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## Specifications – Invitation to tender No VT/2007/60

### **ASSESSING EMPLOYMENT AND SOCIAL IMPACTS OF SELECTED STRATEGIC COMMISSION POLICIES**

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**1. Title of the contract**

ASSESSING EMPLOYMENT AND SOCIAL IMPACTS OF SELECTED STRATEGIC COMMISSION POLICIES

**2. Introduction**

The "PROGRESS" programme

In its Social Agenda (2005-2010), the Union has fixed as its overall strategic goal to promote more and better jobs and to offer equal opportunities for all. The realisation of the Social Agenda relies on a combination of instruments comprising EU legislation, the implementation of open methods of coordination in various policy fields and financial incentives such as the European Social Fund.

Until now, the implementation of the open methods of coordination in the employment and social inclusion/social protection fields relied on two distinct Community programmes. Equally the promotion of gender equality and of the non-discrimination principle was at the core of two distinct Community programmes. And lastly promotion of labour law including health and safety regulations were dealt with by separate interventions.

With the view of fostering greater coherence and simplification in the way Community programmes are delivered, the Commission proposed that all these separate programmes be now integrated into one framework programme, PROGRESS.

The Decision n°1672/2006 establishing a Community programme for employment and social solidarity – PROGRESS was adopted by the European Parliament and the Council on 24 October 2006 and published in the OJ on 15 November 2006.

PROGRESS overall aim is to financially support the implementation of the objectives of the European Union in the employment and social affairs area, as set out in the Social Agenda, and thereby contribute to the achievement of the Lisbon Strategy goals in these fields.

It aims at supporting the core functions of the European Community towards fulfilling its Treaty-delegated tasks and powers in its respective areas of competence in the employment and social sphere. It will support initiatives aimed at reinforcing the role of the Community in proposing EU strategies; implementing and following-up EU objectives and their translations into national policies; transposing and following-up of EU legislation's application in a coherent way through Europe; promoting the co-operation and co-ordination mechanisms between Member States and cooperating with social partners and organisations that represent civil society.

More specifically, PROGRESS will support:

- (1) the implementation of the European Employment Strategy (section 1);
- (2) the implementation of the open method of coordination in the field of social protection and inclusion (section 2);
- (3) the improvement of the working environment and conditions including health and safety at work and reconciling work and family life (section 3);
- (4) the effective implementation of the principle of non-discrimination and promotion of its mainstreaming in all EU policies (section 4);
- (5) the effective implementation of the principle of gender equality and promotion of its mainstreaming in all EU policies (section 5).

It is divided up into five policy sections which are (1) Employment, (2) Social protection and inclusion, (3) Working conditions, (4) Antidiscrimination and diversity and (5) Gender Equality.

Against this background, PROGRESS pursues the following general objectives, as set out in article 2.1 of the Decision:

- (1) to improve the knowledge and understanding of the situation prevailing in the Member States (and in other participating countries) through analysis, evaluation and close monitoring of policies;

- (2) to support the development of statistical tools and methods and common indicators, where appropriate broken down by gender and age group, in the areas covered by the programme;
- (3) to support and monitor the implementation of Community law, where applicable, and policy objectives in the Member States, and assess their effectiveness and impact;
- (4) to promote networking, mutual learning, identification and dissemination of good practice and innovative approaches at EU level;
- (5) to enhance the awareness of the stakeholders and the general public about the EU policies and objectives pursued under each of the policy sections;
- (6) to boost the capacity of key EU networks to promote, support and further develop EU policies and objectives, where applicable.

The present Call for tenders is issued in the context of the implementation of the 2007 annual plan of work which is consultable at [http://ec.europa.eu/employment\\_social/progress/docs\\_en.html](http://ec.europa.eu/employment_social/progress/docs_en.html)

### **3. Background**

The current study falls within the scope of the objectives of the employment section of PROGRESS, which calls for analysing the interaction between the European Employment Strategy and general economic and social policy and other policy areas.

At the same time, impact assessments (IA) play an increasingly important role in inter-institutional discussions of Commission proposals. Following concerns expressed by the European Parliament and by a number of Member States regarding in particular the quality of the assessment of the employment and social impacts of EU initiatives, the Employment, Social Affairs and Equal Opportunities DG (DG EMPL) wishes to strengthen its capacity to carry out IA, and to improve the IA of Commission initiatives.

