

**TENDER SPECIFICATIONS**  
**ATTACHED TO THE INVITATION TO TENDER**

**Invitation to tender No. ENER/C1/495-2009 concerning  
Study on benchmarking biomass sustainability criteria for energy purposes**

# TABLE OF CONTENTS

I	SPECIFICATIONS
I.1	INTRODUCTION
I.2	PURPOSE OF THE CONTRACT
I.3	REPORTS AND DOCUMENTS TO PRODUCE - TIMETABLE TO OBSERVE
I.3.1	<i>INTERIM REPORT(S)</i>
I.3.2	<i>FINAL REPORT</i>
I.3.3	<i>REPORT FORMAT AND PUBLICATION</i>
I.4	DURATION OF THE TASKS
I.5	PLACE OF PERFORMANCE
I.6	ESTIMATE OF THE AMOUNT OF WORK INVOLVED
II	TERMS OF CONTRACT
II.1	TERMS OF PAYMENT
II.2	FINANCIAL GUARANTEES
II.3	SUBCONTRACTING
II.4	LEGAL FORM TO BE TAKEN BY THE GROUPING OF SERVICE PROVIDERS TO WHOM THE CONTRACT IS AWARDED (IF APPLICABLE)
III	FORM AND CONTENT OF THE TENDER
III.1	GENERAL
III.2	STRUCTURE OF THE TENDER
III.2.1	<i>FIRST SECTION: ADMINISTRATIVE PROPOSAL</i>
III.2.2	<i>SECOND SECTION: TECHNICAL PROPOSAL</i>
III.2.3	<i>THIRD SECTION: FINANCIAL PROPOSAL</i>
IV	ASSESSMENT AND AWARD OF THE CONTRACT
IV.1	EXCLUSION CRITERIA - EXCLUSION OF TENDERERS
IV.1.1	<i>EXCLUSION CRITERIA (ART. 93 OF FINANCIAL REGULATION)</i>
IV.1.2	<i>OTHER CASES OF EXCLUSION</i>
IV.1.3	<i>EVIDENCE TO BE PROVIDED BY THE TENDERERS</i>
IV.1.4	<i>ADMINISTRATIVE AND FINANCIAL PENALTIES</i>
IV.2	SELECTION CRITERIA – SELECTION OF TENDERERS
IV.2.1	<i>ECONOMICAL AND FINANCIAL CAPACITY – REFERENCES REQUIRED</i>
IV.2.2	<i>TECHNICAL AND PROFESSIONAL CAPACITY – REFERENCES REQUIRED</i>
IV.3	EVALUATION OF TENDERS - AWARD CRITERIA
IV.4	INFORMATION FOR TENDERERS
V	ANNEXES

## **I. SPECIFICATIONS**

### **I.1. Introduction**

The Renewable Energy Directive (Directive 2009/28/EC) contains sustainability requirements for biofuels used in transport and for bioliquids used in electricity, heating and cooling. The European Commission subsequently adopted a report on requirements for a sustainability scheme for solid and gaseous biomass used for generating electricity, heating and cooling (COM(2010)11). In this report, the Commission recommended that Member States that either have, or who introduce, national sustainability schemes for solid and gaseous biomass used in electricity, heating and cooling, ensure that these in almost all respects are the same as those laid down in the Renewable Energy Directive, to ensure greater consistency and to avoid unwarranted discrimination in the use of raw materials.

The Commission is aware that several Member States have already introduced rules (whether voluntary or obligatory) to avoid potential undesirable environmental consequences of the use of biomass. The recommended sustainability scheme of the Commission is non-binding on Member States and they will be able to continue to develop their national schemes. In the report, the risks of developing varied and possibly incompatible criteria at national level are recognised as possibly leading to barriers to trade and stifling the growth of the bio-energy sector. The Commission therefore undertakes to monitor the development of rules related to the sustainable use of solid and gaseous biomass at national level.

### **I.2. Purpose of the contract**

The objective of this study is to monitor and report on national and regional developments and measures put in place to promote sustainable uses of biomass, and to benchmark the compatibility of these measures with objectives of the smooth functioning of the internal market and the promotion of renewable energy growth. The resulting report will contribute to the Commission's report on the sustainable use of biomass. The Commission's report COM(2010)11 foresaw a review in 2011, on whether national schemes have sufficiently and appropriately addressed the sustainability issues related to the use of biomass from inside and outside the EU, and whether these schemes have led to barriers to trade and barriers to the development of the bio-energy sector.

