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## **Specifications – Open invitation to tender No VT/2007/017**

### **Contract for an investigation into occupational exposure to electromagnetic fields for personnel working with and around medical magnetic resonance imaging equipment.**

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

Contract for an investigation into occupational exposure to electromagnetic fields for personnel working with and around medical magnetic resonance imaging equipment.

#### **2. BACKGROUND**

##### **2.1. Progress Programme**

###### **2.1.1. Context**

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°1672/20006 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 co-operation 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);
- (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 (sectionn 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.

### **2.1.2. Guide on how the activities shall 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 its proposed team and/or staff respects the gender balance at all levels. It will also pay due attention when appropriate to the gender dimension of the service he is asked to deliver as detailed in the description of tasks.

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.

### **2.1.3. Reporting and information requirements**

- 1) 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 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.
  - 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.
- 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, as follows.

This (publication, conference, training session) is supported by the European Community Programme for Employment and Social Solidarity (2007-2013). This programme 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 and EU candidate and pre-candidate countries.

The Programme has six general objectives. These are:

- (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.

For more information see:

[http://ec.europa.eu/employment\\_social/progress/index\\_en.html](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.

Budget heading 04.040103 "Progress Programme – Working conditions" allows the Commission of the European Communities to support projects in the area of health and safety where the objectives pursued can contribute significantly to its priorities.

## **2.2. Directive 2004/40/EC**

Directive 2004/40/EC<sup>1</sup> of the European Parliament and of the Council of 29 April 2004 on the minimum health and safety requirements regarding exposure of workers to the risks arising from physical agents (electromagnetic fields) seeks to introduce, at Community level, minimum protection requirements for workers when they are exposed, in the course of their work, to risks arising from electromagnetic fields.

Since the adoption of Directive 2004/40/EC concerns have been expressed that important medical procedures and interventions using magnetic resonance imaging (MRI) equipment may be restricted by the implementation of the directive.

It has been claimed that health personnel's exposure would exceed the limits fixed by the directive thereby conflicting with the current medical practices. There is currently insufficient exposure data to assess those claims or the extent of any potential problem.

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

The purpose of this contract is to carry out an in depth investigation into occupational exposure to electromagnetic fields for personnel working with and around medical magnetic resonance imaging equipment. This shall be done by performing thorough measurements in designated medical MRI facilities for selected medical interventions. Results will be analysed and exposure values will be assessed on the basis of the measured physical values and the derived exposure values compared to the exposure limit values after application of at least 2 modelling methods. Exposure to other physical agents will also be considered. The work will be supplemented with a review of the latest published developments by other actors worldwide. The results of the study (measurement campaign and review of recent literature and ongoing studies on the same subject) will be submitted to the Commission and should lead to a) have an updated and quantified view on the extent of the problems and b) to give orientations for possible solutions.

## **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

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<sup>1</sup> OJ L 184 of 24.05.2004, p. 1.

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**

### **5.1. Description of the tasks**

- 1) to measure in a systematic way the strength of the electric and magnetic fields during specified medical procedures, with due regard to movements of personnel, in designated medical MRI installations and compare them with the action values of the directive.

The installations have been selected at the following locations:

1. Leuven (Belgium, 3 Tesla installation, diagnostic on patients)
2. Nottingham (United Kingdom, 7 Tesla, research installation)
3. Cologne (Germany, 1 Tesla, open system for surgical interventions)
4. Strasbourg (France, 1.5 Tesla, for paediatric medical procedures)

More details such as the exact address and contact points will be given in due time to the selected tenderer.

Before the beginning of the campaign a meeting with the responsables of each selected MRI facility must be foreseen on site. Practical arrangements will be coordinated by the Commission Services (Directorate General Employment, Social Affairs and Equal Opportunities, Unit F4, Health, Safety and Hygiene at Work) and the representatives of the MRI practitioners.

Access will be granted under following conditions: on the basis of the information received on the planned activities of each MRI facility, the contractor will submit, at the latest 5 working days prior to each intended visit, a working plan and a request for access into the MRI facility. This permit request must contain all the necessary details concerning the planned activities, the measuring equipment to be installed, the number and identity of the members of the team to be present on site, the estimated time necessary to carry out the planned tasks.

Measurements shall be carried out for and during a minimum of 3 different medical acts or technical procedures in each installation. Appropriate simulations shall also be carried out for completeness. Measurements shall include measurements performed inside the bore.

Activities such as cleaning the room and maintenance of the installation shall also be considered.

