

GENERAL INVITATION TO TENDER

No ECFIN/A/2011/002

SPECIFICATIONS

FINANCIAL DATA SUPPLY SERVICES: ANNUAL ACCOUNTS

Ref: OJ 2011/S/147-243441 (03.08.2011)

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Glossary

Tenderer	Participating Company in this Call for Tender
DG ECFIN	Directorate General Economic and Financial Affairs of the European Commission
IT	Information Technology
NACE	The Statistical Classification of Economic Activities in the European Community (in French: Nomenclature statistique des activités économiques dans la Communauté européenne), commonly referred to as NACE, is a European industry standard classification system consisting of a 6 digit code.
ISIC	The International Standard of Industrial Classification of All Economic Activities (ISIC) code was developed by the UN as a standard way of classifying economic activities.
SEDOL	A Stock Exchange Daily Official List (SEDOL) code is one of many codes used to identify UK listed securities. A SEDOL code is a seven digit number.
CUSIP	The acronym CUSIP historically refers to the Committee on Uniform Security Identification Procedures, founded in 1964. This 9-character alphanumeric code identifies any North American security for the purposes of facilitating clearing and settlement of trades.
ISO (country code)	Country code according to the International Organization for Standardization http://www.iso.org/iso/english_country_names_and_code_elements

PART 1: TECHNICAL DESCRIPTION

1 NATURE OF THE CONTRACT

The purpose of this invitation to tender is to conclude a Framework service contract with a company capable of assuming the continuity of service for financial data provision, as the current contract for the financial database in use at the Commission on Annual Accounts data approaches its expiry date.

2 BACKGROUND

The Treaty on the European Union (EU) places upon the European Commission, Directorate General Economic and Financial Affairs (DG ECFIN), specific tasks of economic policy and analysis for the Euro Area and the EU as a whole.

To ensure the smooth functioning of Economic and Monetary Union, DG ECFIN's responsibilities focus on economic surveillance, monitoring of budgetary policy, public finances, economic policy coordination and forecasting, integration of EU capital markets, freedom of capital movements, economic relations with third countries and other important financing operations.

In order to assume these tasks, a comprehensive array of relevant, reliable and timely statistical information is required. Official economic statistical information on the EU is mainly produced through the European Statistical System, and it is conveniently accessible for users in DG ECFIN. However, as user requirements go far beyond the stock of public available data, supplementary information for various domains is necessary.

This call for tender concerns the delivery of the required financial data for further use by DG ECFIN.

3 SCOPE OF THE CONTRACT

3.1 Framework Service Contract:

3.1.1 The Authorising Department intends to conclude a Framework Service Contract.

3.1.2 The tenderer whose bid is selected will be offered a Framework Service Contract for a maximum of four years. The preferred date for signing the Framework Service Contract is 01 March 2012. The duration of the contract and renewal conditions are determined in Article I.2. of the Framework Service Contract (Annex 4).

3.1.3 Signature of the Framework Service Contract imposes no obligation on the Commission to purchase. Only implementation of the Framework Service Contract through orders detailing the type of services required by a Directorate General of the Commission is binding on the Commission.

3.1.4 While DG ECFIN is the main consumer of this type of data in the European Commission, the Framework Contract will allow DG ECFIN or other Directorates General of

the Commission to conclude orders on the Framework Service Contract for the requested services.

3.2 Volume (indicative):

3.2.1 Please note that the total value of the Framework Service Contract depends on the quantities the Directorates General will order. The Commission cannot at this stage commit itself to exact quantities to be ordered. The total of licences is estimated to be fifteen. For reference purposes DG ECFIN has previously ordered 3-5 licences per year.

3.2.2 It should be possible to easily add to this number in the future, by means of a negotiated procedure without prior publication of a contract notice pursuant to Article 91 of the Financial Regulation¹ and Article 126 (1f)² of the implementing rules.

4 OBJECTIVES

4.1 The services required by the Commission should not only cover the provision of high-quality financial data (see point 5), but also the technical requirements (see point 6), to ensure compatibility with the DG ECFIN's IT infrastructure.

4.2 Data obtained via this call for tender will mainly be for internal use by DG ECFIN for analytical purposes. However, data may also be used (in an aggregated form) in various, regular reports published by the Commission throughout the year.

4.3 In that context, the contractor shall transfer to the Commission all said rights on the data and shall warrant that the Commission has the rights, including but not expressly limited to the rights mentioned below, to

- use, re-use and edit the data, as a whole or parts of them, notably in reports;
- exploit, aggregate and disaggregate the data ;
- use the data to prepare charts and tables and thereby including the editing of metadata, subtitles, legends or other graphic, visual, audio or work elements, also in different languages;
- distribute data to external contractors of the Commission in the frame of their service contract;
- distribute the reports with or without modifications to them;
- display the reports publicly;
- put the reports on the Internet;
- communicate the reports to the public by telecommunication, by electronic publication, by press information services, by downloadable and non-downloadable files, by communication with computer terminals, messages and

¹ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CONSLEG:2002R1605:20071227:EN:PDF>

² <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2007:111:0013:0045:EN:PDF>

wire service, by electronic and non-electronic publications, or by any other media of expression now known or later developed;

- store the data;

as well as any other rights that are necessary for the Commission to use the data as described in the present Specifications.