The study should consider national rules and measures on the economic, social and environmental sustainability of biomass. Such rules and measures could arise in the areas of, *inter alia*:

- financial support for renewable energy,
- sustainable forest management,
- sustainable agriculture,
- waste management,
- green public procurement,
- local air emissions,
- greenhouse gas life cycle calculation
- land use and biodiversity issues, etc.

In the tasks below, rules affecting solid and gaseous biomass should be considered. Solid and gaseous biomass originates from agricultural crops and residues (e.g. maize, wheat, straw, animal manure), from forestry (e.g. logs, stumps, leaves and branches) wood-processing industries (bark, off-cuts, wood chips, sawdust) and from organic waste (e.g. municipal solid waste, post consumer recovered wood, refuse-derived fuels, sewage sludge). It can be virtually any organic material. Many of these feedstocks can also be used for producing transport biofuels or bioliquids used in electricity, and heating and cooling, but for those uses there are already sustainability requirements at EU level (Articles 17-19 of Directive 2009/28/EC).

Task 1: Take stock of all national, and where regional/ local competences exist, regional/local rules and regulations, on the sustainable use of solid and gaseous biomass used in electricity, heating and cooling. Rules and regulations implementing EU law, such as related to general permitting procedures required by the EIA Directive, IPPC Directive, Incineration Directive, Air Quality Directive etc. should not be covered. Only legislation additional to or stricter than European requirements should be considered. Rules and regulations in draft form have to be considered, in particular when specifically dealing with biomass sustainability. Examples include:

1. Belgian support related to CO<sub>2</sub> savings for biomass used in production of electricity
2. Draft Dutch standard for solid biomass NTA8080
3. UK reporting requirements based on BEAT (Biomass Environmental Assessment Tool)
4. New Italian support scheme giving higher support for local biomass
5. Polish plans to give higher support for agricultural biomass, phasing out support for forest biomass

The list of draft rules/ regulations may increase during the term of the study contract, and the study should be updated as and when new rules and regulations arise.

This task requires:

(a) listing all relevant rules and regulations which create obligations or which promote (financially or otherwise) the use of 'sustainable' biomass. Sustainable may be defined in various different ways in law. Sustainability may refer to environmental, economic or social sustainability. In each case the definitions used in the national/ regional/ local rule or regulation should be shown.

(b) categorising the various national rules and regulations in accordance with the type of criteria necessary to consider biomass as sustainable, i.e. whether they relate to the following phases in the life-cycle:

- (i) production (e.g. agricultural, forest or waste management)
- (ii) transformation (e.g. processing into biofuel, wood pellets, pre-treatment of waste)
- (iii) transportation (e.g. limits on transport distances)
- (iv) conversion stage (e.g. efficiency of conversion into electricity or heating/ cooling).

The categorisation should make clear which types of biomass (wastes, residues, primary biomass from forestry, agriculture etc) are affected by the rules and at what stage of the life-cycle.

(c) showing who is obligated and affected by each rule or regulation (utilities, traders, households, biomass producers). For instance the obligation may be on a utility (energy producer) to show compliance with certain rules to benefit from a subsidy, or the Member State may have introduced bans on certain biomass uses, which can impact biomass producers (foresters/ farmers/ waste managers), or utilities, in terms of loss of income for biomass producers or in terms of additional costs for finding alternative supplies for utilities.

An extensive coverage of all 27 Member States is necessary for delivering on all aspects of Task 1.

Task 2: Compare and contrast national rules and regulations with each other and with the sustainability criteria recommended by the Commission in Report COM(2010)11. In particular, assess whether there are synergies or overlaps and conflicts, related to the type of biomass, and the phase in the life-cycle covered by the rule, and related to the obligated/ affected parties.

Present the findings visually, in terms of a matrix or mapping, drawing out similarities and differences.

