
Specifications – Open invitation to tender No VT/2009/018

Service contract for the production of a non-binding modular guide to best practice with a view to improving the application of the Community Directives on protecting the health and safety of workers in the fisheries sector sailing on vessels less than 15 metres in length.

1. TITLE OF CONTRACT

Service contract for the production of a non-binding modular guide to best practice with a view to improving the application of the Community Directives on protecting the health and safety of workers in the fisheries sector sailing on vessels less than 15 metres in length.

2. BACKGROUND

2.1. PROGRESS introduction

The Social Agenda (2005-2010) has fixed as its overall strategic goal to promote more and better jobs and to offer equal opportunities for all. The realisation of the Social Agenda relies on a combination of instruments comprising EU legislation, the implementation of open methods of coordination in various policy fields and financial incentives such as the European Social Fund.

The Decision n°1672/2006 establishing a Community programme for employment and social solidarity – PROGRESS was adopted by the European Parliament and the Council on 24 October and published in the OJ on 15 November.

PROGRESS aims at supporting the core functions of the European Community towards fulfilling its Treaty-delegated tasks and powers in its respective areas of competence in the employment and social sphere. PROGRESS mission is to strengthen the EU contribution in support of Member States' commitments and efforts to create more and better jobs and to build a more cohesive society. To that effect, PROGRESS will be instrumental in:

- providing analysis and policy advice on PROGRESS policy areas;
- monitoring and reporting on the implementation of EU legislation and policies in PROGRESS policy areas;
- promoting policy transfer, learning and support among Member States on EU objectives and priorities; and
- relaying the views of the stakeholders and society at large.

More specifically, PROGRESS will support:

- (1) the implementation of the European Employment Strategy (section 1);
- (2) the implementation of the open method of coordination in the field of social protection and inclusion (section 2);
- (3) the improvement of the working environment and conditions including health and safety at work and reconciling work and family life (section 3);

- (4) the effective implementation of the principle of non-discrimination and promotion of its mainstreaming in all EU policies (section 4);
- (5) the effective implementation of the principle of gender equality and promotion of its mainstreaming in all EU policies (section 5).

The present call for tenders is issued in the context of the implementation of the 2009 annual plan of work which is consultable at :

http://ec.europa.eu/employment_social/progress/annwork_en.htm

2.2. Background information specific to this contract – Community Directives applicable in the fisheries sector (vessels less than 15 metres in length)

The prime objective of the new Community strategy 2007-2012¹, supported by the Council Resolution of 25 June 2007², remains the continued improvement of working conditions and health and safety for workers at work, notably through an ongoing and sustainable reduction in work accidents and occupational diseases. In this context, the Commission notes that, in order to achieve this goal, the correct and effective implementation of Community legislation must be reinforced while supporting SMEs, particularly in “high-risk” sectors, such as construction, agriculture, fishing and transport. The Communication therefore provides for the Commission, through the new PROGRESS programme and in cooperation with the Advisory Committee³, to draw up non-binding practical guides on the correct application of Directives, particularly in the fisheries sector (vessels less than 15 metres in length).

Several Directives on health protection and safety for workers at work apply to this activity, starting with the Framework Directive 89/391/EEC⁴ on the introduction of measures to encourage improvements in the safety and health of workers at work. All the individual Directives under the Framework Directive also apply, with the exception of sectoral Directives such as the Workplace Directive 89/654/EEC⁵, Directives 92/91/EEC⁶ and 92/104/EEC⁷ on the extractive industries and Directive 1999/92/EC on explosive atmospheres⁸. and Directive 93/103/EEC on fishing vessels⁹ (which applies only to vessels with a length between perpendiculars of 15

¹ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions – Improving quality and productivity at work: Community strategy 2007-2012 on health and safety at work [COM(2007) 62 final of 21 February 2007].

² Council Resolution of 25 June 2007 on a new Community strategy on health and safety at work (2007-2012), OJ C 145, 30.06.2007, p. 1.

³ Council Decision of 22 July 2003 on the setting up of an Advisory Committee on Safety and Health at Work, OJ C 128, 13.09.2003, p. 1.

⁴ Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work, OJ L 183, 29.06.1989, p. 1.

⁵ Council Directive 89/654/EEC of 30 November 1989 concerning the minimum safety and health requirements for the workplace, OJ L 393, 30.12.1989, p. 1.

⁶ Council Directive 92/91/EEC of 3 November 1992 concerning the minimum requirements for improving the safety and health protection of workers in the mineral-extracting industries through drilling, OJ L 348, 28.11.1992, p. 9.

⁷ Council Directive 92/104/EEC of 3 December 1992 on the minimum requirements for improving the safety and health protection of workers in surface and underground mineral-extracting industries, OJ L 404, 31.12.1992, p. 10.

⁸ Directive 1999/92/EC of the European Parliament and of the Council of 16 December 1999 on minimum requirements for improving the safety and health protection of workers potentially at risk from explosive atmospheres, OJ L 23, 28.1.2000, p. 57.

⁹ Council Directive 93/103/EC of 23 November 1993 concerning the minimum safety and health requirements for work on board fishing vessels, OJ L 307, 13.12.1993, p. 1.

metres or over, see Article 2). Directive 92/29/EEC¹⁰ on medical treatment on board vessels, on the other hand, applies to all sizes of vessel.

Accordingly, the Commission feels it would be very appropriate to draw up a non-binding modular guide to best practice which, going beyond any other possible initiative, would have the aim of improving the understanding and practical implementation of the various Directives on health and safety protection for workers (sea fishers) sailing on vessels less than 15 metres in length.

