

Technical Annex

Service contract on analysis and design of local Air Quality measurements -Open call

I Background information

On 4 May 2001, the European Commission launched the Clean Air for Europe (CAFE)¹ programme – a knowledge-based approach with technical and scientific analyses and policy development that will lead to the adoption of a thematic strategy on air pollution fulfilling the requirements of the Sixth Environmental Action programme² (6th EAP). The thematic strategy will outline the measures required at various administrative levels to improve air quality and to meet environmental objectives in Europe, to be followed later by legislative proposals for those measures to be taken at Community level. The thematic strategy is to be communicated by the Commission not later than 22 July 2005.

As part of the CAFE programme the air quality and air emissions directives will be reviewed and may lead to further guidance or regulation of air pollution monitoring, streamlining of reporting and revision and amendment of air pollution related directives.

The World Health Organisation (WHO) is giving support to the European Commission CAFE programme within the WHO Systematic Review of Air Pollution Health Aspects in Europe³, with focus on the priority air pollutants NO₂, O₃ and particulate matter (PM).

Under the provisions of the Air Quality (AQ) directives (1996/62/EC, 1999/30/EC, 2000/69/EC and 2002/3/EC) and the Decision on Exchange of Information (EoI) (Council decision 97/101/EC) the European Commission and European Environment Agency (EEA) obtains air pollution monitoring data from the EU member states. The EEA also obtains air pollution data from the other EEA members. The EEA annually evaluates the air pollution data and provides European wide assessments of air pollution, also with reference of current and future limit/target values of the air quality directives⁴. At regular intervals also major evaluations are made, such as the Dobris report, Aarhus report and Kiev report⁵. These assessments are made in the framework of the European Environmental and Observation Network (EIONET) comprising

¹ See <http://europa.eu.int/comm/environment/air/cafe/index.htm>

² <http://europa.eu.int/comm/environment/newprg/index.htm>

³ http://www.euro.who.int/eprise/main/WHO/Progs/AIQ/Activities/20020530_1

⁴ e.g. http://reports.eea.eu.int/environmental_assessment_report_2003_10/en/kiev_chapt_05.pdf

⁵ http://reports.eea.eu.int/environmental_assessment_report_2003_10/en

EEA, the European Topic Centre on Air and Climate Change (ETC-ACC) National Focal Points and National Reference Centres in the EEA member states.

The AQ assessment is made following slightly different criteria and hence the coherence, consistency and comparability between different networks and countries are not always ascertained. To a large extent the assessments are based on measurements, in particular in areas where the levels are close to the limit values.

Also the European Monitoring and Evaluation Programme⁶ (EMEP) under the Convention on Long Range Transboundary Air Pollution⁷ (CLRTAP) have guidelines for monitoring air pollution which is relevant for the assessment of air pollution and its health effects. To a large extent the same monitoring methods are used by EMEP and the EU.

The present and future evaluations of air pollution health effects are to a large extent based on information gathered under the public air quality monitoring networks, although the health relevance of the networks is not always verified. Therefore the information provided by regular monitoring networks is sometimes complemented by specific air pollution assessment to obtain improved data on exposure to individuals and the general population. A further difficulty for a pan-European evaluation of health effects related to air pollution is the lack of EU reporting obligations on health impact and the lack of commonly applied criteria for the evaluation of the health effects, giving a low comparability between the MS.

Air pollution monitoring that is harmonised and that is relevant to the assessment of health effects as well as improved monitoring of the air pollution related health effects would greatly improve risk assessment and management of air pollution in Europe. It would also be an improved basis for in-depth research in air pollution science and health research such as epidemiology and toxicology.

This service contract is set up to provide the Commission with recommendations on how to perform future monitoring of air pollutants and their health effects to fulfil the requirements of adequate air pollution health impacts in the enlarged EU (task 3). The service provided will build on the experience of monitoring and research activities of the Community institutions and agencies as well as of the Member states, as defined in the tasks 1 and 2 of the assignment.

II Objectives

The overall objective of the assignment is to prepare for new legislation in the framework of the CAFE programme and the thematic strategy on air pollution so that the air pollution assessment will be more health relevant and that health effects related to air pollution are assessed in an adequate way. In details the objectives may be broken down to:

⁶ <http://www.emep.int/index.html>

⁷ <http://www.unece.org/env/lrtap/welcome.html>

have completed an analysis on the health relevance of the current air pollution assessments based on monitoring and modelling.

have a proposal of a design of the air pollution networks, monitoring strategy and assessment methodology (including modelling) that is health relevant.

have completed an analysis on the current assessments of air pollution related health effects.

have a proposal of a design of a network and methodology for the assessment of health effects of air pollution.

have a proposal of a design for the systematic review and of negative health impact of air pollution.

The objectives apply to the enlarged EU (i.e. 25 MS as of 1st May 2004)

III Description of the tasks

The scope of the service contract covers the enlarged EU (25) Member States. The priorities are on the air pollutants which are a) out of compliance (or risk to be so) and b) that are expected to cause significant damage on human health, namely particulate matter (PM10 and PM2.5), ozone and nitrogen dioxide. Also other health relevant air pollutants or indicators, such as soot/black carbon, could be considered. Important health end points include increased risk of mortality due to cardiovascular and respiratory disease, increased risk of morbidity such as hospital admission and morbidity due to various respiratory disorder etc.

Task 1 Analysis of application of EC AQ legislation with respect to the monitoring requirements

The MS and Acceding Countries have to follow EC legislation for the assessment of air pollution. Both air pollution monitoring and modelling have been used for the assessments. The purpose of the assessments is to quantify AQ parameters and particularly so in relation to environmental objectives laid down in the directives such as limit/target values, but also to provide relevant information to the public. Even though the directives include some obligations and criteria on the location and number of the monitoring stations, data quality objectives for measuring and modelling, some of the main objectives of the directives - to assess ambient air pollution with the aim to avoid, prevent and reduce harmful effects on human health – are not necessarily achieved automatically.

1.a The contractor has to collect information on how the MS and Acceding Countries have applied the EC legislation criteria for AQ assessment. He will then analyse

- i) the potential influence of different interpretations of the existing directives requirements on compliance checking and
- ii) how the AQ monitoring data and assessments have been relevant for human exposure and health impact assessment of air pollution. This point should consider both the health effects related to long term exposure to air pollution

as well as acute health effects related to short term exposure, both to the general population and to the potential risk groups.

iii) how uncertainties have been analysed in relation to the objectives of health protection and compliance to the directives.

The tenderer has to detail in his offer the proposed methodology for the subtasks.

1.b The contractor will have to perform such analysis to reach recommendations for how air pollution assessment based on monitoring and modelling should be performed to meet the objectives to be health relevant and how the existing requirements for network and modelling should be adapted for that purpose. The (revised) monitoring and modelling approach should in particular facilitate an assessment

- of air pollution levels and exposure to outdoor air pollution (of the general public and potential risk groups) for those pollutants, which have been identified as critical for human health within CAFE
- the anticipated changes of air pollution levels and exposure to for those pollutants, which have been identified as critical for human health within CAFE.

These recommendations are to be part of the final report.

Task 2 Monitoring of air pollution health effects

Monitoring of health effects related to air pollution is presently not a part of EU legislation. However, the MS and Acceding Countries have various health monitoring and research programmes in place that are used to assess the health impact of air pollution and to derive dose/concentration-response relationships. Current health statistics are not systematically linked with air pollution monitoring and some of the potentially relevant health end points of air pollution are not monitored systematically.

2.a The contractor has to collect information on if and how the MS and Acceding Countries monitor health effects related to air pollution and to analyse how the health monitoring has been relevant for the major health effects of air pollution on the population and sensitive groups of the population.

Further, the contractor has to assess how different national agencies/administration responsible for air pollution and health monitoring respectively co-operate in the different MS. Out of the 25 MS of the enlarged EU the tenderer has to propose a representative sample of MS to assess in this respect.

2.b The contractor will have to develop recommendations for how

- Health status indicators useful in the assessment of health impacts of air pollution should be monitored in order to allow quantification of health impacts of air pollution.
- Air quality monitoring and assessment should be performed in order to facilitate surveillance of the health impacts of air pollution.
- Transferability of the assessments and studies performed in one city/region/MS can be facilitated through common methodology and how the related uncertainties and relevance should be assessed.

Task 3 Recommendations for future monitoring and assessments as well as future legislation and targeted research

The contractor has to propose recommendations for the thematic strategy on air pollution and other health relevant programmes under the 6th EAP and outline of possible legislation and supporting guidance.

The contractor has to give details on how the requirements of air pollution assessment (monitoring and assessment) and health monitoring could be implemented into current or new legislation. Specific issues could be to include the list of pollutants, requirements for the spatial and temporal resolution for the assessment, siting criteria for monitoring stations, and data quality objectives.

Specific research topics in the field of air pollution assessment (monitoring and assessment) and health monitoring, not already part of the current DG RTD&JRC working plan, should be identified and proposed by the contractor.

The tenderer needs to give an overview on how this task may be performed so that major stakeholders may give their input and view to the draft recommendations.

Meetings

The contractor and a relevant number of contract participants are expected to participate at three meetings with the Commission services in Brussels.

A first (kick off) meeting is expected to take place within a month of the signature of the contract. At that first meeting the contractor is expected to present details of the draft work plan so that the Commission may give further guidance to the development of the service. An inception report with a revised detailed work plan for the tasks outlined above has to be produced after the meeting.

A second meeting is expected to be held after tasks 1a and 2a have progressed substantially. The aim of the meeting is to have a progress report to the Commission and to allow the Commission to give guidance for the final steps. This second meeting is expected to be held 8 months after the signature of the contract.

A third meeting is expected about 11 months after the signature of the contract to present the interim report and discuss the details of the content of the final report.

Other aspects for the performance of the assignment

The contractor will work under the general guidance of the DG Environment of the European Commission. DG Environment will set up a reference group with participation of Commission services, the EEA, the WHO ECEH office in Bonn and EMEP to provide guidance to the assignment.

The tasks are to be made outside of Commission premises (*Extra Muros*). The tenderer is requested to outline in a draft work plan how the tasks are to be performed and give break down of costs and personal resources for the different work packages.

IV Experience required by the Contractor

The contracting team needs to have very good knowledge of the air pollution monitoring networks and health aspects monitoring.

The team also requires good knowledge of the relevant Directives, in particular the Directives concerning air quality (96/62/EC, 1999/30/EC, 2000/69/EC, 2002/3/EC) and the appropriate amendments. The team also needs to have good knowledge of relevant WHO documents, such as Air Quality Guidelines for Europe⁸, Monitoring Ambient Air Quality for Health Impact Assessment⁹, as well as general knowledge on how to perform health impact assessment related to air pollution.

V Duration of the contract.

This contract will be valid for 15 months from the date of signature of the contract.

VI Validity of the offer

The offer should be valid for a period of 6 months.

VII Reports and Documents/Deliverables.

An inception report with a detailed work plan has to be produced within one month after the kick-off meeting.

An interim report will be delivered 10 months after signature reflecting the finding of the tasks 1a and 2a. The contractor is expected to present the content of the interim report at the third coordination meeting of the assignment.

The draft final report will consist of a short summary of the tasks carried out in 1a and 2a and giving the recommendations under task 1b and 2b and task 3. That draft report must be submitted one month before the end of the contract period. The revised final report has to be submitted within 15 months of the signature of the contract.

All reports need to be written in English, although annexed material, if needed, may be in any Community language.

All reports should be made available as Word files. Key data used in the preparation of reports should be made available to the Commission in spreadsheet (Excel) form.

VIII Subcontracting

Subcontracting is permitted provided the following conditions are met:

⁸ http://www.euro.who.int/air/Activities/20020620_1

⁹ http://www.euro.who.int/eprise/main/WHO/InformationSources/Publications/Catalogue/20010910_3

- The subcontractor is the sole responsibility of the main contractor;
- The contractor shall not subcontract without prior written authorisation from the Commission nor cause the contract to be performed in fact by third parties, unless it was approved of by the Commission.
- Even where the Commission authorises the contractor to subcontract to third parties, he shall none the less remain bound by his obligations to the Commission under the contract.
- The contractor shall make sure that the subcontract does not affect rights and guarantees to which the Commission is entitled by virtue of the contract.

The part subcontracted should not, as a guideline, exceed 30% of the total contracting sum.

IX Method of payment

This contract will be paid on a lump sum basis.

Where a pre-financing payment of 30% will be paid upon signature of the contract.

An interim payment of 40% will be paid upon acceptance by the Commission of the interim report.

A final payment of 30% will be paid upon acceptance by the Commission of the final report.

The Commission is exempt from all taxes and dues, including value added tax, pursuant to the provisions of Articles 3 and 4 of the Protocol on the Privileges and Immunities of the European Communities with regard to its financial contribution under the contract.

X Exclusion criteria:

1. Potential contractors will be excluded from participation in the contract procedure:

- a) if 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) if they have been convicted of an offence concerning their professional conduct by a judgment which has the force of *res judicata*;
- c) if they have been guilty of grave professional misconduct proven by any means, which the contracting authority can justify;

- d) if 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, the country of the contracting authority or the country where the contract is to be performed;
- e) if they have 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) if, following another contract 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.

• **Potential contractors must certify that they are not in one of the situations listed above by providing:**

- i) for points a), b) and e), 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;
- ii) for point d), 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 their country of origin or provenance;

Depending on the national legislation of the country in which the tenderer or candidate is established, the documents referred to in paragraphs i) and ii) shall relate to legal persons and 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.

- iii) Potential contractors must sign and attach the declaration concerning the exclusion criteria and any conflict of interest (See Annex C page 8).

2. Contracts will not be awarded to potential contractors or tenderers in the following cases:

a) If there is a conflict of interest:

Potential contractors or tenderers must state that they:

- are not involved in any conflict of interest in connection with the contract;
- have not made and commit themselves not to make any offer of any type whatsoever from which an advantage could be derived in connection with this contract;
- have not agreed to, have not sought, or accepted any advantage,

financial or other, constituting an illegal practice or involving corruption, either directly or indirectly, as an incentive or reward relating to the award of the contract, to or from any party whatsoever.

- b) If they **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.

XI. Selection Criteria

A. Technical and professional capacity

- 1. Tenderers should have demonstrable experience in all areas that are part of this call for tender, and the core team should have a good knowledge of English. The tender should include CVs for the core team and with a list of relevant projects and publications. The CVs and additional information should demonstrate that the core team has the technical capacity to carry out the work described in this Technical Annex.

B. Financial standing

- 2. Tenderers should provide evidence of their financial standing, by furnishing (extracts from) financial statements of the last three years.

C. Authorisation to perform the contract

- 3. A tenderer must prove that he is authorised to perform the contract under national law, as evidenced by inclusion in a trade or professional register, or a sworn declaration or certificate, membership of a specific organisation, express authorisation or entry in the VAT register.

D. Access to the market

- 4. A tenderer must indicate in which State they have their headquarters or domicile and to present the supporting evidence normally acceptable under their own law.

XII Award Criteria.

The award criteria are the following (total of 100 points, minimum to be achieved is 70 points):

- 1. Methodology: the offers will be assessed on the degree to which the proposed methodology resolve the questions under each of the tasks outlined in the technical annex in a realistic and well structured way. The methodology will also be evaluated for its conformity with the objectives and needs of the Commission as expressed in the technical annex.
- 2. Project management and availability the offers will be assessed as regards the quality of the team organisation and the time share attributed to each of the members which should clearly be outlined in the tender.

3. Understanding: tenders will be assessed to determine whether contractors have fully understood all aspects of the services required for the contract.

XIII Points system:

Points System: A maximum of 45 points will be attributed to criterion 1, a maximum of 35 points will be attributed to criterion 2 and a maximum of 20 points will be attributed to criterion 3. Selected companies will have to score a minimum of 30 points for criterion 1, 20 points for criterion 2 and 10 points for criterion 3 with a minimum total of 70 points.

Budget: The maximum budget for this contract (including fees, travel and all other costs) is €200.000 excl. VAT. The price quoted must be a firm, non-revisable price and must be quoted in euro.

Price: The bid offering the best value for money will be chosen, providing the minimum number of points is achieved. This is calculated by dividing the price by the number of points awarded.