4.4 Providers will perform the task requested by the Commission and will carry out their work taking into account existing security requirements and working in cooperation with the relevant Commission departments, and in particular the DG ECFIN's "Forecasts and economic situation" and "Management of IT resources" units.

5 DESCRIPTION OF THE SERVICE REQUESTED

5.1 Context

One of the various missions of DG ECFIN consists in the evaluation of the financial situation of EU companies. The goal of this evaluation is to assess the reciprocal influence of the realisation of the Internal Market and the Economic and Monetary Union on the corporate sector. Diverse policies should be studied such as taxation, market power and concentration, mark-ups, the situation of small and medium companies, corporate structure, financial situation, etc. The Directorate General needs to have statistical data to achieve this goal.

5.2 Nature of the data and linked services to be provided

General requirements

- Companies should have unique ID's.
- Data must be updated on a regular basis (e.g. monthly update).

5.2.1 Basic criteria for Data on Annual Accounts

Data on financial accounts of companies need to meet as close as possible the following basic criteria:

1) **Periodic coverage:** Annual basis, and quarterly data when available. Data should be complete and go back as long as possible.

2) **Geographical coverage:**

EU-27 (Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Italy, Ireland, Latvia, Lithuania,

Luxemburg, Malta, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, The Netherlands, United Kingdom),

Candidate Countries (Croatia, Former Yugoslav Republic of Macedonia, Iceland, Turkey) and **other European Countries** including Bosnia-Herzegovina, Montenegro, Serbia, Norway, Switzerland, Belarus, Russian Federation, Ukraine.

USA, Japan, China, India, Brazil

Hong Kong, Taiwan, Macao, Australia, New Zealand, Mexico, Korea (Rep), Canada

Other G20 countries: Russia, Argentina, Indonesia, South Africa, Saudi Arabia.

3) Companies coverage by size:

All companies with more than 5 employees (listed and unlisted) for EU-27 and the USA.

All companies with more than 100 employees (listed and unlisted) for the remaining countries.

4) Sectoral coverage: As many sectors of economic activities as possible, including mining, manufacturing, electricity, gas and water supply, construction, market services (including financial companies), non market services.

5) Sectoral classification: At least NACE rev.1 3-digit classification and/or ISIC rev4 at 3-digit classification. Possibility to extract data by at least NACE rev.1 and NACE rev.2.

6) Currency: At least euro and USD.

7) Language: Items should be proposed at least in English.

8) Data to be provided at least for large firms:

(1) Name, international company code (SEDOL, CUSIP), nationality, country code (ISO), address, legal status, main sectoral activity of the company (NACE rev.1/rev.2 3-digits and/or ISIC 3-digits), secondary sectoral activities of the company (NACE rev.1/rev.2 3-digits and/or ISIC 3-digits).

(2) Information on subsidiaries including Name, international company code (SEDOL, CUSIP), nationality, country code (ISO), address, legal status, main sectoral activity (NACE rev.1/rev.2 3-digits and/or ISIC 3-digits), percentage of control, and link to its accounts if in the database.

(3) Information on ownership including Name, international company code (SEDOL, CUSIP), nationality, country code (ISO), address, legal status, main sectoral activity (NACE rev.1/rev.2 3-digits and/or ISIC 3-digits), percentage of control, and link to its accounts if in the database.

(4) General economic information on the company:

- Turnover,
- operating profit,
- total assets,
- number of employees,
- main sector of activity (NACE rev.1/rev.2 3-digits and/or ISIC 3-digits),
- secondary sector(s) of activity (NACE rev.1/rev.2 3-digits and/or ISIC 3- digits).

(5) Specific information on the company:

- Indication whether accounts are consolidated or not (both should be provided if possible).
- Balance sheet (see the description given below).
- Profit and Loss account (see the description given below).
- Information on the notes (see the description given below).

(6) Additional general information (Metadata):

- Table describing each item used.
- Table describing exchange rates.
- Table describing the links between the different sectoral classification codes used.
- Detailed conversion table describing the corrections made to national accounts to harmonise data with detailed description of what is included in each item for each country, according to the different accounting standards.
- Table with country codes (ISO) description.
- Table with company codes description (SEDOL, CUSIP).
- User manual.