These various Directives constitute the most appropriate means of achieving the objectives of the strategy for 2007-2012 without going further than what is needed in order to do so. They lay down minimum requirements obliging employers (shipowners) to identify and assess risks, identify the measures needed in order to prevent them and, where they cannot be prevented, to reduce/tackle them, preferably at source, by adapting the job to the man, taking account of technical progress, giving collective protective measures priority over individual protective measures, and providing workers with appropriate information and training. Some of these Directives lay down exposure limit values and exposure action values to protect workers exposed to specific risks, such as certain physical, chemical or biological agents.

Among other obligations, the Directives on health and safety require employers to prepare a **“safety and health plan”**, containing an assessment of the risks which cannot be avoided, and including measures to improve working conditions with a view to achieving an ongoing and effective reduction in work accident and occupational disease rates, which are particularly high in the fisheries sector. In this connection it is emphasised that the Community strategy for 2007-2012 quantifies the objective of an ongoing, sustainable and uniform reduction in work accidents, stipulating a 25% cut in the overall rate per 100 000 workers at EU-27 level.

3. SUBJECT OF THE CONTRACT

This invitation to tender is intended to attract bids with a view to collecting the information for preparing and producing a non-binding modular guide to best practice as referred to in section 1 of these specifications. This guide should set out and provide practical advice for better application of the Directives on the health and safety of workers in the fisheries sector sailing on vessels less than 15 metres in length.

The guide must cover the methods used for identifying and evaluating risks and offer assistance with the choice and correct use of work equipment and the optimisation and implementation of preventive measures (technical and/or organisational) on the basis of a prior risk analysis. It must also include information on the types of training and information to be provided to the workers concerned and propose effective solutions to all safety and health problems relating to workers in the fisheries sector sailing on vessels less than 15 metres in length. The modular guide must be based on didactic principles so as to facilitate its use by non-specialists; it should use simple language, pictograms, pictures, diagrams, etc. to facilitate their understanding. All issues related to copyright of such images are the responsibility of the tenderer.

An indication of the type of information and level of detail required can be found in the existing examples of non-binding guides on different subjects:

¹⁰ Council Directive 92/29/EEC of 31 March 1992 on the minimum safety and health requirements for improved medical treatment on board vessels, OJ L 113, 30.04.1992, p. 19.

A number of these examples of existing guides may be found on the webpage where this document was placed.

The guide should take into account that the risk of accidents to crews of small fishing vessels is high due to the small number of crew and the many tasks carried out. Adverse weather conditions can also increase accident risks so the situations where working conditions deteriorate and the actions to be taken need to be identified. The most likely time for accidents to happen is in periods of increased workload and extended working hours.

The guide should define the appropriate response to the following general factors that can contribute to the increased risk of an accident

Fatigue

Vessel and equipment use and maintenance

Confined workplaces

Inherent hazards (e.g. the sea or weather)

Training or expertise

Monitoring of safety performance

Failure to identify hazards

Failure to provide or use safety measures or protective equipment.

The activities to be taken into account are those in the fisheries sector using vessels less than 15 metres in length, such as (Note this list is not exhaustive and can be added to as necessary):

- Preparing the vessel for sea;
- Safe navigation to and from the fishing grounds;
- Awareness of any dangers (prevention – safety induction tour of vessel for new crew members where appropriate)
- Seaworthiness and stability of vessels in particular doors to be kept closed at sea, scuppers, freeing ports to be kept clear, equipment or catch to be secured against movement, free surface effect and effects of lifting/moving weights;
- Radio-communication equipment, including medical consultations by radio, in particular the training to operate such radio equipment that will have to be undertaken.
- Falls overboard
- Signalling for help (Mayday). EPIRB (Emergency Position Indicating Radio Beacon)
- Use of safety equipment, buoyancy aids, immersion suits, life raft (rules, maintenance and equipment to be provided).
- Flammable hazards (solids, liquids and gases, e.g. fuel, LPG, electricity).
- Fire detection;
- Fire fighting;
- Confined spaces.
- Safe fishing operations including stowage of the catch;
- Landing of catch
- Use of work equipment, including the preparation, setting and hauling of fishing gear in the various types of fishing methods, such as, potting, trawling, dredging, jigging, long lining, etc ;

- Handling of loads; including the preparation of fish products, stowing and unloading, the requirements for the inspection and testing of lifting equipment and provision of a template for making a register of lifting gear. It should include guidance on the risk assessment specifically for manual lifting of loads;
- Work involving contact with chemicals products or biological agents;
- Work on machines, including risks related to noise, vibration or electromagnetic fields; Selection of collective protective measures and of personal protective equipment (PPE) as appropriate;
- First aid and infections from catch
- Personal hygiene
- Extreme weather conditions;
- Systems, methods and organisation of work, along with the technical equipment capable of reducing the risks to which workers are exposed specific attention must be paid to musculoskeletal disorders.;
- Appropriate information and training for workers, for a particular task on board by a competent crewmember (e.g. Skipper) to familiarise them with the risks facing them and enable them to use work equipment and personal protective equipment correctly;
- Medical supplies which must be available on board vessels;

The risks associated with the simultaneous presence of workers including self-employed workers, young workers and older workers working alone also should be considered, as well as problems related to communications between workers from different nationalities; where possible the use of non verbal communication through signs should be identified and defined.

The guide should focus particularly on work involving specific risks, such as:

- The risk of drowning.
- Activities which put workers at risk of slipping, falling, dangerous surfaces (e.g. steel cables, sharp tools or other edges to surfaces), unprotected moving machine parts, etc.;
- Work which exposes workers to chemical and/or biological substances;
- Work in the open air or extreme weather conditions;
- etc.