Task 3: Evaluate the impacts of the rule/legislations. This will require designing a baseline scenario. The baseline should depict the situation before the rule/ legislation and the impacts after the rule is introduced. The baseline should be constructed for each 27 Member State separately, including the following elements:

- (a) quantity of biomass produced by Member State
- (b) number and size of biomass producers and users in the Member State
- (c) quantity of biomass imported/ exported by Member State (imports and exports should distinguish between EU/ non-EU).
- (d) average cost of biomass in Member State
- (e) share of forest cover and agricultural land area
- (f) quantity of waste generated
- (g) greenhouse gases emitted in Member State
- (h) share of renewable energy in final energy consumption

The methodology for how the baseline scenario will be constructed must be included in the offer to tender. As different rules and regulations may be adopted in time periods in Member States, the 27 baselines may be based on different dates.

Following the construction of the baseline, the impacts of the rules/ regulations should be assessed, in terms of environmental impacts, economic effects, in terms of availability and cost of biomass, in terms of costs of compliance to economic operators, and in terms of biomass trade inside the EU and for imports/ exports to/from the EU. The impacts should look at immediate impacts of the rule as well as projections of impacts in 2020, in particular in terms of meeting renewable energy and greenhouse gas emission targets. Where there are no rules and regulations related to biomass sustainability in specific Member States, a projection of biomass production and use should be developed for 2020. The national Renewable Energy Action Plans, prepared in accordance with Article 4 of Directive 2009/28/EC can serve as a basis for these projections. These action plans have to be submitted to the Commission no later than 30 June 2010.

The impacts are to be assessed per Member State, then the impacts should be aggregated at EU level, to determine if the national rules and regulations lead to changes to biomass trade in the EU and to quantify the economic/trade impacts as well as overall environmental impacts.

The results are to be depicted through a visual geographical representation of the impacts of the rules and regulations, showing the affected trade flows in terms of quantity and cost of the biomass and in terms of the number and size of economic operators affected by the rules. Trade flows both within and to/from the EU must be considered.

### **I.3. Reports and documents to produce - Timetable to observe**

Execution of the tasks begins after the date on which the Contract enters into force.

A **kick-off meeting** will take place in Brussels, at the latest 15 days following the signature of the contract, in order to settle all the details of the study to be undertaken.

A **study outline** containing an extensive table of contents and description of methodological issues relevant for each task will be submitted to the Commission within one week of the above kick-off meeting and be agreed or modified by the Commission within one week. The study outline agreed by the Commission will form the structure for the work and report.

**One progress report meeting** will take place in Brussels, at the latest 6 months, following the signature of the contract to present and discuss the interim report.

A **third meeting** will take place in Brussels upon submission of the draft final report in order to discuss the Commission's observations (see point I.3.2 below).

#### ***I.3.1. Interim reports***

The **interim report** showing progress of the work shall be submitted to the Commission at the latest 5 months after the date of signature of the contract.

The Commission shall have 20 days from receipt to approve or reject the report. Within 20 days of receiving the Commission's observations, the Contractor will submit additional information or another report.

#### ***I.3.2. Final report***

The contractor will submit a draft final report to the Commission at the latest 12 months after the signature of the contract.

Within 20 days after the submission of this draft final report the Commission will provide the contractor with its comments on the draft final report and the date of a **third meeting** in Brussels will be agreed in order to discuss the Commission's observations.

After this meeting, the Contractor shall have 20 days in which to submit additional information or a new final report.

#### ***I.3.3. Report format and publication***

3 copies of the reports shall be supplied in paper form and one copy in electronic form, either in MS Word or in HTML format.

The Commission may publish the results of the study. For this purpose, the tenderer must ensure that the study is not subject to any restrictions deriving from intellectual property rights of third parties. Should he intend to use data in the study, which cannot be published, this must be explicitly mentioned in the offer.

**I.4. Duration of the tasks**

The duration of the tasks shall not exceed 15 months. This period is calculated in calendar days.

**I.5. Place of performance**

The tasks will be performed on the Contractor's premises. However, meetings between the contractor and the Commission may be held on Commission premises in Brussels.

**I.6. Estimate of the amount of work involved**

The total value of the contract has been estimated at 400 man/days.

## **II. TERMS OF CONTRACT**

In drawing up his offer, the tenderer should bear in mind the provisions of the draft contract attached to this invitation to tender (Annex 5). Any limitation, amendment or denial of the terms of contract will lead to automatic exclusion from the procurement procedure.