9) **Data provided must be in conformity with the basic regulation:**

(1) Fourth Council Directive : Data provided must follow as close as possible the description laid in the Fourth Council Directive 78/660/EEC of 25 July 1978 based on Article 54 (3) (g) of the Treaty on the annual accounts of certain types of companies³. The detailed description hereunder follows articles 9 and

³ Official Journal L 222 , 14/08/1978 p. 0011 - 0031 .

Amended by **179H**

Amended by **383L0349** (OJEU L 193 18.07.1983 p.1)

Amended by **384L0569** (OJEU L 314 04.12.1984 p.28)

Completed by **185I**

Amended by **389L0666** (OJEU L 395 30.12.1989 p.36)

Amended by **390L0604** (OJEU L 317 16.11.1990 p.57)

Amended by **390L0605** (OJEU L 317 16.11.1990 p.60)

Amended by **194N**

Incorporated by **294A0103(72)** (OJ L 001 03.01.1994 p.517)

23 of the directive. In case the database does not follow this description, tenderers have to explicitly specify and explain the differences.

(2) International Accounting Standards: when available, the accounts shall also be provided following the International Financial Reporting Standards (IFRS/IAS).

5.2.2 Detailed description of the data to be provided

The data provided shall follow as close as possible the following description as detailed below:

- 1) Balance sheet: Assets
- 2) Balance sheet: Liabilities
- 3) Profit and Loss Account
- 4) Explanatory notes

1) Balance sheet – Assets

A. Subscribed capital unpaid

of which the part that has been called

B. Formation expenses

C. Fixed assets

I. Intangible assets

1. Costs of research and development.
2. Concessions, patents, licences, trade marks and similar rights and assets.
3. Goodwill.
4. Payments on account.

II. Tangible assets

1. Land and buildings.
2. Plant and machinery.
3. Other fixtures and fittings, tools and equipment.

Amended by **394L0008** (OJ L 082 25.03.1994 p.33)

Implemented by **394L0008** (OJ L 082 25.03.1994 p.33)

Amended by **399L0060** (OJ L 162 26.06.1999 p.65)

4. Payments on account and tangible assets in course of construction.

III. Financial assets

1. Shares in affiliated undertakings.
2. Loans to affiliated undertakings.
3. Participating interests.
4. Loans to undertakings with which the company is linked by virtue of participating interests.
5. Investments held as fixed assets.
6. Other loans.
7. Own shares

D. Current assets

I. Stocks

1. Raw materials and consumables.
2. Work in progress.
3. Finished goods and goods for resale.
4. Payments on account.

II. Debtors (Amounts becoming due and payable after more than one year to be shown separately for each item.)

1. Trade debtors.
2. Amounts owed by affiliated undertakings.
3. Amounts owed by undertakings with which the company is linked by virtue of participating interests.
4. Other debtors.
5. Subscribed capital called but not paid
6. Prepayments and accrued income.

III. Investments

1. Shares in affiliated undertakings.
2. Own shares
3. Other investments.

IV. Cash at bank and in hand

E. Prepayments and accrued income

F. Loss for the financial year

2) Balance sheet – Liabilities

A. Capital and reserves

I. Subscribed capital

II. Share premium account

III. Revaluation reserve

IV. Reserves

1. Legal reserve.
2. Reserve for own shares
3. Reserves provided for by the articles of association.
4. Other reserves.

V. Profit or loss brought forward

VI. Profit or loss for the financial year

B. Provisions for liabilities and charges

1. Provisions for pensions and similar obligations.
2. Provisions for taxation.
3. Other provisions.

C. Creditors

(Amounts becoming due and payable within one year and amounts becoming due and payable after more than one year to be shown separately for each item and for the aggregate of these items.)

1. Debenture loans, showing convertible loans separately.
2. Amounts owed to credit institutions.
3. Payments received on account of orders in so far as they are not shown separately as deductions from stocks.
4. Trade creditors.
5. Bills of exchange payable.
6. Amounts owed to affiliated undertakings.
7. Amounts owed to undertakings with which the company is linked by virtue of participating interests.
8. Other creditors including tax and social security.
9. Accruals and deferred income

D. Accruals and deferred income

E. Profit for the financial year

3) Profit and loss accounts

1. Net turnover (if possible with an indication of the geographical repartition)
2. Variation in stocks of finished goods and in work in progress.
3. Work performed by the undertaking for its own purposes and capitalized.
4. Other operating income.
5. Cost of materials and consumables.
 - (a) Raw materials and consumables.
 - (b) Other external charges.
6. Staff costs:
 - (a) Wages and salaries;
 - (b) Social security costs, with a separate indication of those relating to pensions.
7. Value Adjustments.

- (a) Value adjustments in respect of formation expenses and of tangible and intangible fixed assets.
- (b) Value adjustments in respect of current assets, to the extent that they exceed the amount of value adjustments which are normal in the undertaking concerned.

8. Other operating charges.

9. Income from participating interests, with a separate indication of that derived from affiliated undertakings.

10. Income from other investments and loans forming part of the fixed assets, with a separate indication of that derived from affiliated undertakings.

