

COMMUNITY ACTION PROGRAMME TO COMBAT SOCIAL EXCLUSION

CALL FOR TENDERS

«Group of non governmental experts in the fight against poverty and social exclusion – Extension to seven Candidate Countries»

Number VT/2003/47

Period of Performance: 12.2003 – 11.2004
(Annual contract renewable three times)

Budget Line B3-4105

TERM OF REFERENCE

1. Background

At the **Lisbon European Council** of March 2000, the Union has set itself a new strategic goal for the next decade: to become the most competitive and dynamic knowledge-based economy in the world, capable of sustainable economic growth, with more and better jobs and greater social cohesion. The European Council agreed to base **social inclusion policies** on an **open method of co-ordination** combining national action plans and a Commission initiative for co-operation.

An essential element of the open method of co-ordination is the Community action programme intended to support the EU policy co-operation.¹ The programme, entered into force on January 2002, with a budget of 75 M € over 5 years (2002-2006), is composed of three strands: 1) improving the understanding of social exclusion and poverty, supported by comparable indicators; 2) organising policy co-operation and mutual learning in the light of the national action plans to combat poverty and social exclusion; 3) developing the capacity of actors to address social exclusion and poverty effectively and to promote innovative approaches, in particular through networking at EU level.

The action programme seeks, inter alia, to improve the understanding of the phenomena of poverty and social exclusion. In this framework, the Programme provides for the development of common methodologies to measure and understand social exclusion and poverty, and on technical work on indicators, as well as for the development of thematic studies, in order to address common issues in connection with policy developments in Member States.

Specific context

A key element of the overall strategy for implementing the Community action programme to combat social exclusion involves deepening the analysis of characteristics, causes, processes and trends in social exclusion.

For these purposes, it was agreed, under the annual plan of work for 2002, to set up a group of national experts to assist the Commission in monitoring the implementation of the National Action Plans on Social Inclusion. A call for tender was, therefore, launched in 2002². The contract was awarded and the group now consists of 15 national experts, one per Member State of the Union.

2. Purpose of the contract

The Action Programme has been gradually opened-up to the candidate countries in order to help them prepare for full and complete participation in the open method of

¹ Decision No 50/2002/EC of the European Parliament and of Council of 7 December 2001 establishing a programme of Community action to encourage cooperation between Member States to combat social exclusion, OJEC L10/1 of 12.1.2002.

² An open call for tender (VT/2002/66), published in the OJ S N° S 140 of 20/07/2002.

coordination following their accession. Memoranda of Understanding were signed with 12 of the 13 candidate countries (Bulgaria, Cyprus, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia and Turkey), setting the conditions for their participation in the action programme to combat social exclusion.

Strand 2 of the Programme focuses on policy cooperation and exchange of information and best practices. Seven accessing and candidate countries (Bulgaria, Cyprus, Hungary, Latvia, Lithuania, Romania and Slovakia) have expressed their interest and will participate in activities under this strand in 2003. One of the components of the strand is the establishment of a network of national experts.

The purpose of the call for tender is to contract 7 non-governmental experts in accessing and candidate countries to join the existing 15 experts. Their task will be to assist the Commission in monitoring the development of the social inclusion policy measures in the context of the Joint Inclusion Memoranda (JIMs/incl).

The call for tender is composed of 7 lots, one for each of the above-mentioned accessing and candidate countries.

3. Tasks to be performed by the contractor (expert)

The following are the general tasks to be performed by each expert:

- reporting to the Commission on the development in the accessing / candidate country of the social inclusion policy measures in the context of the Joint Inclusion Memoranda (JIMs/incl), also through the use of appropriate indicators (including policy relevant 'third level indicators');
- remaining available for requests for information from the Commission on the situation and policies to combat poverty and social exclusion in the accessing / candidate country;

More specifically, this implies:

- reviewing available information, including existing studies and/or official publications;
- participating in meetings with the Commission (twice a year): the first meeting is planned early 2004;
- before the 29th February 2004: to draw up a **draft report** on the monitoring of the development of social inclusion policy measures in the context of the Joint Inclusion Memoranda (JIMs/incl), assessing the implementation of the main political measures, the institutional arrangements in place, the mobilisation of all actors and possible changes in the context or political priorities;
- before the 30th April 2004 : to draw up a **report** (max. 30 pages with a two-page summary) on the monitoring of the development of social inclusion policy measures in the context of the Joint Inclusion Memoranda (JIMs/incl), assessing the implementation of the main political measures, the institutional arrangements in place, the mobilisation of all actors and possible changes in the context or political priorities;

- before the 1st of October 2004 : to provide **an up-to-date version of the previous report** including the latest developments in the accessing / candidate country; this report is to be complemented by a critical analysis, pointing out problems and challenges, possible good practice, as well as ongoing policy debate and legislative projects in the accessing / candidate country in question.

In all these tasks, the contractor will work in close cooperation with the relevant country desk in DG Employment and Social Affairs. In carrying out the work, the contractor must be independent from the authorities of the accessing / candidate country in question.