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

### **II.1. Terms of payment**

Payments shall be made in accordance with the provisions specified in Annex 5, the draft service contract

### **II.2. Financial guarantees**

#### **Guarantee on pre-financing**

For any pre-financing higher than 150,000 EUR, a financial guarantee equivalent to the amount of the pre-financing will be requested.

Depending on the financial situation of the tenderer, the Commission may ask for the financial guarantee for amounts lower than 150,000 EUR.

### **II.3. Subcontracting**

If the tenderer intends to subcontract part of the service, he shall indicate in his offer which part will be subcontracted and to what extent (% of the total contract value).

Tenderers must ensure that Article II.17 of the contract (Annex 5) can be applied to subcontractors. Once the contract has been signed, Article II.13 of the above-mentioned contract shall govern the subcontracting.

### **II.4. Legal form to be taken by the grouping of service providers to whom the contract is awarded (if applicable)**

Groupings, irrespective of their legal form, may submit bids. Tenderers may, after forming a grouping, submit a joint bid on condition that it complies with the rules of competition. Such groupings (or consortium) must specify the company or person heading the project and must also submit a copy of the document authorising this company or person to submit a bid. If awarded, the contract will be signed by the company or the person heading the project, who will be, vis à vis the Commission, the only contracting party responsible for the performance of this contract. Tenders from a consortium of firms or groups of service providers, contractors or suppliers must specify the role, qualifications and experience of each member of the consortium or group. Each member must provide all the necessary documents for assessing the bid as a whole with regard to the exclusion criteria, selection criteria (in their entirety) and award criteria.



### III. FORM AND CONTENT OF THE TENDER

#### III.1. General

Tenders must be written in **one of the official languages** of the European Union.

Tenders must be clear and concise, with continuous page numbering, and assembled in a coherent fashion (e.g. bound or stapled, etc...). Since tenderers will be judged on the content of their written bids, they must make it clear that they are able to meet the requirements of the specifications.

#### III.2. Structure of the tender

All tenders must include three sections i.e. an administrative, a technical and a financial proposal.

##### III.2.1. Section One: administrative proposal

This section must provide the following information, set out in the standard identification forms attached to these tender specifications (Annexes 1, 2 and 3):

- Tenderers' identification (Annex 1)
  - All tenderers must provide proof of **registration**, as prescribed in their country of establishment, on one of the **professional or trade registers** or provide a declaration or certificate.
  - If the tenderer is a natural person, he/she must provide a copy of the identity card/passport or driving licence and proof that he/she is covered by a social security scheme as a self-employed person.

*Each tenderer (including subcontractor(s) or any member of a consortium or grouping) must complete and sign the identification forms in Annex 1 and also provide above-mentioned documents. However, the subcontractor(s) shall not be required to fill in or provide those documents when the services represent less than 20% of the contract.*

- Financial identification (Annex 2)

The **bank identification form** must be filled in and signed by an authorised representative of the tenderer and his/her banker. A standard form is attached in Annex 2 and a specific form for each Member State is available at the following Internet address:

[http://ec.europa.eu/budget/execution/ftiers\\_en.htm](http://ec.europa.eu/budget/execution/ftiers_en.htm)

In the case of a grouping, this form must only be provided by the person heading the project.

- Legal entities (Annex 3)

The legal entity form in Annex 3 must be filled in and should be accompanied by a number of supporting documents, available on the Web site:

[http://ec.europa.eu/budget/execution/legal\\_entities\\_en.htm](http://ec.europa.eu/budget/execution/legal_entities_en.htm)

In the case of a grouping, this form must only be provided by the person heading the project.

The Commission reserves the right, however, to request additional evidence in relation to the bid submitted for evaluation or verification purposes within a time-limit stipulated in its request.

### ***III.2.2. Section Two: 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.

Some guidelines are given below, but attention is also drawn to the award criteria, which define those parts of the technical proposal to which the tenderers should pay particular attention. The technical proposal should address all matters laid down in the specifications and should include models, examples and technical solutions to problems raised in the specifications. The level of detail of the tender will be extremely important for the evaluation of the tender. Tenderers must present in their bids a proposal on the methodology and the organisation of the work to carry out in the framework of the study.