11. Other interest receivable and similar income, with a separate indication of that derived from affiliated undertakings.

12. Value adjustments in respect of financial assets and of investments held as current assets.

13. Interest payable and similar charges, with a separate indication of those concerning affiliated undertakings.

14. Tax on profit or loss on ordinary activities.

15. Profit or loss on ordinary activities after taxation.

16. Extraordinary income.

17. Extraordinary charges.

18. Extraordinary profit or loss.

19. Tax on extraordinary profit or loss.

20. Other taxes not shown under the above items.

21. Profit or loss for the financial year.

4) Information on the notes

Statement of investment.

- A. Acquisitions of intangible fixed assets.
- B. Sales and disposals of intangible fixed assets.
- C. Acquisitions – sales and disposals (i.e. balance).
- D. Acquisitions of tangible fixed assets.
- E. Sales and disposals of tangible fixed assets.
- F. Acquisitions – sales and disposals (i.e. balance).
- G. Acquisitions of financial assets.
- H. Sales and disposals of financial assets.
- I. Acquisitions – sales and disposals (i.e. balance).

Statement of depreciation.

- K. Accumulated depreciation on intangible assets.

- L. Accumulated depreciation on tangible assets.
- M. Accumulated depreciation on financial assets.

Use of profit.

- N. Distribution of profit for the current year.
- O. Distribution of profit for the previous year.

6 IT TECHNICAL REQUIREMENTS

6.1 General Requirements

The provision of data must be accompanied by the service of the support team of the data provider, which is there to answer any questions at normal business time in Brussels via the phone or email. The database support analysts must possess a high degree of industry knowledge and be constantly available to provide help. Product training must be provided upon request and should be tailored to meet user requirements. In case the tenderer proposes a software or add-in, the latter must be compatible with European Commission Reference configuration: Windows Seven 64 bits and Office 2010 32 bits. **The IT questionnaire in Annex 3 of these tender specifications must be completed and returned with your tender.**

6.2 User needs

6.2.1 Interface

The files containing the extracted data can be provided in any appropriate files format or in an ASCII format with any delimiters to separate the fields. An XML format would also be useful. The European Commission will define the exact specifications of the format during contract execution.

6.2.2 Delivery of data

The data must be made available in two different ways:

- on a media support (DVD, CD-ROM) on a monthly basis, and
- on Internet (downloadable under HTTP protocol or under FTP protocol). In this case data should be accessible thanks to a user interface and via Web Services. The tenderer should provide in the tender the following information: User manual, Web Service protocol with some examples, level service agreement: speed, availability, limitations, etc.

6.3 Management Needs

The data provider is expected to deliver support on technical questions or problems as well as on the underlying data. A helpdesk with a good response time should be available. Time for problem resolution should not exceed one business day.

7 PLACE OF PERFORMANCE

The data feed shall be provided in Brussels and/or in Luxembourg.

PART 2: ADMINISTRATIVE DETAILS

8 GENERAL TERMS AND CONDITIONS FOR THE SUBMISSION OF TENDERS

- Submission of a tender implies that the Contractor accepts all the terms and conditions set out in these specifications (including Annexes 1 to 4) and waives all other terms of business. The Commission's **draft Framework Service Contract** (Annex 4) is its preferred one, though the tenderer may propose an alternative, provided that it conforms to the Commission's Financial Regulation.
- Submission of a tender binds the Contractor to whom the Contract is awarded during performance of the Contract.
- Changes to tenders will be accepted only if they are received on or before the final date set for the receipt of tenders.
- Variants are not allowed
- Expenses incurred in respect of the preparation and presentation of tenders cannot be refunded.
- No information of any kind will be given on the state of progress with regard to the evaluation of tenders.
- Once the Commission has received the tender, it shall become the property of the Commission and the Commission shall treat it confidentially.
- The protocol on the Privileges and Immunities or, where appropriate, the Vienna Convention of 24 April 1963 on Consular Relations shall apply to this invitation to tender.
- Tenders may be submitted in any of the 23 official languages of the European Union.

9 NO OBLIGATION TO AWARD THE CONTRACT

- Fulfilment of adjudication or invitation to tender procedure shall not involve the Commission in any obligation 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 liable in the event of its deciding not to award the contract.

10 JOINT TENDERS

When a partnership or a consortium is envisaged three cases can arise:

1. The offer originates from a consortium already formally set up as a separate and legal entity able to submit its statutes, mode of operation, technical and financial capacity, such as result from the contributions of its various members. It is such a consortium that will bear the technical and financial responsibility for the contract and will present the financial guarantee (if requested)
2. The offer originates from companies not yet having created a consortium as a separate legal entity but planning to constitute one as referred to in item 1, if their joint offer is accepted. In such a situation, the Tenderer will have to provide the legal form, the envisaged draft statutes and mode of operation of the consortium, the various technical and financial contributions as well as the guarantees envisaged.
3. The offer originates from companies not wishing to constitute formally a consortium as a separate legal entity and thus constituting effectively an association. In such a case, the offer will be submitted in the form of subcontracting (see section 11), in which case one of the companies shall assume the total responsibility for the offer. This company will sign the contract in its name, the other companies then being regarded as subcontractors of the first.