The Commission has established Guidelines for IA<sup>1</sup>, which define key questions to be addressed when assessing social and employment as follows:

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<sup>1</sup> [http://www.cc.cec/home/dgserv/sgi/impact/links\\_en.htm](http://www.cc.cec/home/dgserv/sgi/impact/links_en.htm)

- Changes in the demand for labour. This means quantitative but also qualitative developments.
- The functioning of the labour market. This concerns whether labour market institutions (including elements like work contracts or transition between different employers) are affected by the measure proposed and what the effects are likely to be.
- The impact a measure might have on/for restructuring. Restructuring as signifying the need for quick and often local or regional adaptation can be caused by proposals even if the general impact on demand for labour is relatively low or when the functioning of labour market is only marginally affected.
- Specific impacts on certain social groups. The integration of some social groups like low-skilled, elderly, people taking care of others (single mothers, caring for the elderly), disabled, ethnic minorities into the labour market but also into society as a whole can be affected by a Commission proposal and has to be assessed in the IA. Discrimination because of gender or any other feature is to be prevented.
- Influence on the quality of jobs in a broader sense (as far as not already covered under the first point). This aspect covers issues of health and safety at work, training provision and rights and obligations etc.

### Work previously undertaken

Since the entry into force of the Amsterdam Treaty in 1998, which stated the principle of employment mainstreaming in other Community policies (Art 127 of the Treaty), the Commission devoted several Communications to the topic<sup>2</sup>.

An important study on "the Potential of Community policies for employment promotion" was commissioned in 2002<sup>3</sup>. This study established in its methodological part (chapter 2) a framework for the assessment of the interaction between Community policies and employment, using a theory driven evaluation approach and micro economic theory. It distinguishes three steps: (a) establishing policy assumptions (b) empirical validation and (c) reaching balanced assessment. This methodology, which is called hereinafter the "standard methodology"<sup>4</sup>, was applied, throughout a series of monographs, to a number of policy fields

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<sup>2</sup> *The last one dealt with the link between employment policy and environmental policies (SEC(2005)1530)*

<sup>3</sup> [http://ec.europa.eu/employment\\_social/news/2002/aug/pcp\\_en.htm](http://ec.europa.eu/employment_social/news/2002/aug/pcp_en.htm)

<sup>4</sup> *It could also be seen as a "default methodology", which means as long as there is not other approach explicated this is to be taken as the starting point.*

relevant at that time. However, the monographs were rather qualitative and illustrative in nature, and did not exploit the full potential of assessment on the basis of available empirical, statistical and model based information. Moreover, their focus did not fully mirror the key questions set out in the Commission's guidelines for IA (see above).

#### **4. Subject of the contract**

Employment or social impacts are potentially present in almost all Commission proposals. Nevertheless in certain cases these impacts are difficult to assess because the multi-facet character of the policy proposals, and the complexity of their interactions with employment and the social field.

The aim of the study is to inform about and - more selectively – to apply standard and "best available" methodologies to assess social and employment effects on a number of new case studies. Four realms have been selected for this study, corresponding to emerging or strengthened policy priorities for the following years:

- the review of trade policy
- the Internal Market review
- the Community transport policy
- the Community energy policy

The project should furthermore help to identify the most relevant policy-initiatives within these fields as early and as concretely as possible. That means the project will reflect on the way how best to provide an Impact Assessment in these areas and provide some indicative results. The approach should be as specific as possible.

The review of the different assessment methods and approaches will require distinguishing between different impacts (certain impacts are better identified and analysed with some approaches than with others). The contractor will therefore be asked either to work on the basis of the standard methodology mentioned above or to develop a heuristic within which the work is performed. The following dimensions should be explicitly and in all policy fields differentiated: efficiency and distributional, immediate and medium to long-term. This means also that model – supported approaches are very welcome.

##### **4.1 Trade policy review**

In its Communication "Global Europe: Competing in the World" (COM (2006) 567 of 4.10.2006), the Commission has set out a strategy to improve the contribution of trade policy to the Growth and Jobs (Lisbon) Strategy. The Action Plan announces a renewed Market Access Strategy<sup>5</sup>, new bilateral trade relations (Free Trade Agreements such as the Community preferential regime for imports from less developed countries), a liberalisation of procurement, and more effective trade defence instruments (Green paper on trade defence instruments – COM (2006)763).

In respect to trade policy it might be important to investigate whether there are specific sectoral employment impacts to be observed.

