



Brussels, 6 November 2012
ENER/A3/

INVITATION TO TENDER No. ENER /A3 /2012/562-1
(Negotiated procedure)

Dear Sir/Madam,

1. The European Commission invites tenders for a service contract regarding the following project:
WORKSHOPS ON ENHANCING INDIAN ENERGY SECURITY THROUGH INTERNAL IMPROVEMENTS OF THE GRIDS AND STRATEGIC RELATIONS WITH FOREIGN COUNTRIES
2. If you are interested in this contract, you must submit a tender **in duplicate**, in one of the official languages of the European Union not later than 26th November 2012 to the following address:

European Commission
Directorate-General for Energy
For the attention of ENER A.3 - 2012/562-1
Rue de Mot, 24
B-1049 Brussels - Belgium

Tenders must be placed inside two sealed envelopes. The inner envelope, addressed to the department indicated in the invitation to tender, should be marked as follows: "Invitation to tender n° ENER/A3/2012/562-1 not to be opened by the internal mail department". If self-adhesive envelopes are used, they must be sealed with adhesive tape and the sender must sign across this tape.

3. All tender documents shall be perfectly legible so that there can be no doubt as to words and figures.
4. Validity period of the tender: six months as from the final date for submission of tenders mentioned under point 2 above.
5. The original signature of the tenderer on the administrative identification form (Annex 1) shall be considered as the signature of the tender. Submission of a tender implies acceptance of all the terms and conditions set out in this invitation to tender, in the specification, in the draft contract and, where applicable, waiver of the tenderer's own general or specific terms and conditions. The terms and conditions are binding on the tenderer to whom the contract is awarded during the performance of the contract.
6. Requests for additional information must be sent to the following address:

Ms Alexandra Sombsthay
European Commission, DG Energy
Rue de Mot, 24
B-1049 Brussels/Belgium

Tel + 32 (0)2 29 68421
Fax +32 (0)2 29 59816
e-mail: Alexandra.sombsthay@ec.europa.eu

and

Ms Catherine Argyrakis
Tel + 32 (0)2 29 65636
e-mail: catherine.argyarakis@ec.europa.eu

7. This invitation to tender is in no way binding on the Commission. A commitment will come about only when a contract with the successful tenderer has been signed.

Until a contract is signed, the awarding authority may decide not to award a contract or to cancel the tendering procedure, without the candidates or tenderers being entitled to claim any compensation. Where appropriate, the decision will be substantiated and brought to the attention of the tenderers.

8. Tenderers will be informed of whether their tenders have been accepted or rejected.
9. If processing your reply to the invitation to tender involves the recording and processing of personal data (such as your name, address and CV), such data will be processed pursuant to Regulation (EC) No 45/2001 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data. Unless indicated otherwise, your replies to the questions and any personal data requested are required to evaluate your tender in accordance with the specifications of the invitation to tender and will be processed solely for that purpose by the Director of the Shared Resource Directorate MOVE/ENER, acting as data controller. Details concerning the processing of your personal data are available on the privacy statement at: http://ec.europa.eu/dataprotectionofficer/privacystatement_publicprocurement_en.pdf.
10. Your personal data (name, given name if natural person, address, legal form, registration number and name and given name of the persons with powers of representation, decision-making or control, if legal person) may be registered in the Early Warning System (EWS) only or both in the EWS and Central Exclusion Database (CED) by the Accounting Officer of the Commission, should you be in one of the situations mentioned in:

- the Commission Decision 2008/969 of 16.12.2008 on the Early Warning System (for more information see the Privacy Statement on http://ec.europa.eu/budget/info_contract/legal_entities_en.htm), or

- the Commission Regulation 2008/1302 of 17.12.2008 on the Central Exclusion Database (for more information see the Privacy Statement on http://ec.europa.eu/budget/library/explained/management/protecting/privacy_statement_ced_en.pdf)

Yours faithfully,



Fabrizio Barbaso
Deputy Director General and Acting Director Directorate A

SPECIFICATIONS

1. Introduction

Energy relations with India are governed by the EU-India Energy Panel and Joint Declaration on Energy Cooperation signed on 10 February 2012. One of the achievements of this Joint declaration is to extend the dialogue to include regular exchanges on energy security matters, to enhance security of supply and coordination of positions in international organisations and initiatives on energy and to continue deepening cooperation in the energy field, through a series of focused, result-oriented activities.

Security of supply as well as safe transportation infrastructures are pivotal to a sound level of energy security. The European Union has been active on both sides, through (1) enhancing its relationship with its external partners and (2) a strong support to the reinforcement of our grids capacity. The EU experience, legislation as well as best practices could serve as valuable inputs for Indian's energy security.

The objectives of the Joint declaration will be supported thanks to seminars aiming at:

- Exchanging views on energy security policies, policy thinking on external energy supply and relation with third countries.
- Policies, regulations and technological means to secure transmission infrastructures

2. Purpose of the contract

The contract aims to plan and execute two workshops on (1) energy security and geopolitical challenges, and (2) on the reinforcement of transmission networks.

➤ A - Workshop on geopolitical challenges of energy security

The workshop shall aim at bringing together EU and Indian officials, researchers and investors to reflect upon the policy schemes to enhance energy security through the development of appropriate transport and energy infrastructure. Analysis of relationships with external partners (including positioning within international energy-related organizations), exchanges of policy thinking about the development of strategic gas and oil corridors as well as reflection about the specific role of the business community will be pivotal.

Gas and oil supply shall be the focus, while the role of water supply for power generation could be also included.

➤ B - Workshop on the reinforcement of strategic transportation infrastructures

The workshop shall address the reinforcement of strategic energy networks both in the EU and India. It shall allow for exchange of experience on the absorption of renewable energy, smart transmission systems, assets management, congestion management, interconnectors and dispatching centers.

The workshops should refer to the special conditions of the Indian energy needs and energy networks. The workshop should use synergies as well involve and integrate European expertise and staff working in the Indian network management.

The services and works concerning the workshops should include the preparation with all contents, communication and organisation, provision of experts, expert missions to India, logistical support for the workshops etc. The results of the workshops and the strategic conclusions should be summarized in reports and communicated to the European Commission, the EU Delegation in India and as well to the Indian Ministry of Power and other authorities, industry and stakeholders.

3. Reports and documents to produce

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

In principle, the deadlines set out below cannot be extended. The Contractor is deemed solely responsible for delays occasioned by subcontractors or other third parties (except for rare cases of *force majeure*). Adequate resources and appropriate organisation of the work including management of potential delays should be put in place in order to observe the timetable below.

A kick-off meeting will take place in Brussels or will be done as a video(telephone)-conference, at the latest 30 calendar days following the signature of the contract, in order to settle all the details of the tasks and reports to be undertaken.

3.1. Progress reports

An interim progress **report** shall be submitted to the Commission at the latest 3 months after the date of signature of the contract. The report has to show the progress of the work in particular the details for the preparation of the two workshops.

The Commission shall have 20 calendar 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.

3.2. Final report

The contractor will submit a final report to the Commission at the latest 11 months after the signature of the contract. The final report shall include the results of the workshop and strategic conclusions for a training program

Within 20 days after the submission of this final report the Commission will provide the contractor with its comments on the final report. The Contractor shall have 20 days in which to submit additional information or a new final report.

3.3. Report format and publication

2 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 project. For this purpose, the tenderer must ensure that there are no restrictions based on confidentiality and/or intellectual property rights are expected from the third party. Should he intend to use the project data, which cannot be published, this must be explicitly mentioned in the offer.

4. Duration of the tasks

The duration of the tasks shall not exceed **13 months**. This period is calculated in calendar days.

5. Place of performance

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

6. Estimate of the amount of work involved

The indicative maximum amount is EUR 55 000.

7. 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.

8. Terms of payment

Payments will be made in accordance with Article 1.4. of the Draft Contract in Annex 5.

9. Structure of the tender

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

9.1 *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.
- 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/contracts_grants/info_contracts/financial_id/financial_id_en.cfm

- 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/contracts_grants/info_contracts/legal_entities/legal_entities_en.cfm

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.

9.2 *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.

The technical proposal must provide all the information needed for the purpose of awarding the contract. The proposal should address all matters laid down in the specifications and should include proposals to issues raised in the specifications. The level of detail of the tender will be extremely important for the evaluation of the tender. Tenderers must present their bids a proposal on the approach and organisation of the work to carry out the contract.

The award criteria as set out in chapter IV. 3 define those parts of the technical proposal to which the tenderers should pay particular attention as they will be the ground for the evaluation of the quality of the proposal.

9.3 *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.

10. Exclusion criteria (exclusion of tenderers)

10.1. Exclusion criteria (Article 93 Financial Regulation)

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 Union's financial interests;
- (f) they are currently 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 Union 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 Communities' financial interests established by the Council Act of 26 July 1995;
- b) cases of corruption as referred to in Article 3 of the Convention on the fight against corruption involving officials of the European Communities or officials of Member States of the European Union, established by the Council Act of 26 May 1997;
- c) cases of involvement in a criminal organisation, as defined in Article 2(1) of Joint Action 98/733/JHA of the Council;
- d) cases of money laundering as defined in Article 1 of Council Directive 91/308/EEC.

10.2. 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 unjustified 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, where such advantage constitutes an illegal practice or involves corruption, either directly or indirectly, inasmuch as it is an incentive or reward relating to performance 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 point 10.1 above for this procurement procedure.

10.3 Declaration to be provided by the tenderers

When submitting their bids, each tenderer shall provide a declaration on their honour, duly signed and dated, stating that they are not in one of the situations mentioned above. 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.

11. 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.

Financial and economical criteria and references required:

The tenderers must have the economic and financial capacity to carry out the contract taking into account; in particular, the terms of payment (see Article 1.4. Draft Contract – Annex 5).

Professional and technical criteria and reference required:

Within their offer tenderers should provide proof of availability of staff for this assignment with relevant educational background and at least 5 years of experience in international relations and energy policy.

Evidence of such capacity shall be furnished on the basis of a detailed curriculum vitae of the person (s) intended to be responsible for carrying out the work, including their educational background, degrees and diplomas, professional experience, projects 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.

The tenderer confirms it meets the selection criteria specified above by signing the declaration on honour attached to this invitation to tender (Annex 4).

12. 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

N°	Award Criteria	Weighting
1	Understanding of the objectives of the tender – Knowledge of the tenderer on the issues involved, with special focus on geopolitical challenges of energy security and the requirements, methodology and approach for strengthening transmission networks.	40
2	<p>Concept for the workshop and training program, especially</p> <ul style="list-style-type: none"> • How the tender will ensure that the workshop A will serve the echange of best practices in energy security? • How the tenderer will ensure that the workshop B can serve the know-how transfer from European expertise and and operational practices to India? • How the tenderer intends to use synergies, to involve European expertise and to integrate the staff working in Indian power sector which will benefit from the workshops? 	40
3	Project management and planning – Appropriateness of the project planning and allocation of resources /expertise to cope	10

	with and fulfil the obligations of the contract	
4	Clarity, and presentation of the tender	10
Total number of points		100

b) Total price

The contract will be awarded to the tender which offers the best ratio quality/price according to the following formula:

Score for tender x =

$$\frac{\text{total quality score for award criteria for tender } x}{100} \text{ multiplied by } 0.8$$

+

$$\frac{\text{price of lowest tender}}{\text{price of tender } x} \text{ multiplied by } 0.2$$

13. ANNEXES

1. Identification of the Tenderer
2. Financial Identification
3. Legal Entity Form
4. Declaration by the Tenderer relating to the exclusion and selection criteria
5. Draft 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/A3/2012/562-1

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

ANNEX 2

Financial identification form

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

A specific form for each Member State is available at the following Internet address:

http://ec.europa.eu/budget/contracts_grants/info_contracts/financial_id/financial_id_en.cfm

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/contracts_grants/info_contracts/legal_entities/legal_entities_en.cfm

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 of honour with respect to the Exclusion Criteria and absence of conflict of interest

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

The undersigned *[name of the signatory of this form, to be completed]*:

- in his/her own name *(if the economic operator is a natural person or in case of own declaration of a director or person with powers of representation, decision making or control over the economic operator)*
- or
- representing *(if the economic operator is a legal person)*

official name in full *(only for legal person)*:

official legal form *(only for legal person)*:

official address in full:

VAT registration number:

declares that the company or organisation that he/she represents / he/she:

- a) is not bankrupt or being wound up, is not having its affairs administered by the courts, has not entered into an arrangement with creditors, has not suspended business activities, is not the subject of proceedings concerning those matters, and is not in any analogous situation arising from a similar procedure provided for in national legislation or regulations;
- b) has not been convicted of an offence concerning professional conduct by a judgment which has the force of *res judicata*;
- c) has not been guilty of grave professional misconduct proven by any means which the contracting authorities can justify;
- d) has fulfilled all its obligations relating to the payment of social security contributions and the payment of taxes in accordance with the legal provisions of the country in which it is established, with those of the country of the contracting authority and those of the country where the contract is to be carried out;
- e) has not been the subject of a judgement which has the force of *res judicata* for fraud, corruption, involvement in a criminal organisation or any other illegal activity detrimental to the Union's financial interests;
- f) is not a subject of the administrative penalty for being guilty of misrepresentation in supplying the information required by the contracting authority as a condition of participation in the

procurement procedure or failing to supply an information, or being declared to be in serious breach of his obligation under contract covered by the budget.

- g) that the company or organisation meets the selection criteria specified in the invitation to tender.]

In addition, the undersigned declares on their honour:

- g) they have no 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;
- h) they will inform the contracting authority, without delay, of any situation considered a conflict of interest or which could give rise to a conflict of interest;
- i) they have not made and will not make any offer of any type whatsoever from which an advantage can be derived under the contract;
- j) 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 award of the contract;
- k) that the information provided to the Commission within the context of this invitation to tender is accurate, sincere and complete;
- l) that in case of award of contract, they shall provide upon request the evidence that they are not in any of the situations described in points a, b, d, e above.

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

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

For any of the situations (a), (b), (d) or (e), where any document described in 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.]

By signing this form, the undersigned acknowledges that they have been acquainted with the administrative and financial penalties described under art 133 and 134 b of the Implementing Rules (Commission Regulation 2342/2002 of 23/12/02), which may be applied if any of the declarations or information provided prove to be false.

Full name

Date

Signature