In all cases of joint tenders, the information required below under sections 14.1 “administrative proposal”, 15 “Exclusion criteria” and 16 “Selection criteria” must be provided for all members participating in the tender.

However the selection criteria referred to in part 3 point 16 will be assessed in relation to the combined capacity of the operators.

11 SUBCONTRACTORS

- Where, in a bid, the amount of the services executed by a subcontractor is equal to or exceeds 20% of the contract, the subcontractor must provide all the necessary documents for assessing the bid as a whole with regard to the exclusion criteria, selection criteria (as a whole) and award criteria. Where those services represent less than 20% of the contract, the subcontractor shall not be required to provide documents on his financial and economic capacity.

- The bid must clearly identify the subcontractor(s) and document their willingness to accept the tasks and their acceptance of the terms and conditions set out in section 8 above.
- Tenderers must inform the subcontractor(s) that Article II.17 of the Framework Service Contract will apply to them
- Once the contract has been signed, Article II.13 of the above-mentioned Framework Service Contract shall govern the subcontracting.
- All databases must be available for purchase from the contractor. The Commission will not be able to contract directly with third parties.

12 TERMS OF PAYMENT

Payments shall be made in accordance with Articles I.5 of the Draft Framework Service Contract (Annex 4)

13 CONTRACTUAL TERMS

The Commission's draft Framework Service Contract (Annex 4) is preferred, however the tenderer may propose an alternative, provided that it conforms to the Commission's Financial Regulation.

In the latter, the contract proposed by the tenderer will be submitted to the Commission's legal service and will be negotiated in the context of the Commission's Financial Regulation with the tenderer's legal department.

The absence of an annexed draft contract from the tenderer in the offer will automatically result in the use of the Framework Service Contract.

The failure of the negotiations between the two legal services concerning the alternative contract proposed by the tenderer will result either in the application of the Framework Service Contract proposed in Annex 4 or the award of the framework contract to another tenderer, or no award being made under this call for tenders.

14 CONTENT OF THE TENDER

All tenders / bids must be presented in three sections.

14.1 Administrative proposal

- the tenderer's name and/or business name;
- a clear description of the tenderer's legal form;
- address of the tenderer's registered office;

- the tenderer's telephone and fax numbers, e-mail address and where available, Internet address;
- the names of the legal representatives (directors etc.) of the tenderer, authorised to sign contracts with third parties on behalf of the organization;
- the tenderer's VAT number and trade-register entry number;
- A legal entity form⁴
- A bank identification form filled in and signed by an authorised representative of the tenderer and his banker.⁵
- A declaration of the candidate's eligibility; certifying that he/she is not in one of the situations listed in articles 93 and 94 of the Financial Regulation of the European Communities (Official Journal L 248 of 16/09/2002) (see attached Annex 1)
- Proof of Financial and Economic Capacity : documents listed in Part 3– Point 16.1
- Proof of Technical and professional competence : documents listed in Part 3– Point 16.2
- other substantiating documents if the candidate or tenderer cannot, for valid reasons, provide those indicated above
- Optionally, a draft Contract (under the conditions as described in section 13).

14.2 Technical proposal

This section is of great importance in the assessment of the bids, the award of the contract and the future execution of any resulting contract. The technical proposal must meet the technical specifications and provide, as a minimum, all the information needed for the purpose of awarding the Contract. Some guidelines are given below, but attention is also drawn to the award criteria (see Part 3 point 17), which define those parts of the technical proposal to which the tenderers should pay particular attention. The level of detail of the tender will be extremely important for the evaluation of the tender:

- Tenderers should include in their bids a complete and structured description of the information available relating to the services requested set out in Part 1 (points 5.1, 5.2.1 and 5.2.2) giving an answer to each of the points mentioned with regard to services requested.
- Tenderers should provide a clear description of the informatics aspects described in Part 1 (Point 6) including:

⁴ http://ec.europa.eu/budget/info_contract/legal_entities_en.htm

⁵ http://ec.europa.eu/budget/info_contract/ftiers_en.htm

- A technical description of proposed solutions and all other requested information relating to management needs and user needs. Information on the availability of a helpdesk and indicative response times should be given.
- **The completed compulsory IT questionnaire in Annex 3.**

After the opening of the tenders, tenderers could be requested by the Evaluation Committee:

- To provide electronic files containing annual accounts data samples which would be taken into account in the evaluations. The samples will be subject to the examination with respect to Award criteria A1 and A2 as mentioned in point 17.
- To allow the evaluators a free trial of the software that may be taken into consideration in the evaluation with respect to all award criteria.