The technical proposal must provide all the information needed for the purpose of awarding the contract.

### ***III.2.3. Section Three: Financial proposal***

All tenders must contain a financial proposal. The tenderer's attention is drawn to the following points:

- Prices must be quoted in **euros**, including the countries which are not in the euro-area. As far as the tenderers of those countries are concerned, they cannot change the amount of the bid because of the evolution of the exchange rate. The tenderers choose the exchange rate and assume all risks or opportunities relating to the rate fluctuation.
- Prices must be fixed amounts and include all expenses, such as travel expenses and daily allowances.
- **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 Union of 8 April 1965 (OJ 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 doubt about the applicable VAT system, it is the tenderer's responsibility to contact his or her national authorities to clarify the way in which the European Union is exempt from VAT;
- **Prices shall be fixed** and not subject to revision during the performance of the contract;

- For each category of staff involved in the project, the tenderer must specify:
  - the total labour costs;
  - **the daily rates** and **total number of days** (man/days) each member of staff will contribute to the project;
  - other categories of costs, indicating the nature of the cost, the total amount, the unit price and the quantity.

**Bids involving more than one service provider (consortium) must specify the amounts indicated above for each provider.**

## **IV. ASSESSMENT AND AWARD OF THE 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.

The aim of each of these stages is:

- 1) to check on the basis of the exclusion criteria, whether tenderers can take part in the tendering procedure;
- 2) to check on the basis of the selection criteria, the technical and professional capacity and economic and financial capacity of each tenderer;
- 3) to assess on the basis of the award criteria each bid which has passed the exclusion and selection stages.

### **IV.1. Exclusion criteria (exclusion of tenderers)**

#### *IV.1.1. Exclusion criteria (Article 93 Financial Regulation<sup>1</sup>)*

1. To be eligible for participating in this contract award procedure, tenderers must not be in any of the following situations:

- (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 European Union's financial interests;
- (f) they are currently subject to an administrative penalty referred to in Article 96(1) of the Financial Regulation<sup>2</sup> for being guilty of misrepresentation in supplying the

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<sup>1</sup> Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Union (OJ L 248 of 16.9.2002)

information required by the contracting authority as a condition of participation in a contract procurement procedure or by the authorising officer as a condition of participation in a grant award procedure, for failing to supply this information or for having been declared to be in serious breach of their obligations under contracts or grants covered by the EU budget.

2. The cases referred to in point IV.1.1. e) above shall be the following:
  - a) cases of fraud as referred to in Article 1 of the Convention on the protection of the European Union's financial interests established by the Council Act of 26 July 1995 (OJ/C 316 of 27.11.1995, p. 48);
  - b) cases of corruption as referred to in Article 3 of the Convention on the fight against corruption involving officials of the European Union or officials of Member States of the European Union, established by the Council Act of 26 May 1997 (OJ/C 195 of 25.6.1997, p. 1);
  - c) cases of involvement in a criminal organisation, as defined in Article 2(1) of Joint Action 98/733/JHA of the Council (OJ/L 315 of 29.12.1998, p. 1);
  - d) cases of money laundering as defined in Article 1 of Council Directive 91/308/EEC (OJ/L 166 of 28.6.1991, p.77).

#### ***IV.1.2. Other cases of exclusion (Article 94 Financial Regulation)***

**Contracts will not be awarded** to tenderers who, during the procurement procedure:

- a) **are subject to a conflict of interest;**

Tenderers must declare:

- that they do not have any conflict of interest in connection with the contract; a conflict of interest could arise in particular as a result of economic interests, political or national affinities, family or emotional ties, or any other relevant connection or shared interest;
- that they will inform the contracting authority, without delay, of any situation constituting a conflict of interest or which could give rise to a conflict of interest;
- that they have not made and will not make any offer of any type whatsoever from which an advantage can be derived under the contract;
- that they have not granted and will not grant, have not sought and will not seek, have not attempted and will not attempt to obtain, and have not accepted and will not accept, any advantage, financial or in kind, to or from any party whatsoever, constituting an illegal practice or involving corruption, either directly or indirectly, as an incentive or reward relating to the award of the contract.

The Commission reserves the right to check the above information.

- b) **are guilty of misrepresentation** in supplying the information required by the contracting authority as a condition of participation in the procurement procedure or fail to supply this information.
- c) find themselves in one of the **situations of exclusion**, referred to in paragraph IV.1.1. above for this procurement procedure.

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<sup>2</sup> Council Regulation (EC, Euratom) n° 1605/2002 of 25 June 2002 on the Financial regulation applicable to the general budget of the European Union, OJ L 248 of 16 September 2002, p. 1, amended by Council Regulation (EC, Euratom) n° 1995/2006 of 13 December 2006, OJ L 390 of 30 December 2006, p.1.

### ***IV.1.3. Evidence to be provided by the tenderers***

1. When submitting their bids, each tenderer (including subcontractor(s) or any member of a consortium or grouping) shall provide a declaration on their honour, duly signed and dated, stating that they are not in one of the situations mentioned above (cf. IV.1.1 and VI.1.2). For that purpose, they must complete and sign the form attached in Annex 4. Where the tenderer is a legal entity, they shall, whenever requested by the Commission, provide information on the ownership or on the management, control and power of representation of the legal entity.
2. The tenderer to whom the contract is to be awarded shall provide, within 15 calendar days after notification of the results of the procurement procedure and in any case before the signature of the contract, the following evidence, confirming the declaration referred to above:

The Commission shall accept, as satisfactory evidence that the tenderer is not in one of the situations described in point IV.1.1 (a), (b) or (e) above, 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.

The Commission accepts, as satisfactory evidence that the tenderer is not in the situation described in point IV.1.1 (d) above, a recent certificate issued by the competent authority of the State concerned.

Where no such document or certificate is issued in the country concerned, it may be replaced by a sworn or, failing that, a solemn statement made by the interested party before a judicial or administrative authority, a notary or a qualified professional body in his country of origin or provenance.

3. Depending on the national legislation of the country in which the candidate or tenderer is established, the documents referred to in paragraph 1 and 2 above shall relate to legal and/or natural persons including, if applicable with regard to points b) and e), company directors or any person with powers of representation, decision-making or control in relation to the tenderer.
4. When the subcontracted part is above 20% of the contract value, the subcontractor(s) must also provide the above-mentioned declaration on honour. In case of doubt on this declaration on the honour, the contracting authority may also request the evidence referred to in paragraphs 2 and 3 above.
5. The Commission reserves the right to request any other document relating to the proposed tender for evaluation and verification purpose, within a delay determined in its request.

#### **Remark:**

The tenderers will be waived of the obligation to submit the documentary evidence above mentioned if such evidence has already been submitted for the purposes of another procurement procedure launched by Directorate-General for Energy and provided that the documents are not more than one year old starting from their issuing date and that they are still valid. In such a case, the tenderer shall declare on his honour that the documentary evidence has already been provided in a previous procurement procedure, specifying the

reference of the call for tender for which the documents have been provided, and confirm that no changes in his situation have occurred.

#### ***IV.1.4. Administrative and financial penalties***

Without prejudice to the application of penalties laid down in the contract, candidates or tenderers and contractors who have been found guilty of misrepresentation in supplying the information required by the contracting authority as a condition of participation in the procurement procedure or have failed to supply this information or have been declared to be in serious breach of their obligations under contracts covered by the EU budget may be subject to administrative or financial penalties, in accordance with Article 96 of the Financial Regulation and Articles 134b and 133a of the Implementing Rules.<sup>3</sup>

## **IV.2. SELECTION CRITERIA (SELECTION OF TENDERERS)**

To be eligible, the tenderers must have the economic and financial capacity as well as the technical and professional capacity to perform the tasks required in this call for tender.

### ***IV.2.1. Economic and financial capacity – References required***

Tenderers must provide proof of their financial and economic capacity by means of the following documents: the balance sheets or extracts from balance sheets for the last three financial years, and a statement of overall turnover and turnover relating to the relevant services for the last three financial years.

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

### ***IV.2.2. Technical and professional capacity – References required***

Tenderers must confirm and demonstrate that their project teams have the skills and experience needed to carry out the work specified in relation to this tender and in accordance with the requirements listed below:

#### **1) Educational qualifications**

The tenderer must possess the necessary professional qualifications to perform the study. The team performing the work should notably include persons with university degrees in relevant field, with proven experience in applying them in the field of renewable energy and in particular bio-energy.

#### **2) Working experience**

The tenderer should demonstrate that the team performing the study includes persons with extensive, concrete experience in working in benchmarking and impact analysis, preferably in several countries. At least 50% of the work should be performed by people with more than 5 years of experience in these fields.

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<sup>3</sup> Commission Regulation (EC, Euratom) n° 2342/2002 of 23 December 2002 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 Union, OJ L 357 of 31 December 2002, p. 1, last amended by Commission Regulation (EC, Euratom) n° 478/2007 of 23 April 2007, OJ L 111 of 28 April 2007, p.1.

3) Measures that the tenderers will take to guarantee the good execution of the tasks.

The tenderer should seek to demonstrate that it has an extensive network of relevant contacts in different Member States that will allow him/her to obtain information in all Community languages. Proof of capacity to access information relating to national or regional rules and legislation, or the capacity to obtain this access should be demonstrated.

4) List of the main services and tasks delivered during the last five years as well as related amounts, dates and beneficiaries with mention of the sector they belong to (private/public) ;

5) Part of the contract which the service provider intends to subcontract;

If several service providers/subcontractors are involved in the bid, each of them must have and show that they have the professional and technical capacity to perform the tasks assigned to them.

Tenderers should provide with their offer detailed curriculum vitae of each staff member responsible for carrying out the work, including his or her educational background, degrees and diplomas, professional experience, research work, publications and linguistic skills.

The CV's shall be presented, preferably, in accordance to the Commission Recommendation on a common European format for curricula vitae, published in OJ L79 of 22 March 2002, p. 66.

#### **IV.3. EVALUATION OF TENDERS – AWARD CRITERIA**

The contract will be awarded according to the criteria given below, on the basis of the economically most advantageous tender.

Only bids that have reached a total score of a minimum of 70% and a minimum score of 60 % for each criterion will be taken into consideration for awarding the contract.

a) Technical evaluation criteria in their order of importance as weighted by percentage

<b>N°</b>	<b>Award Criteria</b>	<b>Weighting</b>
1	Approach for implementing the work, quality and credibility of the work-plan and schedule, adequacy of information/data collection and analysis techniques.	60
2	Appreciation and understanding of the needs, the objectives and the scope of the tender	30
3	Overall quality, completeness, clarity and presentation of the offer	10
<b>Total number of points</b>		<b>100</b>

b) Total price

The contract will be awarded to the tender which offers the best ratio quality/price.



#### **IV.4. 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.

Upon written request, the Commission will inform the rejected tenderers of the reasons for their rejection and the tenderers having submitted an admissible tender of the characteristics and relative advantages of the selected tender and the name of the successful tenderer.

However, certain information may be withheld where its release would impede law enforcement or otherwise be contrary to the public interest, or would prejudice the legitimate commercial interests of economic operators, public or private, or might prejudice fair competition between them.

#### **V. ANNEXES**

1. Identification of the Tenderer
2. Financial Identification
3. Legal Entity Form
4. Declaration by the Tenderer (relating to the exclusion criteria)
5. Draft Service Contract

# ANNEX 1

## IDENTIFICATION OF THE TENDERER

(Each service provider , including subcontractor(s) or any member of a consortium or grouping, must complete and sign this identification form)

### Call for tender ENER C1/495-2009

Identity	
Name of the tenderer	
Legal status of the tenderer	
Date of registration	
Country of registration	
Registration number	
VAT number	
Description of statutory social security cover (at the level of the Member State of origin) and non-statutory cover (supplementary professional indemnity insurance) <sup>4</sup>	
Address	
Address of registered office of tenderer	
Where appropriate, administrative address of tenderer for the purposes of this invitation to tender	
Contact Person	
Surname: First name: Title (e.g. Dr, Mr, Ms) : Position (e.g. manager): Telephone number: Fax number: E-mail address:	

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<sup>4</sup> For natural persons

<b>Legal Representatives</b>	
<b>Names and function of legal representatives</b> and of other representatives of the tenderer who are authorised to sign contracts with third parties	
<b>Declaration by an authorised representative of the organisation<sup>5</sup></b>  I, the undersigned, certify that the information given in this tender is correct and that the tender is valid.	
Surname: First name:	Signature:

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<sup>5</sup> This person must be included in the list of legal representatives; otherwise the signature on the tender will be invalidated.