The draft guide should pay special attention to:

- (1) The specific features of fishing vessels managed by shipowners belonging to small and very small companies (family or artisanal firms); this can lead to constraints in the investment in new equipment, or formal training courses, or the time devoted to health and safety issues.
- (2) Risks resulting from working simultaneously on different types of machines;
- (3) Risks resulting from the simultaneous presence of workers from different cultures and migrant workers, and the possible communication problems arising;
- (4) Risks related to consumption of alcohol, medicines, drugs as well as fatigue on board.

The draft guide must have a modular structure so that it can be generally applied to all types and sizes of vessel less than 15 metres in length. It must facilitate risk assessment.

The draft modular guide must also facilitate the adoption of measures to eliminate or reduce the risks to which workers on board vessels are exposed, and must include examples to assist this task. In particular, it should be easy to apply.

Lastly, the draft guide must be structured as follows:

- Foreword, Introduction, How to read the guide, and different chapters in a modular form using simple language, pictograms, pictures, diagrams, etc. to facilitate their understanding. The tender should define the exact structure of the draft guide. The offer should clearly indicate how the above mentioned factors, risks and activities will be incorporated into the general structure of the guide. This structure will be used to evaluate the understanding and methodological approach of the tenderer at the evaluation stage.
- Also, the guide must be provided in paper, electronic and interactive forms including the possibility to disseminate also by DVD, interactive enough so that users – regardless of their technical skills – can easily access the required information, this may include a web based small search engine;
- The guide must contain a bibliography of existing guides and standards on the subject (CEN – CENELEC - ISO), available at the EU-27, Member States EFTA-EEA and EU candidate and pre-candidate countries level and from international bodies and institutions (ILO – WHO – IMO – etc.) as well as a glossary of technical terms used in the guide, and definitions to assist the understanding.

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

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

5. TASKS TO BE CARRIED OUT BY THE CONTRACTOR

5.1. Description of tasks

The contractor's main tasks will be geared to preparing a draft modular guide to best practice which includes the elements mentioned in section 3 of these specifications and will allow all those involved in the practical implementation of the Directives on health and safety at work, especially small and medium-sized shipowners (SMEs) and very small businesses (family or artisanal firms), to eliminate or minimise the risks to which workers are exposed during activities on board fishing vessels less than 15 metres in length.

In this respect, the contractor should take account of the fact that most of the users at whom the guide is aimed will be professionals with very diverse expertise who are working on fishing vessels of different sizes. The draft modular guide must be comprehensible to the different players in different fields with different resources, where workers with different cultures and nationalities co-exist.

Consequently, this modular guide to best practice must cover not only general and practical guidelines but also the elements necessary to achieve the objectives set out in section 3, "Subject of the contract", of these specifications.

To this end the contractor, starting from the studies and guides on the subject already in existence in the 27 Member States of the European Union EFTA-EEA and EU candidate and pre-candidate countries, must:

- (1) collect the information required for preparing a draft modular guide and make it available to the Commission along with the draft modular guide. This information must be included in the final report to be submitted to the Commission at the end of the work;
- (2) devise a working method, which will be discussed and adopted by a "Monitoring Committee" (MC) appointed by the Advisory Committee on Safety and Health at Work¹¹, at the **first (1st) meeting** following the signature of the contract;
- (3) prepare a preliminary version of the draft modular guide, which will be discussed and adapted following suggestions and contributions made within the "Monitoring Committee" (MC) and proposals made by the Commission (Unit EMPL F/4);
- (4) take part in **twelve (12) meetings, six (6) with the Commission (Unit EMPL F/4) and six (6) with the "Monitoring Committee" (MC)**. The latter will take place the day after each meeting with the Commission, which each time will discuss the draft modular guide adapted following the previous meetings. These meetings will be held in the Commission premises in Luxembourg;
- (5) adapt the draft modular guide no later than **three (3) weeks** after each meeting with the "Monitoring Committee" (MC), taking account of the suggestions and proposals made by the Commission (Unit EMPL F/4) and by the members of the "Monitoring Committee" (MC);
- (6) verify and validate the capacity of the draft modular guide as indicated in section 3 of these specifications. **In this connection the contractor will test the draft** modular guide in collaboration with the competent national authorities in **three (3) Member States** of the European Union, EFTA-EEA and EU candidate and pre-candidate countries and with the support of the National competent authorities, on **three (3) types of fishing vessel and/or activity** to be selected by the "Monitoring Committee" (MC) **acting on a proposal from the contractor twelve (12) months after the signature of the contract**. For example:
 - potting;
 - trawling;
 - dredging;
 - jigging;
 - longlining;
- (7) present a final report at the end of the contract, including the final draft of the modular guide, the information gathered during testing on the **three (3) types of fishing vessel and/or activity** selected, as well as the bibliographical references.

¹¹ OJ C 218, 13.09.2003, p. 1.

The contractor will propose a draft modular guide containing elements fulfilling the following purposes:

- to refer to the general principles underlying Community legislation on safety and health at work. The modular guide will also refer to the principles on which the legislation is based, including the provisions on training and consultation of workers and health surveillance;
- to generally permit the identification and assessment of risks and thus be able to make provision for specific measures to ensure the safety and protect the health of workers exposed to risks as a result of their work on board vessels less than 15 metres in length.

5.2. Methodology

In their bids, tenderers must indicate the methods they intend to use, including the modular aspect of the guide and **the testing of the draft modular guide in collaboration with the competent national authorities in three (3) Member States of the European Union, EFTA-EEA and EU candidate and pre-candidate countries and with the support of the National competent authorities.** Testing will be carried out in accordance with the requirements of section 7 “Time schedule and reporting” of these specifications. Bids must contain evidence of the tenderer’s ability to perform the tasks set out in section 5.1 of these specifications, the rigour of the proposed approach (methodology) and the ability to meet the requirements expressed in section 3 “Subject of the contract”, as well as a draft list of contents of the proposed modular guide and the work plan, which will be among the factors governing the award of the contract.