Measurements must include values for static fields with due regard to movements, switched gradient fields and radiofrequency fields;

2) for situations where measured values exceed the action value(s), to calculate, with selected models, the corresponding exposures in terms of current density and SAR and to determine whether they exceed the limit values set out in the directive;

3) to examine the protocols and medical practices used in the selected installations and assess possible changes to eliminate or reduce exposure and their feasibility;

4) to produce a report containing elements which will:

- give a detailed description of each installation as well as indications concerning the overall working conditions temperature, humidity, noise level, etc.
- describe the methodology of the measurements, the practical measures put in place, the measurement equipment used, and the spatial, temporal parameters;
- describe the selected medical procedures/interventions from the exposure of medical personnel's perspective (length of presence, spatial location, movements, posture);
- for all the selected medical procedures, measure in a systematic way, the exposure values of the personnel present and compare them with the action values of the directive. Measurements and working plan must take into consideration, inter alia, effects of motion in static fields and exposure values from gradient fields;
- propose, on the basis of the findings and in an easily understandable format, specific information material for employers and medical personnel required to work in an "MRI" environment;
- suggest suitable working procedures, specific training and information schemes and - where appropriate - adequate personal protective equipment so that work can be carried out in such a way that exposure to employees and health personnel is eliminated or reduced to a minimum.

An interim report will first be presented to the Commission according to the time schedule indicated below.

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

The tenderer will indicate in detail the methodology he intends to use, the rigour of the approach envisaged and how suitable it is for carrying out the tasks set out above. The rigour of the approach envisaged and the aptitude for correctly reflecting the actual situation form part of the criteria governing the award of the contract.

## **6. PROFESSIONAL QUALIFICATIONS REQUIRED**

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

### Additional requirements:

To carry out these tasks, the tenderer must show that he has a team with proven experience in the specific field of assessment of risks linked to electromagnetic fields and in the application of techniques to prevent these risks. He must also demonstrate his abilities to perform the required measurements, to calculate corresponding exposures in terms of current density and Specific energy Absorption Rate (SAR) by using appropriate techniques and modelling.

## **7. TIME SCHEDULE AND REPORTING**

See Article I.2. of the draft contract.

### Additional requirements:

The work is to be carried out in not more than six (6) months, reckoned from the date of signature of the contract. It will cover the following stages:

- (1) During the first month, an initial meeting with the European Commission (Unit EMPL F/4) assisted by a Monitoring Group (MG) will be held in Luxembourg or Brussels. The contractor will be invited to take part in this meeting in order to present his work plan and discuss practical methods of executing the contract and the work.
- (2) Not more than three (3) months after signature of the contract, the contractor will present to the European Commission (Unit EMPL F/4) an interim report in hard copy and in electronic format describing the progress of work in relation to the timetable laid down, a summary of the results obtained so far and an initial draft conclusions. The interim report must be provided in English. The Commission (EMPL F/4) will submit this report as soon as possible to the MG, which will meet during the month after it receives the interim report to discuss and, if necessary, provide orientations for the continuation and finalisation of the work. The conclusions of the meeting of the MG will be taken into account by the contractor in preparing his draft final report. The contractor will be invited to attend this meeting of the MG.
- (3) Not more than five (5) months after signature of the contract, the contractor will present to the European Commission (Unit EMPL F/4) a draft final report in English. The latter will be examined again by the Monitoring Group during a meeting to be held in Luxembourg or Brussels within fifteen (15) days of receipt of the draft final report by the Commission (EMPL/F4). The contractor will also be invited to attend this meeting of the MG.
- (4) The European Commission (Unit EMPL F4) may submit objections and comments to the contractor within fifteen (15) days of receipt of



the draft. The contractor will then have 15 days to present his final report, 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.

#### Notes:

The draft final report and the final report will include a summary of the main results obtained.

The methodology and detailed work plan, and the various reports mentioned in this section, must be submitted to the European Commission (Unit EMPL F/4) in triplicate on paper and in a standard electronic format. The contractor must also provide a copy of the information collected and used in drawing up the final report. At the request of the contractor, this information will be treated as confidential.

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

Payments will be made in euro (€) following acceptance by the Commission of the reports referred to in these specifications (section 7) and after submission of the final invoice.

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".

### **8.1. Pre-financing**

Following signature of the contract by the last contracting party, within 30 days of the receipt by the Commission of a request for pre-financing, with a relevant invoice, a pre-financing payment equal to 30% of the total amount referred to in Article 1.3.1 of the contract shall be made.

### **8.2. Interim payments**

In accordance with points 7.2 and 7.3 the contractor can request two interim payments. Each request for interim payment shall be admissible if accompanied by:

- an interim technical report in accordance with the instructions laid down in Annex 1 of The model 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 20 % of the total amount referred to in Article 1.3.1. of the contract shall be made (with a maximum of 40% of the total amount referred to in Article 1.3.1 of the contract for both interim payments).

