

TENDER SPECIFICATIONS
ATTACHED TO THE INVITATION TO TENDER

**Invitation to tender No. TREN/D1/458-2009 concerning
support activities for the development of baseline data and methodology for
reporting requirements for biofuels**

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I. SPECIFICATIONS

I.1. Introduction

The European Union is promoting the use of biofuels and other renewable energy in transport to reach the objective of 5.75% in 2010 and 10% by 2020. The latter target was part of the European Commission's proposals for a new Energy Policy for Europe in January 2007. It was endorsed in 2007 by the European Council and by the European Parliament, who emphasised that the production of biofuels should be sustainable.

In 2007 the Commission organised a consultation exercise on how a biofuels sustainability scheme should be designed. On 23 January 2008 the Commission proposed a Directive on the promotion of renewable energy which contains the 10% target and a sustainability scheme for biofuels and bioliquids. The Council and the European Parliament reached an agreement on the Directive in December 2008. Following its final adoption in April 2009, the new Directive will officially be published in the Official Journal of the European Union in May.

The sustainability scheme consists of sustainability criteria for economic operators; reporting requirements which are laid on Member States; and monitoring and reporting by the Commission.

The Renewable Energy Directive¹ states in Article 17.7 that:

"The Commission shall, every two years, report to the European Parliament and the Council, in respect of both third countries and Member States that are a significant source of biofuels or of raw material for biofuels consumed within the Community, on national measures taken to respect the sustainability criteria set out in paragraphs 2 to 5 and for soil, water and air protection. The first report shall be submitted in 2012.

The Commission shall, every two years, report to the European Parliament and the Council on the impact on social sustainability in the Community and in third countries of increased demand for biofuel, on the impact of Community biofuel policy on the availability of foodstuffs at affordable prices, in particular for people living in developing countries, and wider development issues. Reports shall address the respect of land use rights. They shall state, both for third countries and Member States that are a significant source of raw material for biofuel consumed within the Community, whether the country has ratified and implemented each of the following Conventions of the International Labour Organisation:

- Convention concerning Forced or Compulsory Labour (No 29),*
- Convention concerning Freedom of Association and Protection of the Right to Organise (No 87),*
- Convention concerning the Application of the Principles of the Right to Organise and to Bargain Collectively (No 98),*
- Convention concerning Equal Remuneration of Men and Women Workers for Work of Equal Value (No 100),*
- Convention concerning the Abolition of Forced Labour (No 105),*
- Convention concerning Discrimination in Respect of Employment and Occupation (No 111),*

¹ Directive 2009/.../EC of the European Parliament and the Council on the Promotion of the use of energy from renewable sources amending and subsequently repealing Directives 2001/77/EC and 2003/30/EC

- *Convention concerning Minimum Age for Admission to Employment (No 138),*
- *Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (No 182).*

Those reports shall state, both for third countries and Member States that are a significant source of raw material for biofuel consumed within the Community, whether the country has ratified and implemented:

- *the Cartagena Protocol on biosafety,*
- *the Convention on International Trade in Endangered Species of Wild Fauna and Flora.*

The first report shall be submitted in 2012. The Commission shall, if appropriate, propose corrective action, in particular if evidence shows that biofuel production has a significant impact on food prices.

Member States reporting requirements are laid down in Article 22 of the Renewable Energy Directive.

Each Member State shall submit a report to the Commission on progress in the promotion and use of energy from renewable sources by 31 December 2011, and every 2 years thereafter. The sixth report, to be submitted by 31 December 2021, shall be the last report required.

The report shall detail, in particular:

