



EUROPEAN COMMISSION
Directorate-General for Education and Culture

Directorate E
Unit E3

Open Call for tender EAC/28/2010
Study on the contribution of sport to economic growth
and employment

Contracting Authority: European Commission
Directorate-General for Education and Culture

Tender Specifications

1. IDENTITY OF THE TENDERER

All Tenders must be submitted by a clearly identified Tenderer. Tenderers must indicate in which state they have their registered office or residence, providing the necessary supporting documents in accordance with their national law.

Therefore, the Tenderer must complete Annex 3, Information concerning the Tenderer, and the forms required therein. These forms must be signed by the Tenderer or a person duly authorised by them. They must be accompanied by all the supporting documents described in the relevant forms.

1.1. Sub-contracting

Sub-contracting is permitted. All sub-contracting must be approved by the Contracting Authority (by accepting the Tenderer's offer).

The Tenderer must indicate clearly in their offer, which tasks will be sub-contracted, and the identity of all sub-contractors. The following documents shall therefore be provided:

- A document, signed by the Tenderer:
 - stating clearly the identity, roles, activities and responsibilities of the sub-contractor(s) and;
 - specifying the volume/proportion for each sub-contractor.
- Point 6 of Annex 3 must be completed for each sub-contractor proposed to undertake more than 10% of the tasks (by value).

- A letter of intent by each sub-contractor undertaking more than 10% of the tasks (by value), stating their undertaking to collaborate with the Tenderer if they are awarded the contract and the extent of the resources that they will put at the Tenderer's disposal for the performance of the contract.

When requested by the Contracting Authority, the Tenderer shall submit a declaration on honour with respect to the Exclusion Criteria and absence of conflict of interest from the intended subcontractor according to Articles 93 and 94 of the Financial Regulation (Council Regulation 1605/2002 of 25/06/2002, as amended). In case of doubt on this declaration on honour, the Contracting Authority shall request the evidence (see point 4 Exclusion Criteria).

If your offer includes sub-contracting, it is recommended that contractual arrangements with sub-contractors include mediation as a method of dispute resolution.

1.2. Consortia/Joint offers

Groups of economic operators, having or not having a legal existence, are allowed to submit a tender. If a group of economic operators does not have a legal existence, the leader of the group must be clearly designated by all the other members of the group to act as leader with full authority to bind the grouping and each of its members. The composition and constitution of the grouping and the allocation of the scope of tasks amongst the members, shall not be altered without prior written consent of the Commission which can be withheld at discretion.

In case of contract awarding, in order to protect the contractual interest of the Commission, the Contracting Authority will sign a contract with the leader of the group, duly authorised by the others (a power of attorney is to be attached to the offer). All the members of the group shall be jointly and severally liable to the Commission for the fulfilment of the terms and conditions of the contract.

Each member of the group or a person duly authorised by them must complete and sign the Legal Entity form required in Annex 3, Information concerning the Tenderer. It must be accompanied by all the supporting documents described in the form.

A declaration on honour with respect to the Exclusion Criteria and absence of conflict of interest and information on selection criteria of each member of the group must also be included in the offer (see points 4 and 5).

2. VARIANTS

Tenderers may not submit bids for only part of the services required.

3. LOTS¹

Not applicable

4. EXCLUSION CRITERIA

The purpose of these criteria is to determine whether a Tenderer is authorised to participate in the tendering procedure according to Articles 93 and 94 of the Financial Regulation (Council Regulation 1605/2002 of 25/06/2002, as amended). Tenderers shall be excluded from participation in a procurement procedure 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 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 Union's financial interests;
- (f) they are currently subject to an administrative penalty referred to in Article 96 (1) of the Financial Regulation (Council Regulation 1605/2002 of 25/06/2002, as amended).

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

- are subject to a conflict of interest;
- are guilty of misrepresentation in supplying the information required by the Contracting Authority as a condition of participation in the tender procedure or fail to supply this information.

Tenderers must certify that they are not in one of the situations listed above, by completing and signing the form in Annex 4, Declaration on honour with respect to the Exclusion Criteria and absence of conflict of interest.

(1) The winning Tenderer will **also** provide **evidence** that they are not in any of the situations described in points (a), (b), (d) and (e) above. This evidence must be in one of the forms described in (2), (3) and (4) below and must be provided within two weeks from the receipt of the communication of the result of the evaluation. If the requested evidence is not submitted in due time, the Contracting Authority can award the Contract to the Tenderer evaluated as the next-best.

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

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

(4) For any of the situations (a), (b), (d) or (e), where any document described in (2) or (3) above is not issued in the country concerned, it may be replaced by a sworn or, failing that, a solemn statement made by the interested party before a judicial or administrative authority, a notary or a qualified professional body in his country of origin or provenance.

(5) The contracting authority may waive the obligation of a candidate or tenderer to submit the documentary evidence referred to in paragraphs (1) to (4) if such evidence has already been submitted to it for the purposes of another procurement procedure 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.

Administrative or financial penalties may be imposed by the Contracting Authority on Tenderers who are in one of the cases of exclusion provided for above, in accordance with Articles 93, 94 and 96 of the Financial Regulation (Council Regulation 1605/2002 of 25/6/02, as amended) and Article 134 b of the Implementing Rules (Commission Regulation 2342/2002 of 23/12/2002, as amended).

5. SELECTION CRITERIA

The purpose of these criteria is to determine whether a Tenderer has the necessary economic, financial, technical and professional capacity to carry out the tasks. Tenderers who are not considered to have the required capacity will not proceed to the award phase.

Tenderers must provide evidence of economic, financial, technical and professional capacity. Tenderers who do not provide the documentation specified, or who are judged, on the basis of the documentation provided, not to have fulfilled the criteria specified below, will be excluded.