14.3 Financial proposal

14.3.1 Prices must be quoted in euro, including for the countries which do not form part of the euro zone. For the tenderers of the countries which do not form part of the euro zone, the amount of the offer cannot be revised because of exchange rate movements. The choice of exchange rate belongs to the tenderer, who assumes the risks or opportunities associated with these exchange rate movements.

14.3.2 Prices should be quoted free of all duties, taxes and other charges, i.e. also free of VAT, as the European Union is exempt from such charges in the EU under Articles 3 and 4 of the Protocol on the Privileges and Immunities of the European Communities of 8 April 1965 (OJEC L 152 of 13 July 1967). Exemption is granted to the Commission by the governments of the Member States, either through refunds upon presentation of documentary evidence or by direct exemption.

For those countries where national legislation provides an exemption by means of a reimbursement, the amount of VAT is to be shown separately. In case of doubts about the applicable VAT system, it is the tenderer's responsibility to contact his national authorities to clarify the way in which the European Union is exempt from VAT;

14.3.3 The prices for each year must be fixed amounts, inclusive of all expenses for the services as requested in Part 1 - points 4, 5 and 6. **The tenderer is invited to provide two price schedules as outlined below using the forms in Annex 2:**

- Schedule No1: Price for five licences in DG ECFIN.
- Schedule No 2: Price for any additional licence in DG ECFIN or other Directorates General of the European Commission.

14.3.4 For your guidance, the estimated budget allocation over four years covering the order of five licences in DG ECFIN is estimated at around 320,000 euro (around 80,000 euro per year). Since the framework contract foresees other Directorates General to purchase licences a maximum of amount of up to 1.3 million euro has been foreseen over 4 years.

14.3.5 The price schedules must be signed by the tenderer or his duly authorised representative (Annex 2).

PART 3: ASSESSMENT AND AWARD OF A CONTRACT

The assessment will be based on each tenderer's bid.

All the information will be assessed in the light of the criteria set out in these specifications. The procedure for the award of the contract, which will concern only admissible bids, will be carried out in three successive stages. Only bids meeting the requirements of one stage will be examined in the following stage.

The aim of each of these stages is:

- 1) to check, in the first stage (exclusion criteria), whether tenderers can take part in the tendering procedure and, where applicable, be awarded the contract (see Annex 1);
- 2) to check, in the second stage (selection criteria), the technical and professional capacity as well as the economic and financial capacity of each tenderer who has passed the exclusion stage (see point 16 – selection criteria);
- 3) to assess, on the basis of the award criteria, each bid which has passed the exclusion and selection stages (see point 17 - award criteria).

In the case of consortia, the exclusion, selection and award criteria will be applicable to all the members of the consortium. The same principle will also be applied if there are sub-contractors.

The bid must clearly identify the subcontractors and document their willingness to accept the task and thus acceptance of the terms and conditions set out in Section 8 above.

Tenderers must inform the subcontractors that Article II.17 of the standard Framework Service Contract will be applied to them.

Once the Contract has been signed, Article II.13 of the above mentioned Framework Service Contract shall govern subcontractors.

15 EXCLUSION CRITERIA

Tenderers shall be excluded from participation in the present procurement procedure if:⁶

- (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 judgment which has the force of *res judicata*;

⁶ In compliance with Articles 93 and 94 of the Financial Regulation applicable to the general budget of the European Communities.

- (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 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, they have been declared to be in serious breach of contract for failure to comply with their contractual obligations;

Tenderers shall be excluded from awarding if during the present procurement procedure:

- (g) they are faced with a conflict of interest;
- (h) they have been guilty of misrepresentation in supplying the information required or have failed to supply this information.

Tenderers or their representatives must fill in and sign the form in Annex 1 to these specifications. By completing this form, tenderers:

- state whether or not they are in one or more of the situations described in the form; and
- undertake to submit to the Commission any document relating to the exclusion criteria that the Commission may see fit to request.

Since the value of the tender including possible additional orders may be over 125 000€ the tenderer to whom the contract is to be awarded shall be required to submit, before signing the Contract, evidence confirming his declaration on honour, by providing:

- for point (a), (b) or (e): a recent extract from the judicial record or, failing that, an equivalent document recently 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 document should be provided for natural persons such as the company directors or any person with the powers of representation, decision making or control in relation to the tenderer.
- for point (d), a recent certificate or letter issued by the competent authority of the State concerned. This document 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 person only and social security contributions).

For any of the situation (a), (b), (d) or (e), where any document described in the two paragraphs 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.

