Specifications – Invitation to tender No VT/2007/040

Study contract to improve the knowledge on the socio-economic impact of pension systems on women

#### 1. Title of the contract

Study contract to improve the knowledge on the socio-economic impact of pension systems on women

#### 2. Background

Equality between women and men is a fundamental right, a common value of the EU, and a necessary objective for achieving the EU objectives of growth, employment, and social cohesion. The EU has made significant progress in achieving gender equality, thanks to equal treatment legislation, gender mainstreaming, specific measures for the advancement of women, action programmes, social dialogue and dialogue with civil society. Inequalities, nevertheless, remain.

Most elderly people are women (close to 60% of those aged 65 and almost two-thirds of those aged 75) but pension systems may not always be adapted to their evolving needs<sup>1</sup>. The general structure of Member States' earnings-related pension schemes mirrors the earnings and employment gaps between women and men on the labour market, and results in unsatisfactory pension outcomes for women<sup>2</sup>. Women tend to have shorter employment records than men notably because of care responsibilities and they also often receive lower wages due to structural labour market inequalities, such as segregation in sectors, occupations and work patterns, access to education and training, biased evaluation and pay systems and stereotypes<sup>3</sup>. Women are also more likely than men to have worked part-time or in temporary work-arrangements, and therefore tend to be the ones predominantly affected by the changing trends towards making labour markets more flexible.

<sup>&</sup>lt;sup>1</sup> Joint Report by the Commission and the Council: Adequate and Sustainable Pensions (CS 7165/03, 18/03/2003): <u>http://ec.europa.eu/employment\_social/social\_protection/docs/cs7165\_03\_en.pdf</u>

<sup>&</sup>lt;sup>2</sup> Synthesis report on sustainable and adequate pensions. SEC(2006) 304, 27/02/2006. <u>http://ec.europa.eu/employment\_social/social\_protection/pensions\_en.htm#forum</u>

<sup>&</sup>lt;sup>3</sup> Roadmap for equality between women and men, 2006-2010. COM(92) 1/03/2006. The document is available on the following website: <u>http://ec.europa.eu/employment\_social/gender\_equality/gender\_mainstreaming/roadmap\_en.html</u>

Notable is the fact that the difference in the pension entitlements of women and men is on average even larger than the up to 15 p.p. gender gap in the relative income of people aged 65 and older<sup>4</sup>. This contributes to the higher exposure of older women to the risk of poverty compared to older men, which in 2003 resulted in a gap of 5 p.p. between the sexes (20% for women and 15% for men)<sup>5</sup>.

All Member States try to correct the insufficient pension accrual of women by promoting their greater participation in the labour market through the European Employment Strategy, as well as by applying specific measures in their pension systems<sup>6</sup>. The latter include measures such as the equalization of the retirement age for women and men, the crediting of family care periods, both with regards to children and the elderly, benefits in the case of divorce, as well as survivor's pensions. Other measures, such as minimum guarantee pension schemes, can also have a positive effect on ameliorating the situation of women.

In light of an ageing population, persistent gender inequalities in the labour market, and the larger at-risk-of-poverty of older women, increasing attention is being devoted to these issues, but there is little analysis that would provide an overview of the situation at the level of the EU. The purpose of this study is to fill this gap and to draw up an independent, in-depth, systematic and comparative analysis of the existing pension systems, in particular of their applied measures to promote greater gender equality, in the Member States. The ultimate goal is to improve the knowledge of the socio-economic impact of pension schemes on the situation of women and thereby to assess the extent to which social protection, as provided by pensions, can promote equality between women and men. This is a specific goal identified in the Communication on a Roadmap for equality between women and men<sup>7</sup> for the 2006-2010 period.

The study will be supported by the new financial instrument PROGRESS<sup>8</sup>, one of whose sections is dedicated to the promotion of equality between women and men.

\*\*\*

<sup>&</sup>lt;sup>4</sup> Synthesis report on sustainable and adequate pensions. SEC(2006) 304, 27/02/2006. <u>http://ec.europa.eu/employment\_social/social\_protection/pensions\_en.htm#forum</u>

<sup>&</sup>lt;sup>5</sup> At-risk-of-poverty rate after social transfers for older people (women and men aged 65 years and over) in EU Member States – 2003. Eurostat: SILC and national sources.