The contract will be signed for one year and it is to be renewed three times.

The tenderer will be able to make an offer for just one lot, for several lots or for all the lots. As an indication, the maximum budget for the first year for each lot is EUR 18 000.

LOTS:

LOT n° 01 Bulgaria

- 1) **Nomenclature** Non-governmental expert specialised on the Bulgarian system and the Bulgarian situation.
- 2) **Short description** see point 2

LOT n° 02 Cyprus

- 1) **Nomenclature** Non-governmental expert specialised on the Cypriot system and the Cypriot situation.
- 2) **Short description** see point 2

LOT n° 03 Hungary

- 1) **Nomenclature** Non-governmental expert specialised on the Hungarian system and the Hungarian situation.
- 2) **Short description** see point 2

LOT n° 04 Latvia

- 1) **Nomenclature** Non-governmental expert specialised on the Latvian system and the Latvian situation.
- 2) **Short description** see point 2

LOT n° 05 Lithuania

- 1) **Nomenclature** Non-governmental expert specialised on the Lithuanian system and the Lithuanian situation.

2) **Short description** see point 2

LOT n° 06 Romania

1) **Nomenclature** Non-governmental expert specialised on the Romanian system and the Romanian situation.

2) **Short description** see point 2

LOT n° 07 Slovakia

1) **Nomenclature** Non-governmental expert specialised on the Slovakian system and the Slovakian situation.

2) **Short description** see point 2

Documentation

Documents related to activities of Social Exclusion can be found at the Internet address:

http://europa.eu.int/comm/employment_social/soc-prot/soc-incl/index_en.htm

4. Expertise required

See Annex III and Annex IV of the standard contract and the comments in the selection criteria.

5. Time schedule and reporting

5.1. Time schedule

See article I.2 of the contract, and Annex IV reporting. The contract period will have a duration of 12 months and the expected starting date is December 2003. The contract might be renewed three times.

5.2 Interim and final reporting

The expert should start working from the date of signature of the contract, which is envisaged to begin in December 2003. The *first report* (draft report) is due by the 29th of February 2004. The *interim report* (report – 30 pages) is due by 30th of April 2004

Before the 1st of October 2004, the *final report*: to provide an up-to-date version of the previous report including the latest developments in the accessing / candidate country

Additional requirements (special deadlines / time limits for tasks completion): the expert should be ready to fulfil ad hoc tasks related to the contract, which will be identified by the Commission.

The contractor may be required to attend two meetings with the Commission services in Brussels every year. One meeting will take place at the beginning of the year and will serve to review work carried out in the previous year and to establish precise guidelines for the annual work programme. The contractor will have to give expert advice and submit assessment reports every six months to the Commission. This might include additional meetings with DG EMPL.

6. Payments and standard contract

Payments shall be made in EUR (€)

The terms of payment are as follows:

- 30% within 30 days after the signing of the contract;
- and the balance following the Commission's acceptance of both the final report and final invoice.

In drawing up the bid, the tenderer should take account of the provisions of the standard contract which are included the 'General terms and conditions applicable to contracts'.

7. Price

The price should be indicated in Euro (€), excluding VAT (using the conversion rates published in the C series of the Official Journal of the European Union on the day when the invitation to tender was sent out) and should be broken down as per the format given in Annex II of the draft contract.

As an indication, the maximum budget for the first year for each lot is EUR 18 000. The price revision clause will be included within the contract.

■ Part A: Fees and direct costs

- Fees, expressed in number of person/days and unit price per working day for each Expert proposed. The unit price is expected to cover the expert's fees and administrative expenses, but it should not include the reimbursable costs defined below.
This includes
- Other direct costs, to be described

■ **Part B: Reimbursable Costs**

- Travel expenses
- Daily subsistence allowances (DSA's): these cover all the subsistence costs of the Experts who are on mission for short term assignments outside their usual place of work
- Translations costs, if any
- Contingencies, if any

The total price = Part A + Part B

8. Composition of partnership or consortium

If a partnership or consortium is envisaged, its composition should be specified and the criteria listed under point 10 should be detailed to individual members of the partnership. In addition, one of the consortium members must be designated as lead Contractor, and must ensure full responsibility towards the Commission as regards both the tender and the future contract – if awarded to them.

The execution of the service is not reserved by law or regulation or administrative provision to a specific profession. Tenders should conform to the requirements of the general conditions. Tenders from *consortia* of firms or groups of service providers, contractors or suppliers must specify the role, qualifications and experience of each member of group. Tenders must be signed by the legal representative of the consultant. Also tenders must specify the name of the person authorised to sign the proposed contract.

9. Exclusion criteria

Article 93 taken from 'Council Regulation 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities' (Official Journal L 248, 16.09.02) establishes that:

"1. Candidates or tenderers shall be excluded from participation in a procurement procedure if:

- (a) they are bankrupt or being wound up, are having their affairs administered by the courts, have entered into an arrangement with creditors, have suspended business activities, are the subject of proceedings concerning those matters, or are in any analogous situation arising from a similar procedure provided for in national legislation or regulations;
- (b) they have been convicted of an offence concerning their professional conduct by a judgement which has the force of *res judicata*;
- (c) they have been guilty of grave professional misconduct proven by any means which the contracting authority can justify;
- (d) they have not fulfilled obligations relating to the payment of social security contributions or the payment of taxes in accordance with the legal provisions of the

country in which they are established or with those of the country of the contracting authority or those of the country where the contract is to be performed;

(e) they have been the subject of a judgement which has the force of *res judicata* for fraud, corruption, involvement in a criminal organisation or any other illegal activity detrimental to the Communities,' financial interests;

(f) following another procurement procedure or grant award procedure financed by the Community budget, they have been declared to be in serious breach of contract for failure to comply with their contractual obligations.

2. Candidates or tenderers must certify that they are not in one of the situations listed in paragraph 1."

In order to certify that candidates are not in one of the situations listed above, we follow Art. 134 of the Commission Regulation No 2342/2002 laying down the *detailed rules for the implementation* of Council Regulation No 1605/2002:

Article 134

Evidence

(Article 96 of the Financial Regulation)

"1. The contracting authority shall accept, as satisfactory evidence that the candidate or tenderer is not in one of the situations described in point (a), (b) or (e) of Article 93(1) of the Financial Regulation, production of a recent extract from the judicial record 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.

2. The contracting authority shall accept, as satisfactory evidence that the candidate or tenderer is not in the situation described in point (d) of Article 93(1) of the Financial Regulation, a recent certificate issued by the competent authority of the State concerned.

Where no such 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 tenderer or candidate is established, the documents referred to in paragraphs 1 and 2 shall relate to legal persons and/or natural persons including, where considered necessary by the contracting authority, company directors or any person with powers of representation, decision-making or control in relation to the candidate or tenderer."

Article 94 taken from 'Council Regulation 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities' (Official Journal L 248, 16.09.02) establishes that:

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

- (a) are subject to a conflict of interest;
- (b) are guilty of misrepresentation in supplying the information required by the contracting authority as a condition of participation in the contract procedure or fail to supply this information."

10. Selection criteria

The following information on the expert's experience, expertise and financial and economic standing should be supplied.

1. Expert should have a minimum experience and expertise of ten years experience of which at least five must be connected with the policy analysis and assessment and the type of tasks to be performed –demonstrate this by providing a list of main related projects. A very good knowledge of the Candidate Country's social protection system and proved ability to write analysis in this field in English or French.
2. Details of educational and professional qualifications of the person providing the services: Curriculum Vitae of the expert; the experts should be senior consultants with a very good knowledge of the EU social inclusion process.
3. The consultant should have no conflict of interest and be completely independent. A statement of independence should be included in the offer.
4. Sound financial and economic position of the consultant. Full set of audited financial statements and accounts -balance sheet and profit and loss account for the past three years. Annual budget of the last two years for a semi-public or non-profit organisation.

11. Contract Award criteria

11.1. Quality of the offer

- a) Quality and consistency of the tender (30%)
 - the degree of understanding of the nature of the assignment, its context and results to be achieved.
 - the quality and appropriateness of the strategy proposed for the implementation of the expertise.
- b) Technical value of the bid and the proposed methodological approach (70%).
 - the work programme: actions proposed to supplement the sources of information available, the knowledge and use of existing research in the fields covered by the expertise as well as available data to complement background information.
 - type of analysis provided: interpretation of quantitative and qualitative information according to the proposed strategy.
 - timetable including human resources mobilised to carry out the different stages of the work and the capacity to complete the work well in the time available.

11.2. Price

The contract will be awarded to the consultant whose offer represents the best value for money, taking into account the above criteria.

12. Content and presentation of the bids**12.1. Content of bids**

The tender must include:

- * Exclusion clauses. Include a certificate or declaration that the tenderers are not in one of the situations listed in art. 93 paragraph 1 (see page 7) and that tenderers are neither under situation (a) and (b) of art. 94 (Financial Regulation).
- * Selection criteria. Demonstrate
 - (i) Experience and expertise of a minimum of five years
 - (ii) Details of educational and professional qualifications (CV's)
 - (iii) Statement of Independence
 - (iv) Set of audited financial statements and accounts for the past three years
- * The price and full budget of costs
- * Financial identification form duly completed and signed by the bank
- * The detailed curriculum vitae of the proposed experts
- * The name and quality of the contractor's legal representative (i.e. the person duly authorised to act legally on behalf of the contractor in relation to third parties)

12.2 Presentation of the bids

Bids must be submitted in triplicate (1 original and 2 copies)

Bids must contain all the information required by the Commission

Bids must be clear and concise

Bids must be signed by the tenderer's legal representative

Bids must be delivered according to the requirements set out in the letter of invitation to tender, and before the date and time indicated in this letter.