## **ANNEX 2**

(to be completed by the tenderer and his or her financial institution)

The tenderer's attention is drawn to the fact that this document is a model and that a specific form for each Member State is available at the following Internet address:

[http://ec.europa.eu/budget/execution/ftiers\\_en.htm](http://ec.europa.eu/budget/execution/ftiers_en.htm)

**FINANCIAL IDENTIFICATION**

<u>ACCOUNT HOLDER</u>	
NAME	<input type="text"/>
ADDRESS	<input type="text"/>
TOWN/CITY	<input type="text"/>
POSTCODE	<input type="text"/>
COUNTRY	<input type="text"/>
VAT NUMBER	<input type="text"/>
CONTACT PERSON	<input type="text"/>
TELEPHONE	<input type="text"/>
FAX	<input type="text"/>
E - MAIL	<input type="text"/>

<u>BANK</u>	
BANK NAME	<input type="text"/>
BRANCH ADDRESS	<input type="text"/>
TOWN/CITY	<input type="text"/>
POSTCODE	<input type="text"/>
COUNTRY	<input type="text"/>
ACCOUNT NUMBER	<input type="text"/>
IBAN (optional)	<input type="text"/>

REMARKS :

<b>BANK STAMP + SIGNATURE of BANK REPRESENTATIVE</b> (Both Obligatory)
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<b>DATE + SIGNATURE of ACCOUNT HOLDER :</b> (Obligatory)
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## **ANNEX 3**

### **Legal entity form**

Complete the legal entity form, which should be accompanied by a number of supporting documents, available on the Web site:

[http://ec.europa.eu/budget/execution/legal\\_entities\\_en.htm](http://ec.europa.eu/budget/execution/legal_entities_en.htm)

Please note that we can only accept either original documents or certified copies, which must be less than 6 months old.

In the case of a grouping, this form must only be provided by the person heading the project.

## ANNEX 4

### DECLARATION BY THE TENDERER

Each service provider, including subcontractor(s) or any member of a consortium or grouping, must sign this declaration

1. In accordance with Article 93 of the Financial Regulation<sup>6</sup>, I declare on my honour that I am not in any of the following situations which would exclude me from participating in this procurement procedure:
  - a) I am not bankrupt, being wound up or having my affairs administered by the courts, I have not entered into an arrangement with creditors, I have not suspended business activities, I am not the subject of proceedings concerning any such matters, and I am not in any similar situation arising from a similar procedure provided for in legislation or regulations;
  - b) I have not been convicted of an offence concerning my professional conduct by a judgment which has the force of res judicata;
  - c) I have not been found guilty of grave professional misconduct proven by any means which the contracting authority can justify;
  - d) I have not failed to fulfil 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 I am established or with those of the country or the contracting authority or those of the country where the contract is to be performed;
  - e) I have not been the subject of a judgment which has the force of res judicata for fraud, corruption, involvement in a criminal organisation or any other illegal activity detrimental to the European Union's financial interests;
  - f) I am currently not subject to an administrative penalty referred to in Article 96(1) of the Financial Regulation for being guilty of misrepresentation in supplying the information required by the contracting authority as a condition of participation in a contract procurement procedure or by the authorising officer as a condition of participation in a grant award procedure, for failing to supply this information or for having been declared to be in serious breach of their obligations under contracts or grants covered by the EU budget.
2. In addition, the undersigned declares on his or her honour:
  - a) that on the date of submission of the tender, the company or organisation I do represent and the staff proposed for this tender are not subject to a conflict of interests in the context of this invitation to tender; I undertake to inform the Commission without delay of any change to this situation after the date of submission of the tender.
  - b) that the information provided to the Commission within the context of this invitation to tender is accurate, sincere and complete.

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<sup>6</sup> Council Regulation (EC, Euratom) n° 1605/2002 of 25 June 2002 on the Financial regulation applicable to the general budget of the European Union, OJ L 248 of 16 September 2002, p. 1, amended by Council Regulation (EC, Euratom) n° 1995/2006 of 13 December 2006, OJ L 390 of 30 December 2006, p.1.

Done at ..... on.....  
Name .....  
Title .....  
Signature: