

Organising training and setting up networks on the European co-ordination of social security schemes

1. Title of the contract

Organising training and setting up networks on the European co-ordination of social security schemes
(see draft contract VC/2007/0188)

2. Background

In the interest of free movement of persons as envisaged in the EC Treaty, national social security schemes, pursuant to Article 42 of the Treaty, are co-ordinated by Regulation (EC) No. 1408/71 of 14 June 1971¹ and its implementing Regulation (EC) No. 574/72². By the scope of Regulation (EC) No 859/2003 of 14 May 2003³, these regulations also apply to nationals of States which are not part of the European Union when such a person resides legally within the European Union. Other legal instruments are related to this co-ordination system such as international agreements concluded by the European Community. Community social security coordination is also influenced by certain aspects of Community law in the field of internal market.

The Community co-ordinating instruments are constantly being amended and adapted to developments in national social security systems and in national and Community law. Furthermore, amendments due to the accession of new Member States to the European Union are brought about by the Accession Treaties.

On 29 April 2004 the European Parliament and the Council agreed on a complete review of the co-ordination system by adopting Regulation (EC) no 883/2004⁴. The new system is expected to become applicable by 2009.

The implementation of the Community coordination provisions have generated a substantial amount of jurisprudence linked to the free movement of persons and social policy. The purpose of Community social security co-ordination is to ensure that persons moving within the European Union do not suffer any loss of social security rights. However, the field of Community social security coordination may at times be experienced as complex and difficult to interpret by national authorities and institutions, national courts and the Community Institutions.

The implementation of the Community co-ordination provisions has in the first place to be guaranteed at national level. In the Member States this involves public authorities, competent institutions, social partners, judges, representatives of non-governmental organisations (NGO) and other experts. They need to take decisions or give advice in numerous cases submitted to them. A lot of expertise is already available at the level of Member States, in particular in public administrations and in social security institutions. Representatives of these bodies liaise at national level and often attend meetings at Community level to discuss problems of implementation.

¹ Council Regulation (EEC) No 1408/71 of 14 June 1971 on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community (OJ No L 28 of 30.1.1997, p. 1). See the consolidated version on: http://europa.eu.int/eur-lex/en/consleg/main/1971/en_1971R1408_index.html.

² Council Regulation (EEC) No 574/72 laying down the procedure for implementing Regulation (EEC) No 1408/71 (OJ No L 28 of 30.1.1997, p. 102. See the consolidated version on: http://europa.eu.int/eur-lex/en/consleg/main/1972/en_1972R0574_index.html.

³ OJ No L124 of 20.5.2003, p. 1.

⁴ OJ No L166 of 30.4.2004, p. 1.

However, other stakeholders involved like social partners, NGO's, judges, lawyers and other independent experts confronted with problems of implementation often lack such opportunities. There is clear need for strengthening their expertise as well as for networking at national level between these stakeholders and with public authorities and social security institutions. The training and contacts at national level could provide the opportunity and to serve as a source of information for reporting to the Commission on problems of implementation met at national level.

The objective of social security coordination can only be achieved if the Community co-ordination provisions are well adjusted and in coherence with the economic and social developments in the national social security legislations it aims to co-ordinate. Furthermore the Community coordination provisions must also be in conformity with and reinforce Community policy for economic and social progress as established under the Lisbon Strategy and the goals set there for sustained economic growth, more and better jobs and greater social cohesion. To this end an expert group should be set up to analyse, with regard to given topics, where these rules need to be adapted in order to fulfil these objectives.

3. Subject of the contract

The contract to be awarded concerns, in relation to the European co-ordination of social security schemes,

- the organisation of training seminars,
- the setting up of networks at national level
- the reporting to the European Commission on problems of implementation met at national level,
- the maintenance and update of two data bases, and
- the setting up of a group of 4 – 8 experts to analyse, with regard to given topics, where the rules need to be adapted in order to fulfil the objectives set by the EC Treaty.

The activities will be carried out under the direct supervision and responsibility of Unit E/3 of the Directorate General Employment, Social Affairs and Equal Opportunities.

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

Services required under the contract will include:

Task 1

Organising training seminars on the European co-ordination of social security schemes. These seminars shall be organised on behalf of the European Commission, in each of the Member States, annually (starting in 2008) and according to the following guidelines:

Organisers

- The Contractor shall act as **main organiser** of each of the seminars. He should associate in the organisation of the seminars an expert located in each of the Member States which will be acting as **co-organiser** of the seminar in his/her Member State

Content of the training:

- Developments of Community law in the field of co-ordination of social security schemes and related fields: new legislation, case law, important administrative decisions,
- Developments at national level: new legislation of administrative decisions which might have an impact on the implementation of Community law; national case law,
- Remedies at national level available to persons contesting the application of Community law: administrative appeal, court appeals
- Remedies at Community level: Court of Justice, Complaints to the Commission petitions to the European Parliament
- Overview of information sources at national and at Community level available, in particular via internet, to the public
- Discussion of problems and cases submitted by participants
- Preparing participants to networking at national level on these issues

Documents to be made available

- Documents to be made available in the national language(s) of the Member States concerned should be concise and practical, enabling the participants to search for more details.

Trainers

- Experts acquainted with the relevant Community law
- Experts acquainted with national law, implementation of relevant Community in the Member State concerned and remedies available at national level;
- Representative(s) of the European Commission (not to be included in the budget).

Participants

- 20 to 60 persons, depending on the size of the Member State concerned
- representatives of social partners and NGO's, judges, lawyers, other experts dealing with implementation of relevant Community law
- Commission's representative(s) (of Unit E/3 of Employment, Social Affairs and Equal Opportunities DG) must be invited to the seminars (not to be included in the budget).

Duration

- one or two days each year

Language

- training shall in principle be given in the national language(s) of the Member State concerned and interpretation into the(se) language(s) should be foreseen for those parts of the training not given in the(se) language(s). Interpretation into English, French or German should also

been foreseen in case trainers or representatives of the Commission should not understand (one of) the national language(s) of the Member State concerned.

The contractor shall submit within six weeks after the signing of the contract a detailed planning of the seminars for approval to the Commission services.

Task 2

Ensuring a follow-up to these training seminars. The follow-up shall consist in building in each of the Member States a network between trainers and participants of the seminars in particular by facilitating, notably via internet facilities, regular contacts between them. Other experts available in the Member State could also be part of that network. It is to be observed that processing of personal data required for the purposes of the network is subject to national law adopted for the implementation of Directive 95/46/EC⁵.

Trainers located in the Member State concerned should keep themselves available after the training session for responding to questions the participants might wish to submit to them. The co-organiser of each of the Member States shall co-ordinate the network in his/her Member State.

Task 3

The Contractor shall maintain and keep up to date two data bases established under the previous Commission project on "Organising training and setting up networks on the European co-ordination of social security schemes, Contract VC/2006/940 awarded to Gent University and ending on 10 December 2007.

The contact data base on networking contains the names and contact details of people having registered as participants in the network set up under the above mentioned contract.

The resources data base contains the legal text of Regulations 1408/71 and 574/72 as well as related case-law and Decisions of the Administrative Commission. It also contains other documentation relating to Community social security coordination.

On the award of the Contract, the Commission will, by mutual consent with the Contractor, set a date by which the Contractor will be provided with all appropriate functional and technical specifications required for a satisfactory handover to the Contractor of the contact data base on networking and the resource database. The Commission will furthermore provide all necessary functional and technical material necessary for the maintenance and updating of these two databases. The handover is, of course, subject to the provisions of Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data.

Task 4

Reporting annually to the Commission on problems of implementation of relevant Community law. These reports should build in the first place on the experience with the training seminars in particular on points raised by the participants. They should also be based on other information available to the trainers, such as developments in relevant national case law.

The Contractor's appreciation and observations on national and EU-level developments will be useful to the Commission to form a clear idea of the situation, trends and perspectives.

The report shall present its findings in a concise manner. It shall present each problem by a clear description of the factual and legal facts that are pertinent for the understanding of the problem. The report shall analyse the problem in relation to national and Community law and suggest, if possible, the legal or other solutions that seems appropriate.

⁵ Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data.

The draft report and its executive summary should be submitted to the Commission in English, no later than one month before the end of the 12-calendar month contract's period of performance, contain no more than 100 pages and delivered in an electronic print-ready form (PDF format) as well as paper versions (5 copies).

Task 5

The objective of social security coordination as provided for in Article 42 of the EC Treaty is to facilitate the free movement of persons by the protection of the rights acquired or in the process of being acquired by migrant persons.