Tenderers may choose not to give full details of their methodology unless they are awarded the contract. But in their bid they **must clearly indicate** the fundamental elements of the methodology allowing the objectives set out in section 3 of these specifications to be achieved. In this case, they must indicate their intention in their bid, and include a summary of the methodology.

The methodology must enable the identification, analysis and assessment of the various elements cited in sections 3 and 5.1 of these specifications and should not be restricted to documentary identification and analysis. It must also show the approach envisaged and its suitability for reflecting correctly the requirements expressed in sections 3 and 5.1 as well as the draft list of contents of the modular guide and the work plan, which will be among the factors governing the award of the contract.

The methodology described above and the work plan proposed will be among the factors governing the award of the contract.

5.3. Guide to how the activities will be carried out

The PROGRESS Programme aimed at promoting gender mainstreaming in all its five policy sections and commissioned or supported activities. Consequently, the Contractor will take the necessary steps to ensure that:

- Gender equality issues are taken into account when relevant for the drafting of the technical offer by paying attention to the situation and needs of women and men;
- Implementation of the requested tasks includes a gender perspective by considering systematically women and men dimension.
- Performance monitoring includes the collection and gathering of data disaggregated by sex when needed.
- its proposed team and/or staff respects the gender balance at all levels.

Equally, needs of disabled people shall be duly acknowledged and met while executing the requested service. This will in particular entail that where the Contractor organises training sessions, conference, issues publications or develops dedicated websites, people with disabilities have equal access to the facilities or the services provided.

Finally, the Contracting Authority encourages the Contractor to promote equal employment opportunities for all its staff and team. This entails that the Contractor shall foster an appropriate mix of people, whatever their ethnic origin, religions, age, and ability.

The Contractor will be required to detail in its activity report accompanying the request for the final instalment the steps and achievements it made towards meeting these contractual provisions.

6. SKILLS AND PROFESSIONAL QUALIFICATIONS REQUIRED

See Annex IV to the draft contract, experts' CVs.

Additional requirements:

To carry out these tasks, tenderers must show that they have a team with confirmed experience in the specific field of assessment of the risks to which workers in the fisheries sector sailing on vessels less than 15 metres in length are exposed, the ability to propose measures to prevent and/or tackle these risks, together with a good knowledge of Community legislation on occupational health and safety aspects applicable to the sector concerned and in the application of means of preventing these risks.

To carry out the tasks described in order to achieve the objectives set out in section 3 of these specifications, tenderers must have a team with proven competence and confirmed experience in the following specific areas:

- identification and prevention of risks associated with work in the fisheries sector and in particular on fishing vessels less than 15 metres in length;
- in-depth knowledge of the Framework Directive 89/391/EEC and the other Community Directives on health and safety at work applicable to the fisheries sector, in particular the definitions, tasks and responsibilities of the various players;
- establishing of “**safety and health plans**”, including risk assessment as a function of the risks to which workers on fishing vessels less than 15 metres in length are exposed, and the measures to be proposed to prevent and/or tackle those risks;
- selection and use of appropriate work equipment and personal protective equipment (where necessary);
- provision of instruction and preparation of modular guides to best practice aimed at a target group with different levels of training, education and understanding, particularly immigrants, using diagrams and pictograms.

In particular, the team must be familiar with the problems of small and medium-sized enterprises, micro-enterprises and family or artisanal firms.

7. TIME SCHEDULE AND REPORTING

See Article I.2. of the draft contract.

7.1. Specific deadlines for the performance of tasks:

The work must be completed within a maximum of **twenty (20) months** from the date on which the contract is signed. It will include the following stages:

- (1) Not later than **one month** after signature of the contract, the contractor must submit to the European Commission (Unit EMPL F/4) a detailed document relating to the methods and approach presented in the bid, together with the work schedule, which will then be assessed by the “Monitoring Committee” (MC) at its first meeting.
- (2) During the second **month**, the contractor must give a presentation to the Commission and the “Monitoring Committee” (MC) on the aspects referred to in section 5.1 at an initial meeting organised by the European Commission (Unit EMPL F/4) in Luxembourg. The contractor must attend this initial meeting of the MC and the other meetings referred to in these specifications and must take account of the MC’s suggestions and recommendations during the progress of the work on the preparation of the draft modular guide. Details of the methods, the approach to be followed and the work plan must be submitted by the contractor in English.
- (3) The contractor must meet periodically with the Commission and the MC to discuss progress and the content of the draft modular guide **twelve (12) meetings: six (6) with the Commission (Unit EMPL F/4) the day before the six (6) with the MC**.
- (4) No more than eight (8) months after signature of the contract, the contractor must submit an interim report in English to the European Commission (Unit EMPL F/4), describing the progress of the work in relation to the envisaged timetable. This report must contain a summary of the results to date and a copy of the draft modular guide as it stands. The Commission (Unit EMPL F/4) will submit this report to the MC within 15 days of receiving it, for discussion and possible amendment at one of the six (6) meetings with the MC provided for in these specifications. The conclusions of the meeting with the MC will be taken into account by the contractor in his work to prepare the draft modular guide and the final report.
- (5) **Twelve (12) months** after signature of the contract, the contractor must test the draft modular guide at the **three (3) types of fishing vessel and/or activity** selected, as indicated in section 5.1 (6) of these specifications.
- (6) **Fifteen (15) months** after signature of the contract, the contractor must submit a preliminary draft final report in English to the European Commission (Unit EMPL F/4). This preliminary draft final report will contain the final draft of the modular guide together with the documents collected as basic elements as defined in sections 3 and 5.1 of these specifications.