- (a) the sectoral (electricity, heating and cooling, and transport) and overall shares of energy from renewable sources in the preceding two calendar years and the measures taken or planned at national level to promote the growth of energy from renewable sources taking into account the indicative trajectory in Part B of Annex I, in accordance with Article 5;*
- (b) the introduction and functioning of support schemes and other measures to promote energy from renewable sources, and any developments in the measures used with respect to those set out in the Member State's national renewable energy action plan, and information on how supported electricity is allocated to final customers for purposes of Article 3(6) of Directive 2003/54/EC;*
- (c) how, where applicable, the Member State has structured its support schemes to take into account renewable energy applications that give additional benefits in relation to other, comparable applications, but may also have higher costs, including biofuels made from wastes, residues, non-food cellulosic material, and ligno-cellulosic material;*
- (d) the functioning of the system of guarantees of origin for electricity and heating and cooling from renewable energy sources and the measures taken to ensure the reliability and protection against fraud of the system;*
- (e) progress made in evaluating and improving administrative procedures to remove regulatory and non-regulatory barriers to the development of energy from renewable sources;*
- (f) measures taken to ensure the transmission and distribution of electricity produced from renewable energy sources, and to improve the framework or rules for bearing and sharing of costs referred to in Article 16(3);*
- (g) developments in the availability and use of biomass resources for energy purposes;*
- (h) changes in commodity prices and land use within the Member State associated with its increased use of biomass and other forms of energy from renewable sources;*

- (i) the development and share of biofuels made from wastes, residues, non-food cellulosic material, and ligno-cellulosic material;*
- (j) the estimated impact of the production of biofuels and bioliquids on biodiversity, water resources, water quality and soil quality within the Member State;*
- (k) the estimated net greenhouse gas savings due to the use of energy from renewable sources;*
- (l) the estimated excess production of energy from renewable sources compared to the indicative trajectory which could be transferred to other Member States, as well as the estimated potential for joint projects, until 2020;*
- (m) the estimated demand for energy from renewable sources to be satisfied by means other than domestic production until 2020; and*
- (n) information on how the share of biodegradable waste in waste used for producing energy has been estimated, and what steps have been taken to improve and verify such estimates.*

2. In estimating net greenhouse gas savings from the use of biofuels, the Member State may, for the purpose of the reports referred to in paragraph 1, use the typical values given in part A and part B of Annex V.

3. In its first report, the Member State shall outline whether it intends to:

- (a) establish a single administrative body responsible for processing authorisation, certification and licensing applications for renewable energy installations and providing assistance to applicants;*
- (b) provide for automatic approval of planning and permit applications for renewable energy installations where the authorising body has not responded within the set time limits;*
or
- (c) indicate geographical locations suitable for exploitation of energy from renewable sources in land-use planning and for the establishment of district heating and cooling.*

4. In each report the Member State may correct the data of the previous reports.

The Renewable Energy Directive also states in Article 23 that:

1. The Commission shall monitor the origin of biofuels and bioliquids consumed in the Community and the impact of their production, including impact as a result of displacement, on land use in the Community and the main third countries of supply. Such monitoring shall be based on Member States' reports, submitted pursuant to Article 22(1), and those of relevant third countries, intergovernmental organisations, scientific studies and any other relevant pieces of information. The Commission shall also monitor the commodity price changes associated with the use of biomass for energy and any associated positive and negative effects on food security. The Commission shall monitor all installations to which Article 19(6) applies.

2. The Commission shall maintain a dialogue and exchange information with third countries and biofuel producers, consumer organisations and civil society concerning the general implementation of the measures in this Directive relating to biofuels and bioliquids. It shall, within that framework, pay particular attention to the impact biofuel production may have on food prices.

3. On the basis of the reports submitted by Member States pursuant to Article 22(1) and the monitoring and analysis referred to in paragraph 1 of this Article, the Commission shall

report every two years to the European Parliament and the Council. The first report shall be submitted in 2012.

4. In reporting on greenhouse gas savings from the use of biofuels, the Commission shall use the values reported by Member States and shall evaluate whether and how the estimate would change if co-products were accounted for using the substitution approach.

5. In its reports, the Commission shall, in particular, analyse:

- (a) the relative environmental benefits and costs of different biofuels, the effects of the Community's import policies thereon, the security of supply implications and the ways of achieving a balanced approach between domestic production and imports;
- (b) the impact of increased demand for biofuel on sustainability in the Community and in third countries, considering economic and environmental impacts, including impacts on biodiversity;
- (c) the scope for identifying, in a scientifically objective manner, geographical areas of high biodiversity value that are not covered in Article 17(3);
- (d) the impact of increased demand for biomass on biomass using sectors;
- (e) the availability of biofuels made from waste, residues, non-food cellulosic material and ligno-cellulosic material; and
- (f) indirect land use changes in relation to all production pathways.

The Commission shall, if appropriate, propose corrective action.

The same reporting requirements which are described in Article 17.7 of the Renewable Energy Directive are also contained in Article 7b.7 of the Fuel Quality Directive.²

Reference is given to the following documents:

- Directive 2009/.../EC of the European Parliament and the Council on the Promotion of the use of energy from renewable sources amending and subsequently repealing Directives 2001/77/EC and 2003/30/EC (expected publication and final reference available May 2009)
- Directive 2009/.../EC of the European Parliament and of the Council amending Directive 98/70/EC as regards the specification of petrol, diesel and gas-oil and introducing a mechanism to monitor and reduce greenhouse gas emissions and amending Council Directive 1999/32/EC as regards the specification of fuel used by inland waterway vessels and repealing Directive 93/12/EEC
- Annex to the Impact assessment accompanying the implementation measures for the EU's objectives on climate change and renewable energy for 2020 (2008)
- The Renewable Energy Progress Report:
Commission Report in accordance with Article 3 of Directive 2001/77/EC, Article 4(2) of Directive 2003/30/EC and on the implementation of the EU Biomass Action Plan, COM(2006)628 and its accompanying Staff Working Document (2009)
- Directive on the promotion of the use of biofuels or other renewable fuels for transport (Directive 2003/30/CE) (reference for task 7):

² Directive 2009/.../EC of the European Parliament and of the Council amending Directive 98/70/EC as regards the specification of petrol, diesel and gas-oil and introducing a mechanism to monitor and reduce greenhouse gas emissions and amending Council Directive 1999/32/EC as regards the specification of fuel used by inland waterway vessels and repealing Directive 93/12/EEC

I.2. Purpose of the contract

Rationale and aim of the study

1. The purpose of this contract is to help the Commission to gather information from Member States and the main third countries exporting biofuels to the EU in order to establish a set of **baseline data** on biofuel production and policies, and their impacts as referred to in the Renewable energy directive. The baseline data should describe the situation as in 2008.

In view of its reporting and monitoring tasks referred to in the introduction, the Commission wishes to commission a baseline study on the current state of play in biofuel production and the biofuel policies, and national measures taken to respect the sustainability criteria for biofuels and bioliquids referred to in Art 17.2-17.5 (biodiversity criteria), and respect of requirements of Art. 17.6 and 17.7 (CAP agri-environmental measures and ratification of ILO conventions) of the Renewable energy directive, and the impacts of these policies and safeguard measures as of 2008 in the EU Member States and third countries which are significant source of biofuels imports into the EU.

The assessed (and where possible, measured) impacts as of 2008 should include at least: achieved overall greenhouse gas (GHG) savings at the EU level and impacts on security of supply in the EU with current biofuels policies, impacts on biodiversity, and other environmental impacts such as impacts on soil, water and air quality of increased demand for biofuels, impact on social sustainability in the EU and third countries (especially developing countries, including wage level, labour conditions -work safety and working hours- in the sector), impact on the availability of foodstuffs at affordable prices, in particular for people living in developing countries, and impact on wider development issues, including the respect of land use rights (including displacement and compensation paid in case of displacement) as referred to in Art. 17.7 of the Renewable energy directive and Article 7b.7 in the Fuel Quality Directive.

The Commission also wants to gain a complete picture on the current biofuels imports in the EU and the origins and sustainability of these imports.

The baseline study should conclude on the overall environmental costs and benefits, taking into account to the extent possible displacement effects (indirect land use changes in relation to all production pathways³ of the current EU consumption of biofuels (EU produced and imported). As far as impacts of the third country biofuels are concerned, the overall cost/benefit analysis should focus only on current level of production share that has been exported to the EU.

The baseline study should also conclude on the overall economic costs and benefits, including impacts of increased demand (impacts on availability of crops for food in third countries) for biofuels in the EU and third countries (only those who export to the EU market), as well as impacts on security of supply and employment in the EU and employment in those third countries exporting biofuels to the EU. The economic impacts should also cover the impact of increased demand for biomass on other biomass using sectors.