More information on which certificates are acceptable can be found at the Directorate General Internal Market's web portal (e-Certis)

http://ec.europa.eu/internal_market/publicprocurement/e-procurement/e-certis/index_en.htm

Depending on the national legislation of the country in which the tenderer or candidate is established, the documents referred to in the above two paragraphs 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.

Wherever the tenderer is a consortium of firms or groups of service providers, the above-mentioned information must be provided for each member or group.

However, in case such evidence confirming the declaration on honour has already been submitted to the Commission for the purpose of another procurement procedure, and provided that the issuing date of the documents does not exceed one year and that they are still valid, the tenderer to whom the Contract is to be awarded is allowed to send a copy of the relevant documentation together with a declaration on honour that no changes in his situation have occurred.

Tenderers (legal entities, persons who have powers of representation, decision-making or control over them) are informed that, should they be in one of the situations mentioned in:

- the Commission Decision of 16.12.2008 on the Early Warning System (EWS) for the use of authorising officers of the Commission and the executive agencies (OJ, L 344, 20.12.2008, p. 125)⁷, or
- the Commission Regulation of 17.12.2008 on the Central Exclusion Database – CED (OJ L 344, 20.12.2008, p. 12)⁸,

their personal details (name, given name if natural person, address, legal form and name and given name of the persons with powers of representation, decision-making or control, if legal person) may be registered in the EWS only or both in the EWS and CED, and communicated to the persons and entities listed in the above-mentioned Decision and Regulation, in relation to the award or the execution of a procurement contract or a grant agreement or decision.

⁷ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:344:0125:0138:EN:PDF>

⁸ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:344:0012:0026:EN:PDF>

16 SELECTION CRITERIA

Only the tenders of the tenderers fulfilling all the selection criteria will be examined in the light of the award criteria.

This part of the tender concerns the criteria and documents relating to the technical and professional capacity and economic and financial capacity of the service provider(s) involved in the bid. It should also contain any other document that the tenderer(s) wish(es) to include by way of clarification.

If several service providers are involved in the bid, each of them must provide information that they have the professional and technical capacity to perform the tasks assigned to them in the tender and the required economic and financial capacity. However these selection criteria will be assessed in relation to the combined capacities of the economic operators.

This rule applies to all service providers, regardless of the percentage of tasks they intend to execute, once they have chosen to be tenderers. However, if the tender includes subcontractors whose tasks represents less than 20% of the Contract, those subcontractors are not obliged to provide evidence of their economic and financial capacity.

16.1 Financial and economic capacity

All tenderers (and subcontractors whose tasks are equal to or exceed 20% of the Contract) must provide one or more of the following proof of economic and financial capacity:

- appropriate statements from banks or evidence of professional risk indemnity insurance;
- a complete copy, certified by the tenderer's authorised representative, of the tenderer's audited annual accounts (balance sheet, profit and loss account, notes on the accounts and auditors' remarks) for the past two years, as approved by the general assembly of the company and, where applicable, published. These documents must be certified by the tenderer. For environmental reasons, the documents may be joined to the offer on a readable electronic support.
- a statement of overall turnover and turnover concerning the tasks, supplies or services covered by this contract for the last three financial years;
- if, for some exceptional reason which the Commission considers justified, a tenderer is unable to provide one or other of the above documents, he may prove his economic and financial capacity by any other document which the Commission considers appropriate. In any case, the Commission must at least be notified of the exceptional reason and its justification in the tender. The Commission reserves the right to request any other document enabling it to verify the tenderer's economic and financial capacity.

16.2 Technical and professional competence:

The next criteria will be used to assess the tenderer's ability to supply the data on the basis of the following documents:

16.2.1 Expertise and experience

- 1) A list of the principal services provided in the areas covered by this tender in the past three years, with the sums; dates and recipients, public or private.
- 2) If this service was done in part by subcontractors, tenderers must clearly indicate their own role and contribution. Tenders from consortiums of undertakings or groups of service providers must specify the role, qualifications and experience of each of the members of the consortiums or group. In such cases, one of the tenderers must be designated as the main contractor.
- 3) A list of the methodologies used by the tenderer to ensure the quality of check of the data.

16.2.2 Technical capabilities

- 1) Statement whether the tenderer can meet the requirements outlined in Part 1 points 5 and 6 including alternative solutions.
- 2) Statement of whether the tenderer's current organisation includes a helpdesk both for data contents questions and IT questions; information on the location of helpdesk, as well as its availability times.
- 3) Statement describing the services which can be provided by the tenderer directly.
- 4) Description of the internal quality management procedures put in place by the tenderer to ensure quality control of the services provided.
- 5) Organisation chart of tenderer's company
- 6) The completed I.T. Technical Requirements Questionnaire set out in Annex 3. Any lack of answer will be considered as a negative answer. All questions marked as "Yes, mandatory" must be positively replied. The tenderer who could not satisfy one or more mandatory IT requirements would be not selected.