This preliminary draft final report (in English) will be discussed by the MC at a meeting held in Luxembourg within 15 days of its receipt by the Commission (Unit EMPL F/4). The conclusions of the meeting of the MC will be taken into account by the contractor in preparing the draft final report.
- (7) **Sixteen (16) months** after signature of the contract, the contractor must submit a draft final report in English to the European Commission (Unit EMPL F/4). This draft final report (in English) will contain the revised final draft of the guide (in English) together with all the documents collected as basic elements for preparing the final draft of the modular guide and the standards, directives and literature, as defined in sections 3 and 5.1 of these specifications.
- (8) The European Commission (Unit EMPL F/4) may transmit objections and comments to the contractor within **sixty (60) days of receipt** of the draft final report. The contractor will then have 30 days to present a revised final report, in English, taking these objections and comments into account or presenting another point of view.

When submitting the final report, the contractor may obtain written confirmation of acceptance.

- (9) **Thirty (30) days after submission of the final report**, and in the absence of objections and/or comments from the European Commission (Unit EMPL F/4), the contractor must submit the final report containing the final version of the draft modular guide in English.

The contractor must present the final report containing the various elements referred to in sections 5 and 7 of these specifications. The draft modular guide must be provided in paper form and in electronic form, interactive enough so that users – regardless of their technical skills – can easily access the required information.

NB:

The draft final report and the final report must include a brief summary in English of the main results obtained. A one-page presentation of the key points of the results must accompany the summary. These key points should be concise, clear and easy to understand. They must be drafted in English, French and German. Other Community languages will be appreciated, but are not compulsory.

The detailed methodology and work plan, together with the various reports and draft reports referred to in this section, must be submitted to the European Commission (Unit EMPL F/4) both on paper (in triplicate) and in a widely-used electronic format (CD-ROM or DVD). The contractor must also supply a copy of the information collected as mentioned in sections 5 and 7 and used in preparing the draft guide and the final report. The pictograms, pictures, graphics and other illustrations must also be presented in a widely-used electronic format.

7.2. Publicity and information requirements

- 1.- As a matter of principle, with a view to favouring valorisation by the European Commission of all results obtained and outputs delivered under PROGRESS programme, the Contractor will be required to provide - either upon specific request or in any event with the final activity report - for each of the tasks required under the present Call the following:

- Presentation of their key points in one page. Key points should be concise, sharp and easily understandable. They shall be provided in English, French and German. Other Community languages would be welcome even if not compulsory.
- And an executive summary in 5/6 pages in English, French and German unless otherwise more precisely described in the section "tasks to be carried out".

- 2.- In accordance with the General conditions, the Contractor is under the obligation to acknowledge that the present service is delivered on behalf of the Community in all documents and media produced, in particular final delivered outputs, related reports, brochures, press releases, videos, software, etc, including at conferences or seminars. In the context of the Community Programme for Employment and Social Solidarity – PROGRESS – the following formulation shall be used :

"This (publication, conference, training session) is supported for under the European Community Programme for Employment and Social Solidarity (2007-2013). This programme is managed by the Directorate-Generale for Employment, social affairs and equal opportunities of the European Commission. It was established to financially support the

implementation of the objectives of the European Union in the employment and social affairs area, as set out in the Social Agenda, and thereby contribute to the achievement of the Lisbon Strategy goals in these fields.

The seven-year Programme targets all stakeholders who can help shape the development of appropriate and effective employment and social legislation and policies, across the EU-27, EFTA-EEA and EU candidate and pre-candidate countries.

PROGRESS mission is to strengthen the EU contribution in support of Member States' commitments PROGRESS will be instrumental in:

- *providing analysis and policy advice on PROGRESS policy areas;*
- *monitoring and reporting on the implementation of EU legislation and policies in PROGRESS policy areas;*
- *promoting policy transfer, learning and support among Member States on EU objectives and priorities; and*
- *relaying the views of the stakeholders and society at large*

For more information see:

http://ec.europa.eu/employment_social/progress/index_en.html

For publications it is also necessary to include the following reference: *"The information contained in this publication does not necessarily reflect the position or opinion of the European Commission"*

With regard to publication and any communication plan linked to the present service, the Contractor will insert the European Union logo, and if any another logo developed for the employment and social solidarity fields, and mention the European Commission as the Contracting Authority in every publication or related material developed under the present service contract.

7.3 Reporting requirements

PROGRESS is implemented through a results-based management - RBM. Managing for outcomes and results is about working to maximise results for European citizens. This includes:

- Identifying the most important results for European citizens;
- Managing for these results, including setting clear desired results, implementing plans based upon these results and learning about 'what works' in the process;
- Seizing opportunities to work together whenever this helps achieve the results.

As a first step, a Strategic Framework for the implementation of *PROGRESS* has been developed in collaboration with Member states and organisations from the civil society. The Strategic Framework provides the framework for implementing *PROGRESS*, complemented by the Performance Measurement, which defines *PROGRESS* mandate, its long-term and specific outcomes. For more information on the strategic framework, please visit *PROGRESS* website at <http://ec.europa.eu/social/main.jsp?catId=657&langId=en>.

The Commission will in that context monitors the effect of *PROGRESS* supported or commissioned initiatives and considers how these initiatives contributes to *PROGRESS*

outcomes as defined in the Strategic Framework. In that context, the contractor will be asked to loyally work in close cooperation with the Commission and/or persons authorised by it to define their expected contributions and the set of performance measures against which their contribution will be assessed. The contractor will be asked to collect and report on its own performance on a regular basis to the Commission and/or persons authorised by it. In addition, the contractor will make available to the Commission and/or persons authorised by it all documents or information that will allow PROGRESS performance measurement to be successfully completed and to give them the rights of access. A template recapping performance information that will have to be collected and reported on by the Contractor is annexed to the contract.

8. PAYMENTS AND STANDARD CONTRACT

When preparing their bids, tenderers must take account of the provisions of the model contract, which includes the “general conditions applicable to service contracts”.

8.1. Pre-financing

Following signature of the contract by the last contracting party, a pre-financing payment equal to 30% of the total referred to in Article 1.3.1 of the model contract will be paid within 30 days of the date of receipt of a request for pre-financing, accompanied by a corresponding invoice.

8.2. Interim payment

The contractor can request an interim payment. To be acceptable, such request must be accompanied by:

- an interim technical report in accordance with the instructions laid down in section 7,
- the relevant invoices
- statements of reimbursable expenditure in accordance with Article II.7 of the draft contract.

The report must have been approved by the Commission.

The Commission has 60 days from receipt of the report to approve or reject it, and the contractor has 30 days in which to submit additional information or a new report.

Within 30 days of the date on which the report is approved by the Commission, an interim payment corresponding to the relevant invoices, up to a maximum of 40% of the total amount referred to in Article 1.3.1 of the draft contract shall be made.

8.3. Payment of the balance

To be acceptable, the contractor’s request for payment of the balance must be accompanied by:

- a final technical report in accordance with the instructions laid down in section 7,
- the relevant invoices,
- statements of reimbursable expenditure in accordance with Article II.7 of the draft contract.

The said report must have been approved by the Commission.

After receiving the report, the Commission has 60 days in which to accept or reject it, and the contractor has 30 days in which to submit new documents.

The balance corresponding to the relevant invoices will be paid within 30 days following the date of approval of the report by the Commission.

9. PRICES

As, pursuant to Articles 3 and 4 of the Protocol on the Privileges and Immunities of the European Communities annexed to the Treaty, the Communities are exempt from all taxes and dues, including value-added tax (VAT), these should not be included in the price tendered. Therefore these charges should not be included when calculating the price. The amount of VAT must be shown separately.

The price must be stated in euro (€) 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 the invitation to tender was issued), and broken down according to the model in Annex III included in the attached standard contract.

■ Part A: Fees and direct costs

- Fees, expressed in number of person/days and unit price per working day for each expert proposed. The unit price covers the experts' fees and administrative expenditure, but not the reimbursable expenses referred to below.
- Translation costs, where applicable

■ Part B: Reimbursable expenses

- Travel expenses (not including local transport)
- Subsistence expenses of the contractor and his personnel (covering expenditure incurred by experts on short trips away from their normal place of work) — see Annex III to the model contract
- Expenses for the shipment of equipment or unaccompanied luggage, directly connected with performance of the tasks specified in Article I.1 of the draft contract
- Contingencies.

Total price = Part A + Part B, with a maximum of € 320 000

10. GROUPINGS OF ECONOMIC OPERATORS OR CONSORTIA

Bids may be submitted by groups of service providers/suppliers who will not be required to adopt a particular legal form prior to the contract being awarded, but the group 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 contract¹². However, a grouping of economic operators must nominate one party to be responsible for receiving and processing payments for its members, for the administrative management of the service, and for coordination. The documents required and listed in sections 11 and 12 below must be supplied by every member of the grouping.

¹² This may be an entity with or without legal personality, but must offer sufficient protection of the Commission's contractual interests (depending on the Member State concerned it may be, for example, a consortium or a temporary association).
The contract must be signed by all the members of the grouping or by one of them, duly authorised by the others (a proxy or other appropriate authorisation will be appended to the contract), in cases where the tenderers have not formed a legal entity.

Each member of the grouping assumes 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 93 and 94 a) of the Financial Regulation.

Those articles are as follows :

"Article 93 :

Applicants 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 have been convicted of an offence concerning their professional conduct by a judgement 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;*
- d) they have not fulfilled their obligations relating to the payment of social security contributions or the payment of taxes in accordance with the legal provisions of the country in which they are established or with those of the country of the contracting authority or those of the country where the contract is to be performed;*
- e) they have been the subject of a judgement which has the force of res judicata for fraud, corruption, involvement in a criminal organisation or any other illegal activity detrimental to the Communities' financial interests;*
- f) they are currently subject to an administrative penalty referred to in Article 96(1)¹³.*

Article 94 :

Contracts may not be awarded to candidates or tenderers who, during the procurement procedure:

- a) are subject to a conflict of interest;*
- b) are guilty of misrepresentation in supplying the information required by the contracting authority as a condition of participation in the procurement procedure or fail to supply this information¹⁴"*

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

¹³ Cf .Article 96(1): "The contracting authority may impose administrative or financial penalties on the following:

(a) candidates or tenderers in the cases referred to in point (b) of Article 94;
(b) contractors who have been declared to be in serious breach of their obligations under contracts covered by the budget.
(...)"

¹⁴ Cf. Article 146(3) of the FR Implementing Rules: « ...the evaluation committee may ask candidates or tenderers to supply additional material or to clarify the supporting documents submitted in connection with the exclusion and selection criteria, within the time limit it specifies. » and Article 178(2) of the FR Implementing Rules: « The evaluation committee may ask an applicant to provide additional information or to clarify the supporting documents submitted in connection with the application, in particular in the case of obvious clerical errors. »

evidence referred to in Article 134 of the implementing Rules, confirming the declaration referred to in point 1 above.

Article 134 of the Implementing Rules – 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 point (a), (b) or (e) of Article 93(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 (d) of Article 93(1) of the Financial Regulation, a recent certificate issued by the competent authority of the State concerned.

Where the document or certificate is not issued in the country concerned, 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 paragraph 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 134 of the Implementing Rules, 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

All bids must also contain the documents listed below, testifying to the tenderer's financial and economic capacity, technical capability and professional qualifications. In particular, the European Commission will verify the following:

12.1. Financial and economic capacity (on the basis of the following documents

- turnover during the previous financial year (statement of overall turnover – at least twice the value of the contract, i.e. € 640 000 -)

- balance sheets and profit and loss accounts for the last three financial years, if the legislation of the country in which the tenderer is established requires them to be published;
- regular accounts for the quarter preceding that in which the tender notice was published, if the full accounts for the previous financial year are not yet available.

12.2. Tenderer's technical capability

- a description of the tenderer's technical capability and practical experience in the field referred to in sections 3, 5 and 6 of these specifications. For consortia of companies or groups of service providers, this description must relate specifically to the tasks to be performed by each of their members;
- samples of work and/or publications of last 3 years demonstrating the tenderer's practical experience in the fields referred to in section 3 of these specifications;
- the tenderer must provide the names and CVs (maximum of three pages each) of the persons responsible for the specific tasks described in section 5 of these specifications, with a view to demonstrating their practical experience and their capability to prepare practical guidelines and to test its in the practical way;
- a description of the parts of the services to be provided by each consortium of companies or groups of service providers (where applicable).

13. AWARD CRITERIA

Taking the bids which meet the requirements of sections 11 and 12 above, the contract will be awarded to the best-value-for-money tender, on the basis of:

13.1 Quality of the offer (max. 100 points)

The evaluation of the quality of the offers will be done accordingly to the following criteria:

- | | | |
|---|---|-----------|
| - | Understanding of the scope of work, objectives and tasks: | 20 points |
| - | Quality and consistency of the methodological approach, taking into account any particularities of this specific project and including a description of the tangible results which will be delivered: | 40 points |
| - | Quality of the work plan proposed: | 20 points |
| - | Organisation of the work and management of the project: | 20 points |

13.2. Financial proposal

13.2.1 Minimum requirements

Tenders for which the assessment of the quality of the bid result in less than **65 points** of a perfect score (100) will be considered to be of an unacceptably low quality. Only tenderers having scored an average of 65 points or more on the bids evaluation may participate in the financial evaluation.

The total score obtained in this way will be considered together with the **price** (for method used, see 13.2.2 Financial evaluation), and the contract will be awarded to the most cost-effective tender.

The Commission reserves the right not to select a contractor if the price of the offers proposed is in excess of the budget allocated to this project.

13.2.2 Financial evaluation

Method used:

- (1) The best-value-for-money offer is determined by weighting the quality of the offer **70%** and the financial proposal **30%** using the following method:
- (2) In order to reflect the **70%** weighting to be given to the quality of the proposal, the tender with the best quality as evaluated under 13.1 is awarded the maximum **70**. Other tenders which received the minimum score of 65 points on the quality of the offer (see 13.2.1) receive points calculated according to the following equation:

Points **T** = (initial score of bid in question/initial score of best bid) x **70**

- (3) In order to reflect the **30%** weighting to be given to the financial proposal the lowest financial offer is automatically awarded the maximum of **30**.

Other tenders receive points calculated according to the following equation:

Points **F** = (least expensive price/price of tender in question) x **30**.

Final score = T+F

The highest scoring firm is deemed to have made the best-value-for-money offer.

14. CONTENT AND PRESENTATION OF BIDS

14.1. Content of bids

Bids must include:

- a presentation letter duly signed by the legal representative;
- all the information and documents necessary to enable the Commission to appraise the bid on the basis of the selection and award criteria (see sections 12 and 13 above);
- a bank ID form duly completed and signed by the bank;
- a "legal entity" form duly completed;
- the price;
- the detailed CVs of the proposed experts;
- 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.

14.2. Presentation of bids

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

Exclusion criteria (Article 93(1) FR)	Supporting documents to be provided by applicants, tenderer or tenderers to who the contract will be awarded	
	Procurement (Article 93(2) FR; Article 134 IR)	
1. Exclusion from a procurement procedure, Article 93(1) FR : <i>« Candidates or tenderers shall be excluded from participation in a procurement procedure if:</i>		
1.1. (subparagraph a) <i>they are bankrupt or being wound up,</i> <i>are having their affairs administered by the courts,</i> <i>have entered into an arrangement with creditors have suspended business activities, are the subject of proceedings concerning those matters,</i> <i>or are in any analogous situation arising from a similar procedure provided for in national legislation or regulations¹⁵;</i>	<ul style="list-style-type: none"> – Recent extract from the judicial record or recent equivalent document issued by a judicial or administrative authority in the country of origin or provenance – Where no such certificate is issued in the country concerned : 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 	–
1.2. (subparagraph b) <i>they have been convicted of an offence concerning their professional conduct by a judgment which has the force of res judicata¹⁶;</i>	Cf. supporting documents for Article 93(1)(a) FR above	
1.3. (subparagraph c) <i>they have been guilty of grave professional misconduct proven by any means which the contracting authority can justify;</i>	Declaration by the candidate or tenderer that he is not in the situation described	
1.4. (subparagraph d) <i>they have not fulfilled 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 performed¹⁷;</i>	Recent certificate issued by the competent authority of the State concerned confirming that the candidate is not in the situation described or – Where no such certificate is issued in the country concerned : 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	
1.5. (subparagraph e) <i>they have been the subject of a judgment which has the force of res judicata for fraud, corruption, involvement in a criminal organisation or any other illegal activity detrimental to the Communities' financial interests¹⁸;</i>	Cf. supporting documents for Article 93(1)(a) FR above	
1.6. (subparagraph f) <i>they are currently subject to an administrative penalty referred to in Article 96(1)¹⁹. »</i>	Declaration by the candidate or tenderer that he is not in the situation described	

¹⁵ See also Article 134(3) IR : Depending on the national legislation of the country in which the tenderer or candidate is established, the documents referred to in paragraphs 1 and 2 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.

¹⁶ Cf. footnote n° 15.

¹⁷ Cf. footnote n° 15.

¹⁸ Cf. footnote n° 15.

¹⁹ Article 96(1) FR: The contracting authority may impose administrative or financial penalties on the following:

(a) candidates or tenderers in the cases referred to in point (b) of Article 94;

(b) contractors who have been declared to be in serious breach of their obligations under contracts covered by the budget.

Exclusion criteria (Article 94 FR)	Supporting documents to be provided by applicants, tenderers or tenderers to who the contract will be awarded.	
	Procurement	Grants
2. Exclusion from a procurement or grant award procedure Article 94 FR : « <i>Contracts may not be awarded to candidates or tenderers who, during the procurement procedure:</i>		
2.1. (subparagraph a) <i>are subject to a conflict of interest;</i>	Statement by the applicant, tenderer or bidder confirming the absence of conflict of interests, to be submitted with the application, bid or proposal	
2.2. (subparagraph b) <i>are guilty of misrepresentation in supplying the information required by the contracting authority as a condition of participation in the contract procedure or fail to supply this information»²⁰.</i>	<ul style="list-style-type: none"> – No specific supporting documents to be supplied by the applicant, tenderer or bidder – It is the responsibility of the authorising officer, represented by the evaluation committee, to check that the information submitted is complete²¹ and to identify any misrepresentation 	

²⁰ Cf. Article 146(3) of the FR Implementing Rules: « ...the evaluation committee may ask candidates or tenderers to supply additional material or to clarify the supporting documents submitted in connection with the exclusion and selection criteria, within the time limit it specifies. » and Article 178(2) of the FR Implementing Rules: « The evaluation committee may ask an applicant to provide additional information or to clarify the supporting documents submitted in connection with the application, in particular in the case of obvious clerical errors. ». »

²¹ Cf. footnote n°20

Annex II

Declaration of honour with respect to the Exclusion Criteria and absence of conflict of interest

The undersigned [*name of the signatory of this form, to be completed*]:

- in his/her own name (*if the economic operator is a natural person or in case of own declaration of a director or person with powers of representation, decision making or control over the economic operator²²*)
or
- representing (*if the economic operator is a legal person*)

official name in full (*only for legal person*):

official legal form (*only for legal person*):

official address in full:

VAT registration number:

declares that the company or organisation that he/she represents / he/she:

- a) is not bankrupt or being wound up, is not having its affairs administered by the courts, has not entered into an arrangement with creditors, has not suspended business activities, is not the subject of proceedings concerning those matters, and is not in any analogous situation arising from a similar procedure provided for in national legislation or regulations;
- b) has not been convicted of an offence concerning professional conduct by a judgment which has the force of *res judicata*;
- c) has not been guilty of grave professional misconduct proven by any means which the contracting authorities can justify;
- d) has fulfilled all its obligations relating to the payment of social security contributions and the payment of taxes in accordance with the legal provisions of the country in which it is established, with those of the country of the contracting authority and those of the country where the contract is to be carried out;
- e) has not been the subject of a judgement which has the force of *res judicata* for fraud, corruption, involvement in a criminal organisation or any other illegal activity detrimental to the Communities' financial interests;
- f) is not a subject of the administrative penalty for being guilty of misrepresentation in supplying the information required by the contracting authority as a condition of participation in the procurement procedure or failing to supply an information, or being declared to be in serious breach of his obligation under contract covered by the budget.

²² To be used depending on the national legislation of the country in which the candidate or tenderer is established and where considered necessary by the contracting authority (see art. 134(4) of the Implementing Rules).

In addition, the undersigned declares on their honour:

- g) they have no conflict of interest in connection with the contract; a conflict of interest could arise in particular as a result of economic interests, political or national affinities, family or emotional ties or any other relevant connection or shared interest;
- h) they will inform the contracting authority, without delay, of any situation considered a conflict of interest or which could give rise to a conflict of interest;
- i) they have not made and will not make any offer of any type whatsoever from which an advantage can be derived under the contract;
- j) they have not granted and will not grant, have not sought and will not seek, have not attempted and will not attempt to obtain, and have not accepted and will not accept any advantage, financial or in kind, to or from any party whatsoever, constituting an illegal practice or involving corruption, either directly or indirectly, as an incentive or reward relating to award of the contract.
- k) that the information provided to the Commission within the context of this invitation to tender is accurate, sincere and complete.
- l) that in case of award of contract, they shall provide the evidence that they are not in any of the situations described in points a, b, d, e above²³.

For situations described in (a), (b) and (e), production of a recent extract from the judicial record is required or, failing that, a recent equivalent document issued by a judicial or administrative authority in the country of origin or provenance showing that those requirements are satisfied. Where the tenderer is a legal person and the national legislation of the country in which the tenderer is established does not allow the provision of such documents for legal persons, the documents should be provided for natural persons, such as the company directors or any person with powers of representation, decision making or control in relation to the tenderer.

For the situation described in point (d) above, recent certificates or letters issued by the competent authorities of the State concerned are required. These documents must provide evidence covering all taxes and social security contributions for which the tenderer is liable, including for example, VAT, income tax (natural persons only), company tax (legal persons only) and social security contributions.

For any of the situations (a), (b), (d) or (e), where any document described in two paragraphs above is not issued in the country concerned, 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.]

By signing this form, the undersigned acknowledges that they have been acquainted with the administrative and financial penalties described under art 133 and 134 b of the Implementing Rules (Commission Regulation 2342/2002 of 23/12/02), which may be applied if any of the declarations or information provided prove to be false.

Full name

Date

Signature

²³ Mandatory for contracts of value above €133 000 only (see art. 134(2) of the Implementing Rules). The contracting authority can nevertheless request such evidence for contracts with a lower value.