This can only be achieved if the Community co-ordination provisions take sufficiently into account developments in national legislation of Member states. Furthermore the Community coordination provisions must also be in conformity with and reinforce Community policy for economic and social progress as established under the Lisbon Strategy and the goals set there. Therefore, they should reply to the needs caused by new patterns of migration.

It should be recalled that the Community social security coordination rules are the expression of a political will to establish rules which in the everyday reality of migrant persons are understandable, and to provide them, without administrative complications, with the protection needed to promote and enhance personal mobility within the European Union, which is an essential element of the realisation of the Lisbon goal of sustained economic growth, more and better jobs and greater social cohesion.

To this end the Contractor shall set up a group of 4 - 8 experts having an overall knowledge of the European coordination rules to analyse where these rules need to be adapted in order to fulfil the aforementioned goals and to develop possible ways how to obtain these goals.

In the first stage this analysis should focus on:

- the question whether the rules determining the applicable legislation for cross- border situations laid down in Regulation 883/04 meet the needs caused by new patterns of mobility, such as workers temporarily exercising frequently short term activities in various Member states or artists who often perform work in various Member states either as an employed or as an self-employed person.
- The relationship and interaction between the Community regulations coordinating the social security schemes of Member states and Directive 2004/38/EC⁶ dealing with the right to move and to reside within the Community.

In a later stage other questions to be examined shall be part of the agreement between the Commission and the Contractor to extend the contract.

The Contractor shall present its finding in a report which shall provide a full description of the analysis and the possible ways to obtain the set goals.

The draft report and its executive summary should be submitted to the European Commission in English, no later than one month before the end of the 12-calendar month contract's period of performance, contain no more than 100 pages and delivered in an electronic print-ready form (PDF format) as well as paper versions (5 copies).

Task 6

The Contractor shall organise once a year a meeting in Belgium just before the end of the contract period and after the draft reports mentioned under "Task 4 and Task 5" have been made available. This

⁶ Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States amending Regulation (EEC) No 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC (Text with EEA relevance)

meeting should be attended by the persons representing the Contractor and by the co-organisers of the seminars of each of the Member States, as well as the experts forming the group set up under "Task 5" above. Commission's representatives of Unit E/3 of Employment, Social Affairs and Equal Opportunities DG must be invited to this meeting. The meeting should enable the participants to discuss the outcome of the seminars and the reports submitted by the Contractor and to make plan for the following year.

The Contractor shall prepare the minutes of this meeting. These minutes must be approved by the Commission before they are distributed.

All the expenses arising from the meetings will be included in the total price of the contract.

Task 7

Administrative and financial management of the contract with the Commission and of subcontractors.

The contracts with co-organisers and trainers, as well as the experts of the group mentioned above under "Task 5" shall be concluded by and on the responsibility of the Contractor, who will be responsible for their administrative and financial management. These contracts must give precise details of the tasks to be accomplished.

If, during the contract period, an enlargement of the EU takes place and consequently new Member States participate in this network, an extension of the contract will be made by negotiated procedure according to Article 126(1)(f) of Commission Regulation No. 2342/2002 (EC, Euratom) laying down detailed rules for the implementation of Council Regulation (EC, Euratom) No. 1605/2002 on the Financial Regulation applicable to the general budget of the European Communities⁷

6. Professional qualifications required

See Annex IV of the draft contract, experts' CVs and classification of experts. (*See point 12. Selection criteria below*)

7. Time schedule and reporting

See Article I.2. of the contract.

Execution of tasks may not start before the signature of the contract by both parties, which is estimated to take place during the last quarter of 2007. The period of performance will be 12 calendar months from the date of effect.

The initial contract may be renewed 2 times for a period of 12 calendar months each, only with the express written agreement of the parties before payment of the balance.

Renewal does not imply any modification or deferment of existing obligations.

Additional requirements

The selected contractor will comply with the following specific reporting:

The Contracting Party shall produce a short **Interim Report** assessing overall progress towards the achievement of the key tasks over the first six months of the contract period, as well as any comments, suggestions or recommendations judged useful or necessary by the contractor. The Interim Report should be delivered no later than seven (7) months after the signature of the contract.

A **Draft Final Report** should be delivered no later than the last day of the period of execution of the tasks.