2. Apart from the 2008 baseline, the Commission will also need to develop a **methodology for regular monitoring and reporting** on the impacts from increased consumption of biofuels in the EU and the main third countries of supply (current and those with significant potential to contribute

³ Taking into account tropical plants that can be used to produce biodiesel and ethanol, such as sweet sorghum, cassava, cotton seed, pencil trees and others

to the supply of the European market) from 2008 onwards⁴. Therefore this contract should provide the Commission with proposal for this methodology and a list of data sources (official if possible) for each set of data requirements, so that these data or their derived indicators could be compared over time in view of monitoring and reporting on the impacts of increased production and use of biofuels in Member States and third countries that are a significant source of biofuel feedstocks, as required in the Articles 17 and 23 of Renewable Energy Directive.

This work should, where appropriate, draw on the expertise and research results by relevant expert organisations such as the Commission's Joint Research Centre and others, as well as a list of data sources (official where possible) which could be used for monitoring the situation and further impacts from 2009 onwards for the purposes of bi-annual biofuel sustainability reports as required by Article 23 of the Renewable energy directive.

3. Finally, the Commission wishes to use the collected **input data and preliminary analysis** performed by the contractor/s for the purposes of the **next Biofuels progress report** to be published in **2010** (reporting obligation under previous 2003 Directive on the promotion of renewable fuel use in transport).

Description of tasks

The tasks will at least include the following:

1. Data gathering from official, producer, scientific, academic and civic organisations in the EU and in third countries (those that have significant biofuel exports, including potential exporters), followed by an analysis and assessment of the current **biofuel production levels and developments between 2007 and 2009, feedstock use, land use patterns for the purposes of biofuel production** (current distribution of land use for biofuels (comparison with other types of land use); **as well as biofuels support policies applied by the EU Member States (and policies in place in main countries of supply) and their effectiveness;**
2. Establishing a clear data set on **the EU biofuels imports** (countries of origin, imported amounts, under which trade regime, types of feedstock, existence and compliance with sustainability reporting/control mechanisms, if so – under which sustainability schemes/criteria;
3. Data gathering from official, producer and independent sources in the EU and in third countries (main sources of the EU imports, including potential exporters), and **analysis and assessment of the environmental impacts of biofuels production and the impact of associated environmental safeguards where they do exist.** The assessment of environmental impacts should cover at the least the following:
 - impacts on biodiversity and land use,

⁴ When developing this methodology, the consultants should keep in mind that this should be applicable to a wider range of developing country stakeholders (governments, civil society, producers, research centres etc.) as a broader participation will be necessary to estimate the wider development effects of biofuel production in third countries.

- life cycle assessment and overall GHG savings obtained (and disaggregated per feedstock) with the current biofuels consumption level and taking into account indirect land use changes in relation to all production pathways⁵.
- other environmental impacts such as on water, air and soil quality.

This assessment should be focused on the impact of current EU biofuels consumption in 2008 and the progress between 2007 and 2009 covering the EU produced and where relevant EU imported biofuels.

4. Data gathering from official, producer and independent sources in the EU and in third countries (main sources of the EU imports, including potential exporters), and **analysis and assessment of the economic impacts of biofuels production**. The assessment of economic costs and benefits should cover at the least the following:
 - overall cost efficiency of biofuels in terms of costs and benefits (including but not limited to greenhouse gas and security of supply benefits),
 - impacts of increased demand for biofuels on commodity prices in the EU and main exporter (to the EU) countries, and impacts on availability of food at affordable prices, especially in third countries (measured in terms of real impacts of a given increase in biofuels consumption in the EU from 2007 until 2009),
 - impacts on EU security of supply,
 - impacts on employment in the EU and employment in those third countries exporting biofuels to the EU, compliance with those relevant International labour conventions (including existence of relevant monitoring bodies to verify the compliance) which are listed in the article 17.7 of the Renewable Energy directive (and introduction of these Terms of Reference),
 - the impacts of increased demand for biomass on other biomass using sectors in the EU and relevant third countries (only those who export to the EU market and where these exports are significant).
 - availability in the EU of biofuels made from wastes, residues non-food cellulosic material and ligno-cellulosic material as on 2008.
5. Proposing a detailed **template of data and indicators, as well as list of data sources** for each set of data **requirement that Member States can use** for their reporting to the Commission as **required in Art.22** of the Renewable energy directive.
6. **Proposing a methodology and detailed template of data and indicators**, considering where appropriate reporting results from Member States, as well as list of official data sources for each set of data requirement **that Commission can use** for its regular monitoring and reporting as **required by Article 23** of the Renewable energy directive.
7. Drawing on the data gathered and their analysis and assessment, as described in tasks 1 to 4 **providing the preparatory work for the Commission for the purposes of 2010 Biofuels progress report**. This analysis and assessment shall be based on the reporting requirements as described in Article 4(2) of Directive 2003/30/EC. This task shall cover at least the following analysis and assessments:
 - *the cost-effectiveness of the measures taken by the EU Member States in order to promote the use of biofuels and other renewable fuels;*

⁵ This work shall draw on the experience and work done by the Commission's Joint Research Centre and if appropriate other competent research organisations.

- *the economic aspects and the environmental impact of further increasing the share of biofuels and other renewable fuels;*
- *the life-cycle perspective of biofuels and other renewable fuels, with a view to indicating possible measures for the future promotion of those fuels that are climate and environmentally friendly, and that have potential of becoming competitive and cost-efficient;*
- *the sustainability of crops used for the production of biofuels, particularly land use, degree of intensity of cultivation, crop rotation and use of pesticides;*
- *the assessment of the use of biofuels and other renewable fuels with respect to their differentiating effects on climate change and their impact on CO₂ emissions reduction;*
- *a review of further more long term options concerning energy efficiency measures in transport.*

Methodological requirements

Applicants may form consortia or work together with expert partner organisations in concerned third countries.

The data gathering should be performed to the extent possible through direct contacts with relevant organisations and experts in Member States and third countries by way of work with local production and consumption data, local impact studies, interviews, surveys, field work, where appropriate, and other appropriate local data gathering methods. Recourse to existing global data sources, statistics and literature should only be used when appropriate and when no data are available from direct sources.

More detailed methodological requirements and deliverables for individual tasks are described below:

For task 1 the Commission would like to receive quantified data on produced and consumed biofuels measured in Mtoe (unit most frequently used in Eurostat statistics and Commission reports); quantified data on feedstock types.

In relation to land use the Commission will be looking for a critical review and set of outcomes of options for retrospectively determining the land use consequences of biofuel use, taking into account the report on indirect land use change which the Commission intends to make by March 2010, and taking into account potential substitution effects of by-products and that additional demand for biofuels may incite more intense agricultural production with higher yields on the one hand, while it may lead to production expanding onto abandoned/marginal land with lower yields on the other, so that the land impact cannot be derived simply by dividing additional consumption by current yields.

For analysis of biofuels support policies in the EU Member States and their effectiveness, the Commission expects quantified description and analysis of the policy measures applied by Member States in order to promote the biofuels use (financial support, green public procurement and other.)

For task 2 the Commission would like to receive quantified data on the EU biofuels imports, countries of origin; shares between imports under various tariff regimes and quantified estimated

impacts of these various tariff regimes on the costs of biofuel imports from these various countries of origin; quantified data on types of feedstocks of imported biofuels (total and per country); quantified data on how big part of these imports are subject to sustainability reporting/control checks (under which sustainability schemes). At least the following countries should be covered: Brazil, Argentina and other Mercosur region states (if the imported amounts are significant), United States, Indonesia, Malaysia, major ACP countries (including, among others, Ethiopia, Malawi, Mozambique, Nigeria, Sudan, Tanzania, Uganda. The consultants are asked to add countries that are likely to expand their biofuel production in future)), India, Pakistan. When tracing the import origins, imports via third countries should also be considered where relevant (e.g. from Argentina via US, or Indonesia via India etc.). The tracking of biofuels for the purposes of Article 18(1) of the Directive, in combination with the requirements of Articles 17(3)-(5) concerning land use, will mean that information on the origin of biofuels consumed in the Community should be relatively easily available at the level of Member States.

For task 3, the Commission would like to receive a critical review and set of outcomes of options for the quantification of environmental impacts, notably non-GHG impacts (in the EU and desegregated per Member State). (In the case of GHG impacts, the work of the JEC well-to-wheel study, in which the Commission was represented by its Joint Research Centre, already provides a solid base.)

For task 4 the Commission would like to receive quantified data on the overall cost efficiency of biofuels; a critical review and set of outcomes of options for the quantification of the impacts of increased demand for biofuels on commodity prices in the EU and main exporter (to the EU) countries or countries for which export to the EU equals a very significant share of their overall domestic production, and impacts on availability of food for affordable prices, especially in third countries (measured in terms of real impacts of a given increase in biofuels consumption in the EU from 2007 until 2009), quantified impacts on EU security of supply in terms of displacement of petroleum based fuels and increased local production/import dependence, and diversification of supply routes; quantified net impacts on employment in the EU and employment in those third countries exporting biofuels to the EU taking into account both employment creation in the biofuels industry and possible job losses in other sectors including in particular the fossil fuel sector; compliance with those relevant International labour conventions which are listed in the article 17.7 of the Renewable Energy directive, displacement or encouragement of smaller farmers, respect for (customary) land rights; quantified impacts of increased demand for biomass on other biomass using sectors in the EU and relevant third countries (only those who export to the EU market and where these exports are significant); and availability in the EU of biofuels made from wastes, residues, non-food cellulosic material and ligno-cellulosic material as on 2008.

For tasks 5 and 6 the Commission would like to receive a clear set of methods with indicators and description of how these methods and indicators should be applied to measure each of the detailed impacts as described in methodological requirements for tasks 1 to 4. The Commission should be able to use this set of methods and indicators as a basis for its regular bi-annual biofuels reporting exercises from 2012 onwards as required by the Renewable energy directive.

For task 7 the same methodological notes as described for tasks 1 to 4 apply.

Existing documentation and information, monitoring system

Background material and administrative and technical files concerning the specific field will be provided by the technical and financial officers, if available⁶. All other data shall be gathered by the contractor: data sourcing, methodology and working methods shall be detailed in the offer.

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 10 days following the signature of the contract, in order to settle all the details of the study, report, etc to be undertaken.

Two progress report meetings (covering tasks 1 to 4) **shall take place in Brussels**, at the latest respectively **after 6 and 15 months** following the signature of the contract to present and discuss the interim report.

A **separate meeting** concerning task 6 (submission for the input for Commission's 2010 Biofuels progress report drawing on the data and analysis performed under tasks 1 to 4) shall be held **no later than 9 months** from the signature of contract (and 20 days following the submission of the draft report).

A **final meeting** will take place in Brussels upon submission of the draft final report and the methodology set (as described in task 5) in order to discuss the Commission's observations and eventual requests for improvements in the final report.

I.3.1. Interim reports

The **1st interim report (covering tasks 1-4)** showing progress of the work shall be submitted to the Commission **at the latest 6 months after the date of signature** of the contract. The meeting to discuss the 1st interim report shall be set up upon submission of the report.

The Commission shall have forty-five 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.

The **2nd report concerning task 6 or Progress report** (submission for the input for Commission's 2010 Biofuels progress report drawing on the data and analysis performed under tasks 1 to 4) containing description and analysis of the progress in biofuels policies in the EU shall be submitted to the Commission **at the latest 9 months after the date of signature** of the contract.

The Commission shall have forty-five days from receipt to approve or reject the report. The meeting to discuss the 2nd interim report shall be set up upon submission of the report to discuss its quality and eventual improvements. Within 20 days of receiving the Commission's observations, the Contractor will submit additional information or improved report.

The **3rd interim report** showing further progress of the work shall be submitted to the Commission **at the latest 15 months after the date of signature** of the contract and **no later**

⁶ SEC(2008) 434 SWP on Policy Coherence for Development "Climate Change/Energy/Biofuels, Migration and Research" (April 2008)

than 6 months after the submission of the second report. The meeting to discuss the 3rd interim report shall be set up upon submission of the report.

The Commission shall have forty-five 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 improved report.

I.3.2. Final report

The contractor will submit a draft final report covering tasks from 1 to 4 and the methodology set as described in task 5 to the Commission **at the latest 21 months** after the signature of the contract. The meeting to discuss the final report shall be set up upon submission of the report.

The Commission shall have forty-five days from receipt to approve or reject the draft final report, and the Contractor shall have 20 days in which to submit additional information or a new final report.

I.3.3. Report format and publication

10 copies of the reports, including all interim reports, shall be supplied in paper form and one copy in electronic form, either in MS Word or in HTML format. All reports shall be written in English.

The Commission may publish the results of the study, including 2nd interim report or progress report. 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 24 months. This period is calculated in calendar days.

I.5. Place of performance

The tasks will be performed on the Contractor's premises. Data gathering from Member States should be performed mainly by usual IT, phone and other communication tools limiting the travels to Member States for the purposes of data gathering. As far as third countries are concerned and where data or local expertise is not available, for the purposes of data gathering the Contractor may travel to third countries and do fieldwork in third countries. These missions should be proportionate as to the purposes of fulfilling the requirements of this contract.

Meetings between the contractor and the Commission will be held on Commission premises in Brussels.

I.6. Estimate of the amount of work involved

The amount of work involved to carry out this contract is assessed at approx. 1500-1700 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 100,000 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 100,000 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

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

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

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.

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 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. Tenderers must also provide drafting samples for the purposes of verifying the quality of writing skills.

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.
- **Estimated travel and daily subsistence allowance expenses must also be provided for information.** This estimate should be based on Articles I.3 and II.7 of the draft contract (Annex 5). This estimate should comprise all foreseen travel.
- **Prices should be quoted free of all duties, taxes and other charges, i.e. also free of VAT**, as the Communities are 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 (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 Community 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 Regulation⁷)

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 Communities' financial interests;
 - (f) they are currently subject to an administrative penalty referred to in Article 96(1) of the Financial Regulation⁸ for being guilty of misrepresentation in supplying the

⁷ Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities (OJ L 248 of 16.9.2002)

⁸ Council Regulation (EC, Euratom) n° 1605/2002 of 25 June 2002 on the Financial regulation applicable to the general budget of the European Communities, 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.

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 Community 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 (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 Communities 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.

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 Transport 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 Community 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.⁹

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 evidence of their economic and financial capacity by submitting an annual turnover of at least 1 000 000 EUR, for the past 2 years. In case of a consortium, this criterium applies to the consortium as a whole.

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) Excellent skills and proven experience of at least 5 years in environmental and social sustainability issues, and environmental and economic impact analysis, including in third countries.
- 2) Sound knowledge and understanding of the current EU policies, notably the Directive on the promotion of the use of renewable energy sources, and the situation and trends of the biofuel industry, including in third countries, such as those referred to in the terms of reference for this contract.
- 3) In relation to data collection, proof of the existence of access authorization to specific databases and other relevant information sources, as necessary, including experience and

⁹ 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 Communities, 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.

access to relevant data sources in the EU Member States and third countries, or the capacity to obtain this access should the contract be awarded to them.

4) Excellent skills in drafting and editing high quality documents in English, and proof in the form of samples (e.g. extracts from previously done studies).

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

6) Indication of part(s) 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

Nº	Award Criteria	Weighting
1	Appreciation and understanding of the needs, the objectives and the scope of the tender	20
2	Approach and methodology for implementing the work, adequacy of data collection and data analysis techniques.	40
3	Quality and sustainability of the work-plan and schedule, organisation of work, management of tasks	20
4	Overall quality, completeness, clarity and presentation of the offer	20
Total number of points		100

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. ANNEXE

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 TREN/D1/458/2009

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) ¹⁰	
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:	

¹⁰

For natural persons

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 organisation¹¹	
I, the undersigned, certify that the information given in this tender is correct and that the tender is valid.	
Surname: First name:	Signature:

¹¹ 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

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 :

<u>BANK STAMP + SIGNATURE of BANK REPRESENTATIVE</u> <u>(Both Obligatory)</u>
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<u>DATE + SIGNATURE of ACCOUNT HOLDER :</u> <u>(Obligatory)</u>
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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

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 Regulation¹², 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 Communities' 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 Community budget.

¹² Council Regulation (EC, Euratom) n° 1605/2002 of 25 June 2002 on the Financial regulation applicable to the general budget of the European Communities, 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.

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.

Done at on.....

Name

Title

Signature: