



EUROPEAN COMMISSION

EMPLOYMENT AND SOCIAL AFFAIRS DG

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## COMMUNITY ACTION PROGRAMME TO COMBAT SOCIAL EXCLUSION 2002-2006

### **Subject: Proposals for arrangements for selecting actions and organisations for Community support**

The Council Decision establishing the Action Programme reserves for the Programme Committee the possibility to approve the arrangements for selecting actions and organisations for Community support. The Commission services propose the following general arrangements for discussion with the Committee.

#### **Strand 1 – Analysis**

The Commission proposes that actions under Strand 1 should generally be selected under the normal procedures for public procurement by a selection committee organised by the Commission. Some specific actions concerning candidate countries may also be carried out through calls for proposals. Where actions involve the collection or development of statistical series, the established Eurostat procedures for cooperation with national statistical offices will be followed.

As regards public procurement, the Commission will invite applications through open or restricted calls for tender depending on the size of the contract to be awarded, in accordance with normal Commission rules (broadly speaking, a restricted call for tender may be used for service contracts for an amount less than € 162.293 ). Applications will be examined by a Selection Committee organised by the Commission services and will be evaluated and ranked according to the award criteria set out in the call for tender. The Selection Committee will submit its recommendation for the award of the contract to the Advisory Committee on Procurement and Contracts of the Commission (ACPC), which will ensure that the call has been operated fairly with due regard for open competition and that the contract may be duly awarded. Following the approval of the ACPC, the Commission will award the contract to the successful tenderer and will inform the Programme Committee of the outcome.

The annex to this note sets out further details of the different procedures to be followed.

## **Strand 2 – Policy cooperation and exchange of information and best practices**

Actions concerning the support to transnational projects will be selected following calls for proposals published in the Official Journal and on the Internet site of the European Commission. Member States are invited to bring the information to the attention of parties in their territories which may be interested.

The draft calls for proposals, including the details of the types of actions to be supported and the eligibility and selection criteria, will be submitted to the Programme Committee in order to seek their views. Following this, the Commission will publish the call in the Official Journal and on the Internet site of the Commission (in the early stages, on the page devoted to Social Exclusion, thereafter on the pages devoted specifically to the Action Programme). The applications for subsidy will be received and evaluated by the Commission according to the criteria set out in the call. A list of all lead applicants and partners will be distributed to the Programme Committee. Following evaluation by the Commission, a list of pre-selected projects will be presented to the Programme Committee for final approval, providing summary details of the objectives, partnership arrangements and activities for each action. Following this approval, the Commission will conclude subsidy agreements with the lead partners for each action.

The various other actions aiming at the organisation of peer reviews, the dissemination of the results of the preparatory actions, the evaluation of the programme and the preparation of the joint report on social exclusion should generally be selected under the normal procedures for public procurement by a selection committee organised by the Commission, as set out in annex.

As regards evaluation, the Committee will approve the criteria for evaluating the programme.

## **Strand 3 – Participation of the various actors**

As regards the support to key European networks involved in the fight against poverty and social exclusion, equivalent procedures to those for transnational projects will be applied (i.e. call for proposals).

As regards the annual Round Table, the programme will support its organisation either by the Commission or by the Presidency. If the Commission is to organise the Round Table, it will in general be organised by the Joint Interpreting and Conference Service (SCIC) of the Commission and the Council. If the Presidency is to organise the Round Table, the Presidency will qualify for a Community subsidy that may cover 80 % of the overall cost.

Member States holding the Presidency may also submit requests for subsidies for conferences and other events which they are planning as part of their Presidency programme. The Community programme may contribute to those elements which present the European dimension of the fight against social exclusion. The Programme Committee will be informed by the Commission of the decision taken on such requests.

## **Principles of calls for tender**

The distribution of calls for tender must be as wide as possible, although it may be restricted where a general invitation to tender is inappropriate owing to the nature or value of the services required.

Open procedure involve a general invitation to tender, which is open to any person (natural or legal) wishing to bid for the contract. Invitations of this kind are given the widest possible coverage by publication in the S series of the Official Journal of the European Communities. .

Restricted procedure involve invitations to tender to a limited number of natural or legal persons chosen by the authorising officer for their special qualifications following applications on the basis of:

- a tender notice published in the S series of the Official Journal of the European Communities, which is compulsory for contracts whose estimated value exceeds the thresholds shown in Table II below;
- a call for expressions of interest published in the S series of the Official Journal of the European Communities ;
- open lists , compiled by the Commission departments following spontaneous expressions of interest by companies or natural persons;
- the CERES file, in the case of studies.

The type of procedure depends on the value of the contract, as set out below.

## **Rules**

The rules relating to calls for tender are set out in the following table, with reference to the contract type and estimated value. It should be noted that an open award or open call for tenders with publication in the Official Journal (S series) is permitted in all the cases referred to.

- a) Estimated value below € 13,800 : contracts by private treaty are permitted in accordance with Article 59 (a) of the Financial Regulation and Article 106 of the Regulation laying down detailed rules for the implementation of certain provisions of the Financial Regulation.
- b) Estimated value of between € 13,800 and 49 999: the contractor is selected after a comparison of bids from at least three candidates selected from the Directorate-General's list of potential contractors, which is drawn up either as a result of a call for expressions of interest (plus any applicants who have made themselves known or have been identified by the services concerned) or by making use of the CERES or any similar files.

- c) Estimated value of between € 50 000 and 99 999: the contractor is selected following a call for tenders which must take the form of a restricted procedure based on the list drawn up as a result of a call for expressions of interest.
- d) Estimated value of between € 100 000 and € 162.293: for study contracts, the contractor is selected following a call for tenders, which must take the form of an open procedure or a restricted procedure with publication of a tender notice in the Official Journal (S series).

For service contracts other than study contracts, and for supply and works contracts, the contractor is selected following an invitation to tender which must take the form of a restricted procedure launched on the basis of a list drawn up following a call for expressions of interest.

- e) Estimated value of between € 162.293 and € 4 999 999: for contracts for supplies, studies and services listed in Annex I A to Directive 92/50/EEC (see Annex 14), the contractor is chosen after an invitation to tender, which must take the form of an open procedure or restricted procedure with publication of a contract notice in the Official Journal (S series).

In the case of works contracts and services listed in Annex I B to Directive 92/50/EC, other than study contracts, the contractor may be chosen after an invitation to tender which may take the form of a restricted procedure launched on the basis of a list drawn up following a call for expressions of interest.

- f) Estimated value € 5 000 000 and above: in the case of supply, works and study contracts and service contracts listed in Annex I A to Directive 92/50/EEC, the contractor is chosen after an invitation to tender, which must take the form of an open or restricted procedure, with publication of a tender notice in the Official Journal (S series).

In the case of service contracts listed in Annex I B of Directive 92/50/EEC, other than study contracts, the contractor may be chosen after an invitation to tender, which may take the form of a restricted procedure based on a list drawn up following a call for expressions of interest.

## Call for tender procedures according to the type and value of the contract

| Estimated contract value       | Type of contract  |          |              |
|--------------------------------|---|----------|--------------|
|                                | Services including studies (2) and consultants (3)  | Supplies | Public works |
| € 0-13,799 (4)                 | Contract by private treaty permitted in accordance with Article 59 (a) of the Financial Regulation and Article 106 of the Regulation laying down detailed rules for the implementation of certain provisions of the Financial Regulation                                    |          |              |
| € 13,799-49 999 (4)            | Restricted procedure with competition involving at least three candidates.  |          |              |
| € 50 000-99 999 (4)            | Restricted procedure based on the file drawn up following a call for expressions of interest published in the OJ (S series).  |          |              |
| € 100 000 - € 162.293 (4)      | Restricted procedure based on the file drawn up following a call for expressions of interest published in the OJ (S series).<br><br>For study contracts, open procedure or restricted procedure launched by means of publication of a contract notice in the OJ (S series). |          |              |
| € 162.293- € 4 999 999 (4) (5) | Open procedure or restricted procedure launched by means of publication of a contract notice in the OJ (S series).  |          |              |

- (1) Determined in accordance with the provisions of the vade-mecum and directives coordinating the procedures for the award of public contracts.
- (2) "Studies" means the delivery of an analysis; contracts are non-renewable and of limited duration, and the objective is to explore, assess or examine a subject which is precisely defined beforehand and is related to the policies and activities of the Commission. Studies give rise to one or more written reports. They involve the use of external resources on the basis of private-law contracts and are not carried out on Commission premises.
- (3) A "consultant" is any person who is not an official or other servant of the Commission and performs, on the basis of a private-law contract, in an advisory capacity and in an independent manner, any specialised, temporary assignments which, because of their technical nature, cannot be carried out by the Commission services.
- (4) An open award or open call for tenders with publication of a notice in the Official Journal (S series) is permitted in all the cases referred to.
- (5) For contracts for public works or services listed in Annex I B to Directive 92/50/EEC, other than study contracts, the call for tenders may take the form of a restricted procedure based on the list drawn up following a call for expressions of interest.