### **8.3. 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 1 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 1.3.1. of the contract shall be made.

## **9. PRICES**

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(€), net of VAT (using, where appropriate, the conversion rates published in the C series of the Official Journal of the European Communities 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.

- **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 costs: translation costs and unavoidable expenses necessary to the achievement of the contract.

- **Part B: Reimbursable expenses**

- 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 1.1 of the Contract.
- Contingencies.

**Total price = Part A + Part B with a ceiling of 500,000 euros (five hundred thousand euros).**

## 10. COMPOSITION OF A PARTNERSHIP OR CONSORTIUM

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>2</sup>. However, a grouping of economic operators must nominate one party to be responsible for the receipt and processing of payments for members of the grouping, for managing the service administration, and for coordination. The documents required and listed in the following points 11 and 12 must be supplied by every member of the grouping.

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

## 11. EXCLUSION CRITERIA AND SUPPORTING DOCUMENTS

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

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<sup>2</sup> These entities can take the form of an entity with or without legal personality but offering sufficient protection of the Commission's contractual interests (depending on the Member State concerned, this may be, for example, a consortium or a temporary association).

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

- 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 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 contain the documents testifying to the tenderer's financial and economic standing, technical capability and professional qualifications as referred in section 6. In particular, the European Commission will examine:

- a) Economic and financial capacity: on the basis on the following documentation:
- turnover during the previous financial year (statement on the overall turnover – at least twice the value of the contract) and turnover on assessment services provided during the past three financial years;
  - balance sheets and profit and loss accounts for the past 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 notice of invitation to tender was published, if the full accounts for the previous financial year are not yet available.
- b) Description of the technical capability of the tenderer:
- a description of the tenderer's technical capability and practical experience in the field referred to in section 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 various members;
  - samples of work demonstrating tenderer's practical experience in the field referred to in section 3 of these specifications;
  - the tenderer must provide the names and curricula vitae (three pages maximum) of the persons responsible for the specific tasks described in section 5.1 of these specifications, with a view to ascertaining their practical experience and their ability to communicate with the undertakings and/or establishments;
  - 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**

**The contract will be awarded to the best-value-for-money tender, on the basis of:**

### **13.1. Technical quality of the offer**

#### *13.1.1. Technical award criteria (100 points)*

##### **a) Understanding of the objectives and tasks (20 points)**

Does the tenderer's interpretation of the terms of reference demonstrate that he has:

- understood the terms of reference of the project, its key issues and the scope of work, in particular the objectives and expected results;
- addressed all the critical points.

##### **b) Technical approach and methodology (40 points)**

- Does the practical implementation proposed for the project demonstrate efficiency and effectiveness of approach and method taking into account any particularities that are mentioned in the specific project;
- Level of detail of description of the work and the clarity of practical application on how to achieve the project's goals and outputs, if possible with examples;
- Presentation of expected results, a description of the tangible outputs that will be delivered.

##### **c) Work plan, timetable (20 points)**

- Is the work plan and timetable in sufficient detail to demonstrate the feasibility of the methodology within the proposed deadlines?
- Does the work plan make specific reference to mobilisation of the experts/team, appropriate evaluation points, submission of reports and documents, specific meetings etc.?
- Does the offer demonstrate agreement on the schedule that it is possible to implement the work programme including rapid start up and timely reporting?

##### **d) Organization of work and management arrangements (20 points)**

- Organisation of work – covering both implementation of the contract and also how the contractor will provide support for the management and administration of the contract.
- A description of how autonomously the tenderer is able to implement the project, an estimate of how much and what kind of Commission Directorate general involvement would be needed to ensure successful delivery and how they will manage cooperation with the Commission in practice.
- Staffing arrangements – Realistic assessment of the resources needed for achieving the desired objectives and how each of the proposed

experts will be assigned to the various elements of the work. A description of the control the tenderer will exercise over those working on the project. This should include an indication of how the tenderer will assure continuity if those assigned to the project leave.

#### *13.1.2. Interviews*

The technical evaluation may include interviews of the person or persons proposed in the tender. The awarding body reserves the right to invite tenderers for interview, at a date and a place to be notified. If required, these interviews will take place as arranged by mutual agreement. All travel costs in attending the interviews are borne by the tenderers.

However, tenderers who have not successfully passed the exclusion criteria (point 11) and the selection criteria (point 12) will not be invited for interview.

The results of these interviews will be integrated into the technical assessment of the tenders, without modifying either the composition or the weighting of the criteria laid down in the technical evaluation grid.

#### *13.1.3. Technical evaluation*

The quality of the offers will be evaluated by the degree to which they fulfil the requirements of the call for tenders and supply adequate solutions for the tasks laid out herein. The technical proposal is crucial in assessing the tenders and awarding the contract.