Where the Tenderer wishes to sub-contract or otherwise rely on the capacities of other entities, they must in that case prove that they will have at their disposal the

resources necessary for performance of the contract, for example by producing an undertaking on the part of those entities to place those resources at its disposal.

If, for some exceptional reasons which the Contracting Authority considers justified, the Tenderer 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.

5.1. Economic and Financial capacity

- 5.1.1. The Tenderer must demonstrate sufficient economic and financial resources to be able to execute the tasks within the time schedule specified in the Terms of Reference in Annex 1 and according to the payment schedule specified in the draft Contract in Annex 2.
- 5.1.2. The following documents must be provided in evidence of economic and financial capacity:
 - 5.1.2.1. a statement of overall turnover and turnover concerning the services covered by the contract during a period which may be no more than the last three financial years.

5.2. Technical and Professional capacity

- 5.2.1. The Tenderer must comply with the following criteria:
 - 5.2.1.1. have at its disposal the required experts indicated in the Terms of Reference (point 4);
 - 5.2.1.2. Have the relevant technical ability to carry out the study in all 27 EU Member States>
 - 5.2.1.3. Have the capacity to use a network of relevant public bodies and organisations, including statistical authorities, universities or other higher education institution.
- 5.2.2. The following documents must be presented as evidence of compliance with the above criteria:
 - 5.2.2.1. the educational and professional qualifications (CV's) of the Tenderer and/or those of the firm's managerial staff and, in particular, those of persons responsible for providing the services;
 - 5.2.2.2. a description of the technical equipment to be employed by the firm for performing the contract;
 - 5.2.2.3. a description of the measures employed to ensure the quality of services, and a description of the firm's study and research facilities;
 - 5.2.2.4. an indication of the technicians or technical bodies involved, whether or not belonging directly to the firm, especially those responsible for quality control;

- 5.2.2.5. a statement of the average annual manpower and the number of managerial staff of the service provider or Contractor in the last three years;
- 5.2.2.6. proof that the Tenderer is authorised to perform the contract under national law, as evidenced by inclusion in a trade or professional register, or a sworn declaration or certificate, membership of a specific organisation, express authorisation, or entry in the VAT register.

6. AWARD CRITERIA

The purpose of these criteria is to choose between the best offer out of those submitted by tenderers which are not excluded and which meet the selection criteria.

Important Note:

The Tenderers are invited to carefully study the Tender Specifications and its annexes and to address all information requested in their offer. It must be noted that any total or partial omission of information or non-conformity with requirements described in the Tender Specifications and its annexes may lead the Commission to exclude the offer from the award procedure.

The contract will be awarded to the Tenderer submitting the bid offering the best value for money, on the basis of the following criteria:

6.1. Qualitative criteria (100 points)

- 6.1.1. Relevance and clearness of the methodology proposed to achieve the requested outputs. (50 points)
- 6.1.2. Appropriateness of the quality of skills and experience of each member of the team for the task proposed to be assigned to them (30 points)
- 6.1.3. Identification and quality of the sources proposed as the basis for the study (20 points)

The above criteria will be assessed on the basis of:

- (a) a methodology which the Tenderer must provide, which will set out how the Tenderer intends to achieve the objective and results set out in the Terms of Reference, covering such points as: time schedule, organisation of work, allocation of staff to different tasks, preliminary assessment of likely difficulties and likely results, understanding of the purpose and nature of the tasks to be undertaken;
- (b) the CVs of the staff proposed by the Tenderer, together with the specification of the role to be performed by each member of staff;
- (c) the coherence of the completed form in Annex 5, Price and Estimated Budget Breakdown, with the methodology and the Terms of Reference.

Offers which score a total of fewer than 65 points for the qualitative criteria will be rejected.

6.2. Price (50 points)

The lowest acceptable offer will receive the maximum number of points. The remaining offers will receive a number of points corresponding to the ratio between their offer and the lowest acceptable offer, such that the more expensive is the offer, the fewer points it receives.

$$P = (\text{lowest acceptable offer}/\text{offer}) \times 50]$$

7. NO OBLIGATION TO AWARD A CONTRACT

Initiation of a tendering procedure imposes no obligation on the Contracting Authority to award the Contract.

This Invitation to Tender is in no way binding on the Commission. The Commission's contractual obligation commences only upon signature of the contract with the successful Tenderer.

Up to the point of signature, the Contracting Authority may either abandon the procurement or cancel the award procedure, without the Tenderers being entitled to claim any compensation. This decision must be substantiated and the Tenderers notified.

8. CONTRACT

Tenders must be drawn up in accordance with the draft Contract attached to these Tender Specifications (Annex 2).

The Tenderer accepts the terms set out in the draft Contract.

8.1. Renewal or Modification of the Contract

The contract may not be renewed. Amendments may be made to the contract only where the amendment is judged by the Contracting Authority to be necessary for the completion of the tasks, and where the reason for the amendment is beyond the control of the Contractor.

9. PUBLICATION

Rights concerning the reports and those relating to their reproduction and publication will remain the property of the European Commission. No document based, in whole or in part, upon the work undertaken in the context of the Contract awarded following this tender may be published except with the prior formal written approval of the European Commission.

10. ANNEXES

The following documents are annexed to these Tender Specifications and form an integral part of them:

Annex 1: Terms of Reference

Annex 2: Draft Contract (for information)

Annex 3: Information concerning the Tenderer

Annex 4: Declaration on honour with respect to the Exclusion Criteria and absence of conflict of interest

Annex 5: Price (estimated price breakdown)

Annex 6: The Vilnius Definition of Sport