



## 1. Title of the contract

Study – Innovative Actions to provide good company practice on worker mobility for SMEs and PES.

Contract number VC/2006/0498

## 2. Background

One of the founding principles of the European Union is the freedom of movement of workers (Article 39 of the Treaty establishing the European Community). It goes hand in hand with the promotion of economic and social progress, a high level of employment and the achievement of sustainable development. It is essential for the creation of an area without internal frontiers, and the strengthening of economic and social cohesion and active citizenship.

The Integrated Guidelines for Growth and Employment (2005-2008) and more in particular Guideline n° 20 calls upon Member States to "improve matching of labour market needs through the modernisation and strengthening of labour market institutions, notably employment services, also with a view to ensuring greater transparency of employment and training opportunities at national and European level; removing obstacles to mobility for workers across Europe within the framework of the EU Treaties; better anticipation of skill needs, labour shortages and bottlenecks". Mobility of workers within the EU is the key and should be fully ensured with the context of the EU Treaties. Geographical mobility is also needed to access job opportunities more widely and in the EU at large.

In 2002, the Commission published its Action Plan on Skills and Mobility<sup>1</sup>, which is designed to further the principle of the freedom of movement for workers, underscore the importance of labour market mobility in advancing the Employment Strategy, and open up the European labour markets so that they are accessible for all.

Greater labour force mobility, both between jobs (occupational mobility) and within and between countries (geographic mobility), will contribute to meeting all of these objectives. It will enable the European economy, employment and labour force to adapt to changing circumstances more smoothly and efficiently, and to drive change in a competitive global economy.

The countries of the European Union, along with other economies in the world, are facing mounting pressure to respond to the challenges of globalisation and increased internal competition for accessing markets. Workers' mobility, through its two components, i.e. geographical and occupational mobility, should play an important role in meeting people's desire for better living and working conditions and businesses' requests for rapid adjustment to new and changing skills.

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<sup>1</sup> COM(2002)72

Yet, in practice, the current mobility rates for workers in Europe remain low, due to a combination of factors, such as the persistence of legal, administrative, and socio-cultural obstacles; the lack of knowledge about existing information and assistance tools, and the inability of many stakeholders – in particular public authorities and businesses – to convince workers about the advantages of undertaking a working experience in another country and/or work environment.

As the Report of the High Level Group on the Lisbon Strategy<sup>2</sup> made clear in November 2004, "far from enough is being done in Europe to equip people with the tools they need to adapt to an evolving labour market, and this applies to high- and low-skilled positions and to both manufacturing and services". The development of a single European labour market remains, consequently, a clear objective.

In its work programme for 2006, the Employment Incentive Measures Programme highlights the need to underpin the Commission's efforts to support mobility of workers, the objective of which is to strengthen the bases of the single European labour market. 2006 is the "European Year of Workers' Mobility", with a sub-title "Towards a European Labour Market", consisting of a co-ordinated series of events, studies and exchange of good practice in order to raise public awareness about the challenges and benefits of workers' mobility, throughout their career.

It is in this context that a study is launched on "Innovative Actions to provide good company practice on worker mobility for SMEs and PES". The scope of the study will be the identification, the exchange and transfer of best practice between the 25 EU-Member States and the other 7 countries participating in the Employment Incentive Measures programme (EIM): the EFTA/EEA countries Iceland, Norway and Liechtenstein and the acceding countries Bulgaria and Romania and the candidate countries Croatia and Turkey.

### **3. Subject of the contract**

The aim of the project is to identify possible ways to overcome existing barriers to mobility and to capitalise on business practice related to workers' mobility. The main focus will be on good (or even best) practice by medium sized and large enterprises allowing and encouraging the geographic mobility of their workers. This good practice can be of great use for other small and medium-sized enterprises (SMEs) and for the Public Employment Services (PES) as providers of services to both workers and enterprises. The aim is to investigate into the reality of (larger) enterprises rather than developing theoretic models. SMEs can learn from good practices of large enterprises, while focussing on effective policies, in terms of mobility of staff and looking into good examples with the largest impact on workers' mobility.

In the EU, the geographic mobility of workers is lower than in some other OECD countries, such as the US. This is certainly the case for workers in small enterprises, who experience barriers more often than those working in larger companies. Both these workers and the SMEs themselves can benefit from the geographic mobility of workers. Medium sized and large European companies and already existing European business mobility networks have developed good practice in the area of workers' mobility. Gathering good practise examples in this area is both useful and needed given the existing lack of information on the matter. It is therefore appropriate to launch this project, which is designed to understand and tackle the issue, take stock of good business practice, allow the exchange of good practice and design improved employer targeted services.

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<sup>2</sup> 'Facing the Challenge' – The Lisbon Strategy for growth and employment – Report to the European Council from the High Level Group chaired by Wim Kok, November 2004.

The project will aim at:

- 1) studying the problems of workers in small enterprises with geographic mobility, as the means to support international mobility may be more limited than for workers in larger enterprises.
- 2) the detection and analysis of good practice by larger enterprises, in the form of innovative actions designed by businesses. The project will contain a survey on good (best) practice, which will cover different categories of enterprises, in different countries, different sectors and branches of industry. Specific attention will be given to those sectors which are more open to geographic mobility due to economies of scale in fast-growing markets (e.g. ICT, specific services, ...). To avoid any overlap with already existing material, it will build on recent research on the subject, incl. reports by universities, research centres, international organisations and others;
- 3) investigating 6 case studies of (larger) enterprises which will be chosen on the basis of a typology of firms according to the following criteria: sector of activity, international orientation/dimension of activity, size of the firm in terms of number of employees and gender dimension of staff (male/female dominated staff);
- 4) fostering the exchange of good practice and providing an overview of other innovative actions related to employer and employee targeted services related to encouraging workers' mobility;
- 5) finally, the survey on good (or even best) practice will be the basis on which a Commission guide for mobile workers targeted at a) SMEs and b) PES could be produced. This will allow to better target employment services in the EU.

It is foreseen that its results will be disseminated in 2007, also within the framework of a mutual learning process mainly through the dissemination of good practice in one or more seminars/meetings.

The study will deal with the identification, the exchange and transfer of best practice between Member States and countries participating in the EIM. This is an important feature of the 2006 EIM work programme. It is in line with the request of the EP and previous EIM Committee decisions.

#### **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.

In practice, the participation of applicants from third countries that have concluded a bilateral or multilateral agreement with the Communities in the area of public contracts must be allowed, under the conditions provided for in that agreement. Bids submitted by applicants from third countries that have not concluded such an agreement may be accepted, but may also be rejected.

#### **5. Tasks to be carried out by the contractor**

The study should have the following features:

- a) The contractor will conduct a brief but comprehensive analysis and description of the existing main problems and disincentives to workers' geographic mobility, more in particular of workers of SMEs. It will identify key issues at stake and provide a clear and comprehensive overview and description of the problems. It will do so on the basis of literature review, focussing on most common problems related to the subject.

b) The contractor will conduct a survey on best practice by businesses. It will cover medium and large enterprises (incl. multinationals) in different countries. The study will focus on good (and even) best practice aiming at overcoming or removing the main problems/disincentives to workers' mobility. The aim is to investigate into the reality of (larger) enterprises rather than developing theoretic models. Focus will be on effective policies, mainly HR policies, in terms of staff mobility and good examples with the largest impact on workers' mobility. The survey should cover the 25 EU-Member States and the other 7 countries participating in the Employment Incentive Measures programme (EIM): the EFTA/EEA countries Iceland, Norway and Liechtenstein and the acceding countries Bulgaria and Romania and the candidate countries Croatia and Turkey. It will investigate in enterprises (incl. multinationals) and possibly other organisations by way of a questionnaire to be followed by site-visits to a selected sample of businesses. The questionnaire should be sent to at least 500 enterprises.

c) Case studies: The contractor will investigate in 6 case studies, which will be chosen on the basis of typology of firms according to the following criteria: sector of activity, international orientation/dimension of activity, size of the firm in terms of number of employees and gender dimension of staff (male/female dominated staff). The contractor will propose the selection of the 6 case studies (typology and names of firms) to the European Commission which will give its approval prior to the launch of the case studies.

d) It will analyse good practice and explain why and to which extent the practice is successful in overcoming or removing obstacles to workers' mobility, more in particular of workers of SMEs. It will address the effectiveness of such practice, in function of different variables, such as the size of the enterprise, its specific policy and overall approach on encouraging mobility of workers, the targets formulated and benchmarked on the subject, the flanking policies at national and/or regional level, etc... The analysis of good practice will provide the elements on the basis of which the Commission can produce a guide for SMEs and Public Employment Services (PES) on increasing mobility of workers. The aim is to support the role of PES as provider of services to SMEs, allowing in this way to facilitate the mobility of workers of SMEs in the EU.

e) The contractor will provide an overview of other innovative actions aiming at exchanging best practices on employer and employees targeted services aiming at facilitating the international mobility of workers.

f) The contractor will participate in 3 meetings (at least) with staff of the European Commission, to present and discuss progress on the project.

g) The contractor will be available to present the results of the study at a meeting of the EEA PES network, which is foreseen to be held in Portugal, in the second half of 2007.

The study will cover all EU Member States, the EEA countries Iceland, Norway and Liechtenstein and the two acceding countries which are participating in the EIM programme, Bulgaria and Romania and the two candidate countries Croatia and Turkey. Reference can be made to good practice in the US and Canada if on the basis of literature review in these countries best practice is found with outstanding quality and exemplary capacity.

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

The methodology to be followed is open to proposals from prospective contractors but should include a review of the literature on the subject and should include a survey of some enterprises (incl. multinationals) and possibly other organisations by way of a questionnaire to be followed by site-visits to a selected sample of businesses. The questionnaire must be submitted to the Commission for prior approval.

#### **6. Professional qualifications required**

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

## **7. Time schedule and reporting**

See Article I.2. of the contract.

**Additional requirements:** (specific deadlines for the performance of tasks):

The full duration of the contract will be 12 months, from the date of contract signature.

An intermediate report, covering work progress and first results should be submitted within 6 months after the start of the study project. The intermediate report should explain progress made so far, covering points a), b) c) and d) described under point 4 above.

A draft final report in English of maximum 100 pages accompanied by an executive summary of maximum 10 pages in French and German should be submitted within 10 months. The draft final report should cover the points a) to e) under point 4 above and contain 1) descriptive fiches on good practices which can be published on the website for dissemination purposes and 2) the conclusions of the study, which should be presented in a very clear and concise way. The conclusions will be part of the executive summary to be translated in French and German. The final report will be submitted at the end of the contract.

## **8. Payments and standard contract**

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

**Article I.4.** of the contract:

Payments under the Contract shall be made in accordance with Article II.4. Payments shall be executed only if the Contractor has fulfilled all his contractual obligations by the date on which the invoice is submitted. Payment requests may not be made if payments for previous periods have not been executed as a result of default of negligence on the part of the Contractor.

### **I.4.1. Pre-financing**

Not applicable.

### **I.4.2. Interim payment**

Requests for interim payment by the Contractor shall be admissible if accompanied by

- an interim technical report in accordance with the instructions laid down in Annex I of the contract,
- the relevant invoices, provided the report has been approved by the Commission.

The Commission shall have 45 days from receipt to approve or reject the report, and the Contractor shall have 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 maximum 50% of the total amount referred to in Article I.3.1 of the contract, shall be made.

### **I.4.3. Payment of the balance**

The request for payment of the balance of the Contractor shall be admissible if accompanied by:

- the final technical report in accordance with the instructions laid down in Annex I of the contract,
- the relevant invoices, provided the report has been approved by the Commission.

The Commission shall have 45 days from receipt to approve or reject the report, and the Contractor shall have 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, payment of the balance of the total amount referred to in Article I.3.1 of the contract shall be made.

### **I.4.4. Performance guarantee**

Not applicable.

## 9. Prices

The total price of the offer will not exceed € 250,000.00 (euro two hundred and fifty thousand).

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), and broken down according to the model in Annex III included in the attached standard contract.

Under the terms of Articles 3 and 4 of the Protocol on the Privileges and Immunities of the European Communities, 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.

Expenditure other than for fees and direct costs, such as estimated travel and subsistence expenses, must be indicated separately and is reimbursable on receipt by the Commission of **original** supporting documentation, to include receipted invoices, travel documents including tickets, boarding passes, etc.

### Part A: Professional fees and direct costs

Fees, expressed as the number of person-days multiplied by the unit price per working day for each expert proposed. The unit price should cover the experts' fees and administrative expenditure, but not the reimbursable expenses referred to below.

Other direct costs (please specify if any)

### Part B: Reimbursable expenses

See annex III.2.2 of the contract.

Travel expenses (other than local transport costs)

Subsistence expenses of the Contractor and his staff (covering the expenditure incurred by experts on short-term trips outside their normal place of work)

Expenses for the shipment of equipment or unaccompanied luggage, directly connected with performance of the tasks specified in Article I.1 of this Contract

Contingencies

Total price = Part A + Part B = €250.000,00 Maximum

## 10. Composition of a partnership or consortium

If a partnership or consortium is envisaged, its composition should be specified, and the criteria listed under point 12 should be detailed for each individual member of the partnership. In addition, one of the consortium or partnership members must be designated lead contractor and will assume full responsibility towards the Commission as regards both this bid and the future contract, if awarded.

## 11. Exclusion criteria and supporting documents

Governed by  
Article 93 of the Financial Regulations

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) following another procurement procedure or grant award procedure financed by the Community budget, they have been declared to be in serious breach of contract for failure to comply with their contractual obligations.

Applicants or tenderers must certify that they are not in any of the situations listed in paragraph 1 above.

#### Article 134 of the Implementation Arrangements – Supporting documents

The contracting authority shall accept, as satisfactory evidence that the candidate or tenderer is not in one of the situations described in points (a), (b) or (e) of Article 93 of the Financial Regulations, production of a recent extract from the judicial record or, failing that, a recent equivalent document issued by a judicial or administrative authority in the country of origin or provenance showing that these requirements are met.

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 of the Financial Regulations, a recent certificate issued by the competent authority of the State concerned.

Where no such document or certificate is 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.

Depending on the national legislation of the country in which the tenderer or applicant is established, the documents referred to in paragraphs 1 and 2 above shall relate to legal entities and/or physical persons, including, where considered necessary by the awarding authority, company directors or any person with powers of representation, decision-making or control in relation to the tenderer.

#### Article 94 of the Financial Regulations

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 contract procedure or fail to supply this information.

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 bidders.

Any bid not including the supporting documents provided for in this Annex will be excluded.

A written self-declaration by the candidate that he is not in the situation described by article 93 § 1. a), b), d) and e) (see above) will not be accepted by DG Employment.

## 12. Selection criteria

### a) Economic and financial capacity:

In order for the Commission to determine the sound economic and financial capacity of an undertaking to execute this contract, the following must be provided:

1. the tenderer must provide proof of turnover in the last financial year at least equivalent to 200% of the proposed price of the contract (=€ 500,000); in the case of tenders from consortia, this certificate must be provided by each member of the consortium;
2. balance sheets from the last three financial years, where publication of the balance sheets is required under company law in the country in which the service provider is established; in the case of tenders from consortia, this certificate must be provided by each member of the consortium;
3. a statement of the undertaking's overall turnover and its turnover in respect of the services to which the contract relates for the previous three financial years; in the case of tenders from consortia, this certificate must be provided by each member of the consortium;
4. a bank declaration providing evidence of good financial standing; in the case of tenders from consortia, this declaration must be provided by each member of the consortium.

A written self declaration by the tenderer or bidder concerning their economic and financial capacity will not be accepted by DG Employment.

### b) Technical capacity:

Educational and professional qualifications of the service provider will be substantiated by providing:

- Detailed CV's of all members of the study team responsible for providing the service,
- A list of principal services or studies provided in the relevant policy domain over the past 3 years,
- Solid experience of analysis in the field concerned, including the theoretical and empirical aspects, as attested by the CVs and related documentation of the experts proposed,
- Good experience in the specific field of the study, as attested by the CVs and related documentation of the experts proposed,
- Language skills sufficient to execute the tasks efficiently. The contractor or consortium should demonstrate solid linguistic capability covering at least the three working languages of the Commission (English, German, French) and should ensure that the project contains provision for interpretation and translation if this is considered necessary by the contractor,
- A list of co-ordinators and experts to be used for the study, together with their CVs and qualifications and professional capacities,
- A declaration by the co-ordinator certifying the competence of the team to carry out the study project, including professional and linguistic capabilities,

- In the case of tenders from consortia: clear identification of the co-ordinator of the work who will also be responsible for signing the contract, and written confirmation from each member of the consortium that they would be ready and willing to participate in the project, and describing their role.

### 13. Award criteria

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

a) the quality of the proposal	30% in total
- Demonstration that the nature of the study, the context, and the results to be achieved, have been fully understood;	15%
- Frame of reference, fields covered.	15%
b) the methodological approach proposed	35% in total
- Methods for processing information and interpretation of the quantitative and qualitative information;	10%
- Activities to supplement the sources of information available (surveys, interviews, etc.);	10%
- Methods for providing feedback in respect of the study results and recommendations;	10%
- Inputs to be provided for the meeting of the Heads of PES, which will discuss the results of the study.	5%
c) the clarity and coherence of the plan of work	35% in total
- Organisation of work, distribution of staff competencies;	20%
- Clarity of presentation of the plan of work	15%

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

### 14. Content and presentation of bids

#### Content of bids

Tenders must include:

all information and documents necessary to enable the Commission to appraise the bid on the basis of the selection and award criteria (see points 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.

#### 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 9, 10, 11 and 12 above). They must be clear and concise.

They must be signed by the legal representative. **Unsigned bids will be rejected.**

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