<sup>&</sup>lt;sup>6</sup> Synthesis report on sustainable and adequate pensions. SEC(2006) 304, 27/02/2006. <u>http://ec.europa.eu/employment\_social/social\_protection/pensions\_en.htm#forum</u>

<sup>&</sup>lt;sup>7</sup> Roadmap for equality between women and men, 2006-2010. COM(2006)92 1/03/2006. http://ec.europa.eu/employment\_social/gender\_equality/gender\_mainstreaming/roadmap\_en.html

<sup>&</sup>lt;sup>8</sup> Decision n°1672/2006 establishing a Community programme for employment and social solidarity – PROGRESS, adopted by the European Parliament and the Council on 24 October 2006 (OJ L 315/1 15.11.2006)

In its Social Agenda (2005-2010), the Union 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.

Until now, the implementation of the open methods of coordination in the employment and social inclusion/social protection fields relied on two distinct Community programmes. Equally the promotion of gender equality and of the non-discrimination principle was at the core of two distinct Community programmes. And lastly promotion of labour law including health and safety regulations were dealt with by separate interventions.

With the view of fostering greater coherence and simplification in the way Community programmes are delivered, the Commission proposed that all these separate programmes be now integrated into one framework programme, PROGRESS.

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 overall aim is 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.

It 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. It will support initiatives aimed at reinforcing the role of the Community in proposing EU strategies; implementing and following-up EU objectives and their translations into national policies; transposing and following-up of EU legislation's application in a coherent way through Europe; promoting the cooperation and co-ordination mechanisms between Member States and cooperating with social partners and organisations that represent civil society.

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);

http://eur-lex.europa.eu/LexUriServ/site/en/oj/2006/I\_315/I\_31520061115en00010008.pdf

(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).

It is divided up into five policy sections which are (1) Employment, (2) Social inclusion and social protection, (3) Working conditions, (4) Non-discrimination and (5) Gender Equality.

Against this background, PROGRESS pursues the following general objectives, as set out in article 2.1 of the Decision:

(1) to improve the knowledge and understanding of the situation prevailing in the Member States (and in other participating countries) through analysis, evaluation and close monitoring of policies;

(2) to support the development of statistical tools and methods and common indicators, where appropriate broken down by gender and age group, in the areas covered by the programme;

(3) to support and monitor the implementation of Community law, where applicable, and policy objectives in the Member States, and assess their effectiveness and impact;

(4) to promote networking, mutual learning, identification and dissemination of good practice and innovative approaches at EU level;

(5) to enhance the awareness of the stakeholders and the general public about the EU policies and objectives pursued under each of the policy sections;

(6) to boost the capacity of key EU networks to promote, support and further develop EU policies and objectives, where applicable.

The present Call for tenders is issued in the context of the implementation of the 2007 annual plan of work which is consultable at <a href="http://ec.europa.eu/employment\_social/progress/docs\_en.html">http://ec.europa.eu/employment\_social/progress/docs\_en.html</a>

# 3. Subject of the contract

The present study has as its objective to improve the knowledge on the socioeconomic impact of pension systems on the situation of women, in order to assess the extent to which social protection, as provided by pensions, can promote equality between women and men.

The study will

1.) draw up a comprehensive picture of income composition in old age, with attention upon the availability of gender-disaggregated statistics both at EU and national level and focusing upon the share of income coming from pension entitlements;

2.) develop concise analysis for the working mechanisms of a select number of measures in the pension systems of the EU Member States which aim at offsetting gender inequalities in old age, and examine the extent to which they allow for older women to sustain a quality standard of living;

3.) analyze the relation between different employment histories of women and the impact of the respective pension provisions upon gender differences in old age income;

4.) identify a set of best practise examples to ameliorate gender equality in old age through the pension systems of EU Member States.

# 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 contractor is requested to execute the study mentioned in point 3 above on the socio-economic impact of EU pension systems on the situation of women and on gender equality. The analysis should cover as many Member States as possible, and at least 15, with a selection that provides for a balanced 1.) representation of the different types of pension systems, 2.) geographical coverage, and 3.) inclusion of both larger and smaller Member States.

The **first part** of the study should provide an overview of income composition in old age. This overview should be based on available sex-disaggregated statistics with a focus upon the share of income coming from pension entitlements. Data could be based on national, international, and EU sources. Where possible, information should be included on the different components that make up the pension entitlement analyzed by sex.

This part should also be based on an overview of the available literature on income composition in old age and on the measures of pension systems that are applied for offsetting gender inequalities in old age.

The **second part** of the study should analyze, in a comparative and concise manner, the working mechanisms of measures applied in the pension systems to offset gender inequalities in old age. The focus should be on the following measures, but the Contractor is invited to include information on additional measures as well:

- credits for non-contributory periods for the care of dependants (such as children and the elderly);
- what happens in the case of divorce;
- survivor's pensions.