⁷ Official Journal L 357 of 31/12/2002

The **Final Report** shall be presented no later than four (4) weeks after the end of the contract period. It shall provide a full description of the work carried out, a presentation of the results obtained for the whole period of the performance, as well as the finalised reports pertaining to tasks 4 and 5 and, any comments, suggestions or recommendations judged useful or necessary by the contractor (see Annex IV of the draft contract).

All reporting must be done in English and delivered both on paper and electronically.

8. Payments and standard contract

See Articles I.3, I.4, II.4 and II.5 of the draft contract.

Payments will be made according to the following schedule:

Pre-financing payment

Following the 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 20% of the total amount of fees and direct costs referred to in Article I.3.1 of the contract shall be made.

Interim payment

Request for interim payment by the Contractor shall be admissible if accompanied by:

- an interim report in accordance with the instructions laid down in Annex I of the model contract ;
 - the relevant invoices
- provided that 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 60% of the total amount referred to in Article I.3.1. of the contract, shall be made.

Payment of the balance

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

- the final report in accordance with the instructions laid down in Annex I of the draft 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.

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

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 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.

The format given in Annex III "Breakdown of prices" of the attached blank, draft contract MUST be followed and include:

Part A: Professional fees and direct costs

- Fees, expressed in number of person/days and unit price per working day for each Expert proposed per task. The unit prices are expected to cover the Experts' fees and administrative expenses, as well as the costs of producing the contractual number of copies of the required report(s) in the required format(s)
- Travel expenses
- Daily subsistence allowances (DSA's). These cover all the subsistence costs of the Experts who are on mission for short term assignments outside their usual 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
- Translation costs, if any
- Interpretation costs
- Other direct costs (to be specified), if any.

Part B: Reimbursable expenses

- not applicable.

The price sought ought not to exceed €540,000.00 in total per year.

10. Groupings of tenderers 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 contract⁸. 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

⁸ These entities can take the form of an entity with or without legal personality but offering sufficient protection of the Commission's contractual interests (depending on the Member State concerned, this may be, for example, a consortium or a temporary association).

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

1) Bidders must provide a declaration on their honour, duly signed and dated, that they are not in one of the situation referred to in Articles 93 and 94 a) of the Financial Regulation. (See Annex V)

Those articles are as follows:

Article 93:

1. 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.

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

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.

See Annex I (which may be used as a checklist) for the supporting documents accepted by the European Commission to be provided by applicants 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

The selection of offers will be carried out in accordance with the following criteria:

a) economic and financial capacity

Sound financial and legal position of the tenderers.

- Tenderers will be required to demonstrate their financial status by presenting their *balance sheets* and their *profit and loss statements* for the last two years, for which the accounts have been closed, including total turnover and turnover relating to services similar to those covered by this call for tenders for the past two financial years.

b) technical capacity of the tenderer

- Proven 8-year professional experience in the international project management, with the ability to work in a highly culturally and linguistically diverse environment;
- Preparation, negotiation and implementation of contracts: this requires the ability to assess quality and cost-effectiveness and sound and efficient management capabilities;
- Good interpersonal and oral communication skills for regular liaison with the national experts and the Commission Services;
- Oral and written communications skills are required in English and another official language of the European Union;
- Proven 8-year professional experience in the field of European integration, particularly in the co-ordination of social security schemes and co-ordination Regulations 1408/71 and 574/72;
- Knowledge of the Member States' social security systems and how they are administered;
- Sound grasp of written and oral English;
- Proven experience of organising of seminars.

Technical experience required of the contact persons and trainers:

- proven 5-year knowledge/expertise in the field of national Social Security and application of co-ordination Regulations 1408/71 and 574/72 in the Member State concerned;

- knowledge of the national language(s) of the country concerned, contact persons and trainers must be able to demonstrate a sound grasp oral English.

Tenderers will be required to provide a brief description of their business activities in services of the type which are the subject of this invitation to tender as well as detailed curriculum vitae of all the persons proposed to demonstrate relevant competence and professional capacity.

Technical experience required of the experts referred to under task 5:

- Proven 5-year knowledge/expertise in the field of national Social Security and application of co-ordination Regulations 1408/71 and 574/72 in the Member State concerned;

13. Award criteria

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

Quality of the tender: understanding of the context and nature of the project and the tasks to be carried out. Tenderers will be required to provide information about the distribution of tasks among the members of the team and a detailed timetable of the activities to be carried out.

- This will be assessed through a detailed work plan and a timetable of the activities to be carried out provided by the tenderer (35%) and
- the working methods, and the composition of the team (35%) proposed by the tenderer;
- the overall quality of the bid (30 %)

13.1. Price

These criteria weighted as indicated above will determine the quality of the bids and the total points will then be divided by the price, with the highest scoring bid being chosen. It should be noted that the contract will ***not*** be awarded to a tenderer who receives less than 70 % of the Award Criteria.

Initiation of a tendering procedure imposes no obligation on the Commission to award the contract. The Commission shall not be liable for any compensation with respect to tenderers whose tenders have not been accepted. Nor shall it be so liable if it decides not to award the contract.

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.

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.

15. Validity of tenders

Tenders must be valid up to 6 months after submission.

Annex 1

Exclusion criteria (Article 93(1) FR)	Supporting documents to be provided by applicants, tenderers or bidders		
	Procurement (Article 93(2) FR; Article 134 IR)		
1. Exclusion from a procurement procedure, Article 93(1) FR : <i>« Candidates or tenderers shall be excluded from participation in a procurement procedure if:</i>			
1.1. (subparagraph a) <i>they are bankrupt or being wound up,</i> <i>are having their affairs administered by the courts,</i> <i>have entered into an arrangement with creditors have suspended business activities, are the subject of proceedings concerning those matters,</i> <i>or are in any analogous situation arising from a similar procedure provided for in national legislation or regulations⁹;</i>	Recent extract from the judicial record or recent equivalent document issued by a judicial or administrative authority in the country of origin or provenance or Where no such certificate is issued in the country concerned : sworn or, failing that, a solemn statement made by the interested party before a judicial or administrative authority, a notary or a qualified professional body in his country of origin or provenance		
1.2. (subparagraph b) <i>they have been convicted of an offence concerning their professional conduct by a judgment which has the force of res judicata¹⁰;</i>	Cf. supporting documents for Article 93(1)(a) FR above		

⁹ 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.

¹⁰ Cf. footnote n° 1.

Exclusion criteria (Article 93(1) FR)	Supporting documents to be provided by applicants, tenderers or bidders		
	Procurement (Article 93(2) FR; Article 134 IR)		
1.3. (subparagraph c) <i>they have been guilty of grave professional misconduct proven by any means which the contracting authority can justify;</i>	Declaration by the candidate or tenderer that he is not in the situation described		
1.4. (subparagraph d) <i>they have not fulfilled obligations relating to the payment of social security contributions or the payment of taxes in accordance with the legal provisions of the country in which they are established or with those of the country of the contracting authority or those of the country where the contract is to be performed¹¹;</i>	Recent certificate issued by the competent authority of the State concerned confirming that the candidate is not in the situation described or Where no such certificate is issued in the country concerned : sworn or, failing that, a solemn statement made by the interested party before a judicial or administrative authority, a notary or a qualified professional body in his country of origin or provenance		
1.5. (subparagraph e) <i>they have been the subject of a judgment which has the force of res judicata for fraud, corruption, involvement in a criminal organisation or any other illegal activity detrimental to the Communities' financial interests¹²;</i>	Cf. supporting documents for Article 93(1)(a) FR above		
1.6. (subparagraph f) <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		

¹¹ Cf. footnote n°1.

¹² Cf. footnote n° 1.

Exclusion criteria (Article 94 FR)	Supporting documents to be provided by applicants, tenderers or bidders		
	Procurement	Grants	
2. Exclusion from a procurement or grant award procedure Article 94 FR : <i>« Contracts may not be awarded to candidates or tenderers who, during the procurement procedure:</i>			
2.1. (subparagraph a) <i>are subject to a conflict of interest;</i>	Statement by the applicant, tenderer or bidder confirming the absence of conflict of interests, to be submitted with the application, bid or proposal		
2.2. (subparagraph b) <i>are guilty of misrepresentation in supplying the information required by the contracting authority as a condition of participation in the contract procedure or fail to supply this information»¹³.</i>	No specific supporting documents to be supplied by the applicant, tenderer or bidder It is the responsibility of the authorising officer, represented by the evaluation committee, to check that the information submitted is complete ¹⁴ and to identify any misrepresentation		

¹³ 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. »

¹⁴ Cf. footnote n°1