by the tenderer:

- a proof that the yearly turnover (of the tenderer, or of all the members of the consortium together) in the last two financial years for which accounts have been closed is equivalent to at least the value of the contract (minimum 1.000.000,00 €);
- the balance sheets and profit and loss accounts for the last two financial years for which accounts have been closed. Where the relevant company law requires these financial statements to be audited, the audit statements should be included;
- a bank declaration providing evidence of good financial standing.

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.

b) Technical capacity:

The Project Director managing the preparation of the study as specified in this Specification shall have:

- at least 5 years of proven experience at policy advocacy, both at national and EU-level, related to social inclusion;
- minimum 5 years of experience on at least two of the following policy fields at national and/or EU level: evictions, repossessions/foreclosures, homelessness, housing, social services, statistical - economic analysis
- strong work experience in managing similar activities;
- good organisational and coordination skills.

The members of the team involved in the production of the deliverables should include:

- Experts with at least of 3 years of proven, high-level expertise in the field of statistical data collection and economic analysis;
- Legal experts and policy experts with at least of 3 years of sound, demonstrated knowledge regarding national and EU policies on the legal and regulatory framework on evictions, homelessness, housing and social services.
- Experts with at least of 3 years of sound logistical and financial knowledge and relevant experience to organise an European policy seminar in Brussels

Different experts can be involved to cover each of the requested fields of expertise.

A sufficient number of team members/experts should be available, who are able to ensure a complete coverage of all 28 EU Member States and provide the country-specific expertise required (preferably through a network).

The members of the team should have no-conflict of interest and should be independent. A conflict of interests arises where one's ability to perform his/her duties impartially and objectively is impaired because of family or emotional ties, political or national affinity, economic interest or any other pertinent connection or common interest with national authorities.

Means of proof required:

- Details of educational and professional qualifications (CVs) of the Project Director and of the main members of the core team
- A list of principal services and/or studies carried out by the organisation(s) involved in the partnership in the last five years, with sums, dates and recipients identified (whether public or private bodies).
- A list with details of events organised by the organisation(s) involved in the partnership in the last 3 years
- Declaration by the Project Director certifying that the team has the skills needed to carry out the study, including the necessary professional and linguistic ability;
- Statement of availability of expert team members for the duration of the contract;
- In the case of tenders from consortia, clear identification of the coordinator 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 project and fulfil the role assigned to them (to be described in the written confirmation), and that they have sufficient time to complete their tasks.

Bids considered by the European Commission not to meet the above-mentioned requirements on economic, financial and technical capacity will be excluded from further assessment.

12. Award criteria

- 1) **Approach (30%):** understanding of the nature of the assignment, its context, the tasks to be carried out and the results to be achieved;
- 2) **Methodology (40%):** appropriateness and consistency, in relation to the tasks to be carried out, as specified under point 4; the methodology proposed for the realisation of the study, with particular emphasis on the following aspects: the steps envisaged,

the information/data/sources to be used, their accessibility, their pertinence for the analysis to be conducted, the actions proposed to exploit them, the interpretation and presentation of quantitative and qualitative information and the validation of conclusions.

- 3) **Work organisation (30%):** the value of the proposal, with particular emphasis on the following aspects: how the team of experts will be organised and coordinated, the allocation of tasks and responsibilities, the proposed working methods within the team as well as for the interaction with the Commission services, the work plan and the detailed timetable including the allocation of the human resources at the different stages of the work.

Please note that the contract will not be awarded to any bid that receives less than 70% in the award criteria. The points total will then be divided by the price, with the highest scoring bid being chosen.

The Commission may, before the contract is signed, either abandon the procurement or cancel the award procedure without the candidates or Tenderers being entitled to claim any compensation.

13. Content and presentation of bids

13.1 Content of bids

Tenders must include:

- ☐ all information and documents necessary to enable the Commission to appraise the bid on the basis of the exclusion, selection and award criteria (see points above);
- ☐ a bank ID form duly completed and signed by the bank;
- ☐ a "legal entity" form duly completed;
- ☐ the price;
- ☐ 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:

Level of qualification 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.

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.

Level of qualification II

Highly qualified expert having assumed responsibilities in his/her profession, recruited for his/her management/supervisory, thought and creativity skills as regards professional practise.

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.

Level of qualification III

Certified expert having received a high-level training in his/her profession recruited for his/her thought and creativity skills as regards professional practise.

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

Level of qualification IV

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.

13.2 Presentation of bids

Bids must be submitted in triplicate (i.e. one original and two copies).

They must include all the information required by the Commission (see points 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.