After a description of the working mechanisms of these measures, the study should analyze their efficiency from the point of view of adequacy to sustain a quality standard of living by women in old age and to reduce or eliminate their risk of poverty.

Furthermore, the analysis should, insofar as possible, also describe other mechanisms, such as minimum guarantee pension schemes, which can have a positive affect in ameliorating the situation of elderly women.

The **third part** of the study should cover information for at least 5 of the Member States analyzed in the first and second part. It should examine the extent to which pension provisions take into account the different employment histories of women and how this influences gender differences in old age income. The analysis should be developed for the following scenarios:

- women who have no history of employment;
- women who have performed atypical types of employment, especially part-time and temporary work;
- women who have maintained full employment with relatively small career interruptions.

Given that women are more affected by flexible types of employment, the analysis should also develop a forward-looking perspective in examining the impact that the current tendency of making labour markets more flexible and pension systems financially sustainable and linked to labour market participation could have upon future gender differences in old age income.

Based upon the analysis provided for in parts 1-3 as described above, the **last part** of the study should be dedicated to providing a set of meaningful conclusions and best practise examples in the pension systems of Member States in order to reduce or eliminate gender inequalities in old age.

The contractor should also be available to **present the findings** of the study at one or two events as indicated by the Commission during the contractual period.

# 5.1 Deadlines

The contract for the execution of this study will run for a total of 14 months from the date on which the contract was signed.

The contractor will be required to participate at an **inception meeting** with the Commission within 1 month from the signature of the contract, at which it will present the analytical framework used for the execution of the different parts of the study. The contractor will also be asked to provide the draft minutes of the meeting.

A **first part of the study** should be submitted to the Commission within 4 months of the signature of the contract.

A **second part of the study** should be submitted to the Commission within 7 months of the signature of the contract.

A **third part of the study** should be submitted to the Commission within 11 months of the signature of the contract.

The **draft final version of the study**, including conclusions and best practise examples, and not exceeding a total of 120 pages, should be submitted to the Commission within 13 months of the signature of the contract.

The final report should be submitted to the Commission within 14 months of the signature of the contract.

A total of 3-4 meetings between the Commission and the contractor should be foreseen to clarify issues raised in the draft versions. The Commission will have one month to provide comments on each of the versions.

The study should be submitted in English, with an executive summary of no more than 10 pages in English, German, and French. The intermediate and final outputs need to be sent to the Commission by electronic means and provided on electronic carrier, such as CD. Tables and graphs should be in Excel format and the report in Word format. Primary data sources should be made available upon request for quality checks.

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

The PROGRESS Programme aims at promoting gender mainstreaming in all its five policy sections and commissioned or supported activities. Consequently, the Contractor will take the necessary steps to aim at the respect of gender balance at all levels of its proposed team and/or staff.

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. Professional qualifications required

See Annex IV of the draft contract.

# Additional requirements:

The Contractor will need to involve experienced experts and/or academics, specialized in social protection, economic analysis of labour markets, and gender equality issues, showing capability to cover at least 15 Member States. The contractor will need to show experience in running projects at European level and a proven capacity to manage the administrative and financial aspects of such a project.

## 7. Time schedule and reporting

See Article I.2. of the draft contract. The contract will be concluded for a period of 14 months with effect from the date on which it enters into force

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

See deadlines for reporting as stated in point 5.1 "Deadlines".

As a matter of principle, with a view to favouring appropriate monitoring and valorisation by the European Commission of all results obtained and outputs delivered under PROGRESS programme, the Contractor will be required to provide for each of the tasks required under the present Call:

- Presentation of their key points in <u>one page. Key points should be concise</u>, <u>sharp and easily understandable</u>. They shall be provided in English, French and German. Other Community languages would be welcome even if not compulsory;

- Unless, otherwise more precisely prescribed in the section "tasks to be carried out", an executive summary in 5/6 pages and in English, French and German.

#### 8. Payments and standard contract

Payments will be made on receipt of the corresponding invoices, according to the following schedule:

- a pre-financing payment of 20% following the signature of the contract
- an interim payment of 60% after the second part of the study and relevant invoices are accepted by the Commission
- a final payment to cover the balance due under the contract after the final report and relevant invoices are accepted by the Commission

In drawing up the bid, the tenderer should take into account the provisions of the standard contract comprising the "General conditions".

In particular, as mentioned in the section on "guide on how the tasks are to be carried out", the Contractor is required to detail in its final activity report its achievements in meeting the described equal opportunities provisions.

# 9. Prices

The total budget for this service contract ought not to exceed 200 000 EUR.

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.

The price must be stated in  $EUR(\in)$ , 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.

### **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 as well as for the coordinator(s). The unit price should cover the experts' fees and administrative expenditure.
- Translation expenses.
- Travel expenses.
- 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 the performance of the tasks.
- Other direct costs (to be specified in detail), if applicable, by the tenderer.

Total price = Professional fees and direct costs

#### 10. Groupings of economic operators or consortia

Tenders can be submitted by groupings of service providers/suppliers who will not be required to adopt a particular legal form prior to the contract being awarded, but the consortium selected may be required to assume a given legal form when it has been awarded the contract if this change is necessary for proper performance of the contract<sup>9</sup>. However, a grouping of economic operators must nominate one party to be

<sup>&</sup>lt;sup>9</sup> These entities can take the form of an entity with or without legal personality but offering sufficient protection of the Commission's contractual interests (depending on the Member State concerned, this may be, for example, a consortium or a temporary association).

responsible for the receipt and processing of payments for members of the grouping, for managing the service administration, and for coordination. The documents required and listed in the following points 11 and 12 must be supplied by <u>every</u> member of the grouping.

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

# 11. Exclusion criteria and supporting documents

**1.)** Bidders must provide a declaration on their honour, duly signed and dated, that they are not in one of the situations 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;

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

- 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.

#### Article 94

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

a.) are subject to a conflict of interest.

**2.)** The tenderer to whom the contract is to be awarded shall provide, within a time limit defined by the contracting authority and preceding the signature of the contract, the evidence referred to in Article 134 of the implementing Rules, confirming the declaration referred to in point 1 above.

Article 134 of the Implementation Arrangements – Supporting documents

1. 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.

2. 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.

3. 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.

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.

**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 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

Candidates must provide evidence of their economic, financial, technical and professional capacity in accordance with the criteria set out below:

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

1. A statement of the undertaking's overall turnover for the last two financial years. For the last financial year, the annual turnover should at least equal the value of the contract.

2. Balance sheets or extracts from balance sheets from the last two financial years for which accounts have been closed, where publication of the balance sheets is required under the company law in the country in which the economic operator is established.

3. A bank declaration providing evidence of good financial standing.

In the case of tenders from consortia, these documents must be provided for by each member of the consortium.

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

**b)** Technical and professional capacity to carry out the contract to be assessed on the basis of the following:

The skills needed for this contract are as follows:

- the coordinator shall have a solid background of analysis in the field of social protection, employment, and gender equality issues, including at least 8 years of professional experience, as attested by CV; moreover, the coordinator must demonstrate strong planning and organising skills to co-ordinate the work of the proposed team in order to meet the deadlines, as attested by the CV

- the team members shall have appropriate experience of analysis at country level in the fields of social protection and employment, with knowledge of gender equality issues, including at least 3 years of professional experience as attested by CV.

- members shall have appropriate language skills to ensure efficient access to information in the countries concerned as well as to actively participate in

meetings and exchanges with the Commission in English, as attested by their CVs.

Means of proof required:

- the tenderer must provide a list of the coordinator and the experts, together with their CVs and their qualifications. The CVs should include a list of main works in relation to the subject specified in this tender. Where the work was undertaken for the European Commission, the candidate must also include the Commission reference number of the contract and the department for which the contract was performed;

- a declaration by the tenderer certifying the competence of the team to carry out the services.

In the case of tenders from groupings of economic operators, the tenderer must provide a clear identification of the coordinator of the work who will also be responsible for signing the contract, and written confirmation from each member of the grouping of economic operators that they would be ready and willing to participate in the work of the network, and briefly describing their role.

Tenderers considered by the European Commission not to meet the abovementioned requirements will be eliminated without further assessment.

#### 13. Award criteria

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

1. Quality of the offer

A. Approach: 20% - Degree of understanding the nature of the assignment, its context and the results to be achieved.

B. Methodology: 60% - Methodology proposed to execute each part of the proposed study, with particular attention on

1.) gathering information on income composition in old age, based on sexdisaggregated statistics and focusing upon the share of income coming from pension entitlements -20%

2.) analyzing, in a comparative and concise manner, the working mechanisms of measures applied in the pension systems to offset gender inequalities in old age, and analyzing their efficiency to sustain a quality standard of living in old age -20%

3.) examining the relation between different employment histories of women and the impact of the respective pension provisions upon gender differences in old age income, and also developing the analysis in a forward looking perspective -20%.

C. Work organization: 20% - Work organization proposed for the management of the project, on how the coordinator will ensure the implementation and follow-up, the quality, the homogeneity and consistency of the work and contact with the experts involved, in order to meet the deadlines and to ensure the geographical coverage of as many Member States as possible, and at least 15. Relevance of the distribution of staff competencies and a detailed and realistic timetable.

2. Price

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

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

# 14. Content and presentation of bids

# 14.1 Content of bids

Tenders must include:

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

#### Annex I

Exclusion criteria	Supporting documents to be provided by the successful tenderer to whom the contract is awarded   Procurement   (Article 93(2) FR; Article 134 IR)	
(Article 93(1) FR)		
<b>1. Exclusion from a procurement procedure,</b> <b>Article 93(1) FR :</b> « Candidates or tenderers shall be excluded from participation in a procurement procedure if:		
<b>1.1. (subparagraph a)</b> they are bankrupt or being wound up,	Recent extract from the judicial record or recent equivalent document issued by a judicial	
are having their affairs administered by the courts,	or administrative authority in the country of origin or provenance	
have entered into an arrangement with creditors have suspended business activities, are the subject of proceedings concerning those matters,	<b>or</b> 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	
or are in any analogous situation arising from a similar procedure provided for in national legislation or regulations <sup>10</sup> ;	notary or a qualified professional body in his country of origin or provenance	

<sup>&</sup>lt;sup>10</sup> 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.

<b>1.2. (subparagraph b)</b> they have been convicted of an offence concerning their professional conduct by a judgment which has the force of res judicata <sup>11</sup> ;	Cf. supporting documents for Article 93(1)(a) FR above	
Exclusion criteria (Article 93(1) FR)	Supporting documents to be provided by the s the contract is to be awa Procurement (Article 93(2) FR; Article 134 IR)	
<b>1.3. (subparagraph c)</b> they have been guilty of grave professional misconduct proven by any means which the contracting authority can justify;	Declaration by the candidate or tenderer that he	
<b>1.4. (subparagraph d)</b> 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 performed <sup>12</sup> ;	Recent certificate issued by the competent authority of the State concerned confirming that the candidate is not in the situation described <b>or</b> 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	

<sup>11</sup> Cf. footnote n° 10. <sup>12</sup> Cf. footnote n° 10.

1.5. (subparagraph e)	Cf. supporting documents for Article 93(1)(a)	
they have been the subject of a judgment which	FR above	
has the force of res judicata for fraud, corruption,		
involvement in a criminal organisation or any		
other illegal activity detrimental to the		
<i>Communities' financial interests</i> <sup>13</sup> ;		
1.6. (subparagraph f)	Declaration by the candidate or tenderer that he	
following another procurement procedure or	is not in the situation described	
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. »		

Exclusion criteria	Supporting documents to be provided by the successful tenderer to whom the contract is awarded		
(Article 94 FR)	Procurement	Grants	
<b>2. Exclusion from a procurement</b> or grant award procedure Article <b>94 FR :</b> « Contracts may not be awarded to candidates or tenderers who, during the procurement procedure:			
<b>2.1. (subparagraph a)</b> <i>are subject to a conflict of interest;</i>	Statement by the applicant, tenderer conflict of interests, to be submitted with		

<sup>13</sup> Cf. footnote n° 10.

2.2. (subparagraph b)	No specific supporting documents to be supplied by the applicant, tenderer or	
are guilty of misrepresentation in	bidder	
supplying the information required		
by the contracting authority as a	It is the responsibility of the authorising officer, represented by the evaluation	
condition of participation in the	committee, to check that the information submitted is complete <sup>15</sup> and to identify	
contract procedure or fail to supply	any misrepresentation	
this information» <sup>14</sup> .		

<sup>&</sup>lt;sup>14</sup> 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 a specified time-limit. » and Article 178(2) of the FR Implementing Rules: « The evaluation committee may ask an applicant to provide additional proof or to clarify the supporting documents establishing financial and operational capacity, within a specified time-limit. »

<sup>&</sup>lt;sup>15</sup> Cf. footnote n°14

# **DECLARATION ON HONOUR**

I, the undersigned, Mrs./Mr...., in the capacity of.....(*indicate your job title*), certify that the.....(*indicate company name*)

# Article 93

- a) is not bankrupt or being wound up, does not have their 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, or 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 their 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 authority can justify;
- **d)** has 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 performed
- e) has not 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 interests;
- f) following another procurement procedure or grant award procedure financed by the Community budget, has not been declared to be in serious breach of contract for failure to comply with their contractual obligations. »

# Article 94

a) is not subject to a conflict of interest;

Date:
Signature:
Name :
Job title :