16.3 Bids from tenderers who do not satisfy the exclusion and/or selection criteria will not be considered for the award of the contract.

16.4 Tenderers who do not provide the documents required regarding the exclusion and selection criteria will be excluded.

Tenderers' attention is drawn to the fact that any total or partial omission of information for which one or more service providers involved in the tender are responsible may lead the Commission to exclude the tender from the rest of the procedure.

17 AWARD CRITERIA

The Commission will award the contract under the best-value-for money procedure. The tender offering the best value for money shall be the one with the best price-quality score determined on the basis of the award criteria as detailed below:

Award criteria and their relative weights	Maximum points
A) Technical evaluation based on the information relating to the proposed approach and the services offered	70
B) Price schedules relating to this call for tenders	30
C) Total score for the tender	100

Since assessment of the tenders will focus on the quality of the proposed services, tenders should elaborate on all points addressed by these specifications in order to score as many points as possible. The mere repetition of requirements set out in these specifications, without going into details or without giving any added value, will only result in a very low score.

17.1 Technical evaluation based on the information relating to the proposed approach and the services offered

A score of less than 47 out of the maximum of 70 points for the technical evaluation or a score of less than 50% on each of the quality award criteria will result in the elimination of the tender.

Quality Award Criteria Points will be attributed for the completeness and consistency according to :	Documents to be supplied
1. Basic criteria (maximum 40 points)	As referred under Part 1 –Point 5.2.1
2. Detailed description of the data to be provided (maximum 20 points)	As referred under Part 1 –Point 5.2.2, tenderers should present 3 tables containing their available detailed list of items for balance sheet – assets and liabilities, profit and loss accounts and explanatory notes.
3. Specific IT requirement (Maximum 10 points)	As referred under Part 1 –Points 6.1, 6.2 and 6.3 and the IT questionnaire in Annex 3

After the opening of the tenders, tenderers may be requested by the Evaluation Committee:

- To provide electronic files containing data samples which would be taken into account in the evaluations. The samples, to be specified by the Commission, will be subject to the examination with respect to award criteria as referred in **Part 1 –Point 5.2.1** and **Part 1 –Point 5.2.2**.
- To allow the evaluators a free trial of the software that may be taken into consideration in the evaluation with respect to all award criteria.

17.2 Price schedules relating to this call for tenders

Tenderers should establish their price schedules and submit prices on the compulsory form given in Annex 2.

- "P" will be the score obtained for the financial evaluation. "P" will be calculated taking into consideration the price for all services with reference to points 4, 5 and 6.
- The evaluation will be made on basis of the filled in forms given in Annex 2 (Price schedules No 1 and No 2). Prices should be submitted for up to four annual orders, consisting in one initial year and up to three further renewals of the orders.
- The formula for obtaining the score is as follows: Let "p" be the total price for the whole period (the initial year and renewals) for price schedule No 1 (5 licenses) and for 3 additional licenses under price schedule No 2 and let "n" be the number of years involved. The average annual price, Y, is defined as:

$$Y = p / n$$

Where $p = A + (B \times 3 \text{ lic.})$

Where price A can be found in Price Schedule n°1 contained in Annex 2 and where price B can be found in Price Schedule n°2 contained in Annex 2.

Let Y_{\min} be the lowest average annual price from amongst the tenders scoring the minimum required in the technical evaluation (see Section 17.1).

Then the score, P, out of 30, is calculated as:

$$P = 30 Y_{\min} / Y$$

The Commission reserves the right not to select any tender if the amounts tendered exceed the budget envisaged for this project.

Note: The quantities mentioned above are for the purposes of evaluation and shall form part of the subsequent Framework contract, however if the contractor grants cheaper prices for higher volumes then the Commission should also benefit from these prices.

17.3 Award of the contract

The contract will be awarded to the most economically advantageous tender on the basis of the award criteria, where the final score is calculated as follows:

Total score for the tender (C) = Points awarded for quality (A) + Points awarded as a result of the price comparison (B)

18 OPENING OF TENDERS

The tenders received will be opened on 26 September 2011 at 11:00 in the Commission building at Avenue de Beaulieu 24, B-1160 Brussels.

An authorised representative of each tenderer may attend the opening of the bids. Companies wishing to attend are requested to notify their intention by sending an e-mail at least one day in advance to:

Mr. R.Felke
Head of Unit
Directorate General Economic and Financial Affairs
B-1049 Brussels
e-mail: ecfin-databases@ec.europa.eu

This notification must be signed by an authorised officer of the tenderer and specify the name of the person who will attend the opening of the bids on the tenderer's behalf.

19 AWARD COMMITTEE

The process of awarding will take place as from October 2011. An awarding committee is to be set up for this purpose.

20 INFORMATION FOR TENDERERS

The Commission will inform tenderers of decisions reached concerning the award of the contract, including the grounds for any decision not to award a contract or to recommence the procedure.