Reference should be made to the technical award criteria, which define those parts of the technical proposal where the tenderers should be particularly careful. The technical proposal must be sufficiently detailed to enable the bid to be assessed on the basis of the technical award criteria. It should meet the technical specifications and address all matters laid down therein. The offer should provide all the information required to award the contract including a description of the intended team structure and the respective role of each team member and (where applicable) models, examples and technical solutions to problems raised in the specifications.

Merely repeating the mandatory requirements set out in these specifications without going into detail or adding any value will result in a very low score. If key points included in these specifications and requirements listed in the technical award criteria (see 13.1.1.) are not expressly covered by the tender the Commission may decide either to give a zero mark for the relevant qualitative award criteria or to exclude the tender from the evaluation process for not meeting the specifications. The degree to which the criteria are met will be measured by a points score for each criterion. The relative importance of criteria for the overall score is indicated by the weighting (see technical award criteria in point 13.1.1.).

If it is intended to subcontract part of the service, the Identity of the subcontracted body, the services to be provided by and resources used by the subcontracted body should be indicated and quantified.

## **13.2. Financial proposal**

### *13.2.1. Minimum requirements*

Tenders for which the assessment of the technical criteria 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% or more on the technical evaluation may participate in the financial evaluation.

The total score obtained in this way will be compared to 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 technical proposal **70** and the financial proposal **30** using the following method:
- (2) In order to reflect the **70%** weighting to be given to the technical proposal, the best technical tender is awarded the maximum **70** points. Other tenders which received the minimum score of 65% on the technical evaluation receive points calculated according to the following equation:

Points **T** = (initial score of bid in question/initial score of best technical bid) x 0.7x 100.

In order to reflect the **30%** weighting to be given to the financial proposal the lowest financial offer is automatically awarded the maximum **30** points.

Other tenders receive points calculated according to the following equation:

Points **F** = (least expensive price/price of tender in question) x 0.3 x 100.

**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**

Tenders must include:

- a presentation letter duly signed by the legal representative
- the documents required under point 11 above
- 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 (Article 93(1) FR)	Supporting documents to be provided by applicants, tenderers or bidders		
	Procurement (Article 93(2) FR; Article 134 IR)		
<b>1. Exclusion from a procurement procedure, Article 93(1) FR :</b>  <i>« Candidates or tenderers shall be excluded from participation in a procurement procedure if:</i>			
<b>1.1. (subparagraph a)</b>  <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 regulations<sup>3</sup>;</i>	— Recent extract from the judicial record <b>or</b> recent equivalent document issued by a judicial or administrative authority in the country of origin or provenance <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	—	—
<b>1.2. (subparagraph b)</b>  <i>they have been convicted of an offence concerning their professional conduct by a judgment which has the force of res judicata<sup>4</sup>;</i>	Cf. supporting documents for Article 93(1)(a) FR above		
<b>1.3. (subparagraph c)</b>  <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		
<b>1.4. (subparagraph d)</b>  <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</i>	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,		

<sup>3</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.

<sup>4</sup> Cf. footnote n° 1.

<sup>5</sup> Cf. footnote n°1.

<i>of the country where the contract is to be performed</i> <sup>6</sup> ;	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		
<b>1.5. (subparagraph e)</b>  <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 interests</i> <sup>6</sup> ;	Cf. supporting documents for Article 93(1)(a) FR above		
<b>1.6. (subparagraph f)</b>  <i>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. »</i>	Declaration by the candidate or tenderer that he is not in the situation described		

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<sup>6</sup> Cf. footnote n° 1.

Exclusion criteria (Article 94 FR)	Supporting documents to be provided by applicants, tenderers or bidders		
	Procurement	Grants	
<b>2. Exclusion from a procurement or grant award procedure Article 94 FR :</b> <i>« Contracts may not be awarded to candidates or tenderers who, during the procurement procedure:</i>			
<b>2.1. (subparagraph a)</b> <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		
<b>2.2. (subparagraph b)</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»<sup>7</sup>.</i>	<ul style="list-style-type: none"> <li>– No specific supporting documents to be supplied by the applicant, tenderer or bidder</li> <li>– It is the responsibility of the authorising officer, represented by the evaluation committee, to check that the information submitted is complete<sup>8</sup> and to identify any misrepresentation</li> </ul>		

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<sup>7</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>8</sup> Cf. footnote n°1

## **Annex II**

### **DECLARATION ON HONOUR**

I, the undersigned, Mrs./Mr.....  
in the capacity of.....  
certify that the.....  
name).

(indicate your job title),  
(indicate company

#### **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: .....