#### **4.2 Internal Market Review**

The Commission's internal market review aims at a better functioning of the Internal Market, by enhanced transparency and better regulatory mechanisms. A major stocktaking exercise is under way (see COM (2007) 60) and a further communication is awaited for the autumn 2007. The contribution of the Single Market to job creation has been the subject of quantified assessments since the announcement of the Single Market programme in the late '80s, including recent estimates of the employment impact of the internal market for services. At least the following two major areas should be investigated in particular:

A. Consumer policy. The Commission has already identified consumer related policies as a field which could boost growth and jobs, through various measures improving consumer confidence, investment in retail markets, developing electronic commerce etc. (see e.g. COM(2007)99 on the new Consumer policy strategy).

B. Further VAT rates harmonisation. The current VAT rate structure consisting of a single standard rate of at least 15% and one or two reduced rates, was decided in 1992 as an essential step to abolish controls at frontiers. Council Directive 2006/18/EC of 14.2.2006 authorised Member States to continue to apply, by way of experiment, reduced rates for labour intensive services until 2010. The Commission will present towards mid 2007 an analysis and proposals<sup>6</sup> for re-launching the debate on the impact of reduced rates, and on the scope for wider adaptations after 2010 (e.g. taxation at the place of consumption and a single rate).

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<sup>5</sup> See COM(2007)183 on a new Market Access Strategy replacing the strategy of COM(96)53

<sup>6</sup> An external study underlying these proposals will be made available to the contractor.

The geographical impacts of internal market policy could be a point for specific attention, in addition to the mere employment and income aspects.

#### **4.3 Transport policy**

Transport policy is facing partly conflicting challenges. The two main challenges are to reduce environmental damage caused by traffic, mainly reducing CO<sub>2</sub> emissions, and second to support the performance of the transport system as such because transport and mobility are preconditions for the functioning and well-being in our economic and social system.

This case study should take the mid term review of the European Commission's 2001 transport White Paper (COM(2006)314) as a reference. There are several concrete policy initiatives ongoing on the European level, such as the implementation of intelligent tolling systems and the introduction of intelligent traffic management systems (also linked with developments in logistics, the promotion of inter-modality). Some are clearly attributable to the environmental or economic objectives, while others – including the tolling systems but also inter-modality projects – aim at ecological and economic benefits.

Whereas economic theory and theory based evaluation approaches often work on the basis of incremental change, fundamental structural changes may have to be envisaged in this policy field. This aspect might have consequences for impact assessment approaches and should be given consideration under this part of the study.

#### **4.4 Energy policy**

Energy policy lies at the cross-roads of environmental policy and any strategy towards economic performance. The main drivers for energy policy are sustainability, competitiveness and security of supply. Balancing these objectives without losing employment and social issues out of perspective is a major challenge.

The Commission aims to achieve these objectives with different policies, notably

- by proposing an intensified use of renewable energies (including biofuels),
- by fostering a more efficient use of energy (CO<sub>2</sub> emission of cars, better isolation of buildings, energy-efficient heating & cooling systems, energy-efficiency directive, emission trading scheme) and

- by promoting a diversification of energy sources and better technologies (to prevent emissions from conventional energies, CO<sub>2</sub> capturing etc.)
- and by liberalising the energy market in general.

The energy policy Communication COM(2007)1 should be taken as the main reference for this case study. While the employment effects of market liberalisation have already been investigated, this analysis should only be briefly revisited. Specific attention should be paid to assessing trade-offs between different policies in the field of energy policy and to the close links between energy policy on the one hand and environment<sup>7</sup> and industrial policy on the other hand.

#### **5. Participation**

Please note that:

The competition is open to any physical person or legal entity coming within the scope of the Treaties and any other physical person or legal entity from a third country which has concluded with the Communities a specific agreement in the area of public contracts, under the conditions provided for in that agreement.

Where the Multilateral Agreement on Public Contracts concluded within the framework of the WTO applies, the contracts are also open to nationals of States that have ratified this Agreement, under the conditions provided for therein. It should be noted that research and development services, which come under category 8 of Annex II A of Directive 2004/18/CE, are not covered by this Agreement.

In practice, the participation of applicants from third countries that have concluded a bilateral or multilateral agreement with the Communities in the area of public contracts must be allowed, under the conditions provided for in that agreement. Bids submitted by applicants from third countries that have not concluded such an agreement may be accepted, but may also be rejected.

#### **6. Tasks to be carried out by the contractor**

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<sup>7</sup> The interface of environmental and energy policy is marked – for example – by a green paper on market-based instruments for environment and energy related policy purposes (COM (2007)140) together with SEC(2007)388

The following steps/achievements are important for a successful accomplishment of the project:

**1. Identification of important existing and potential future initiatives.**

For each investigated policy field, this step includes the review of relevant Commission documents on the websites of the relevant Commission services, using the mentioned reference documents as starting point. Furthermore the national policy documents (National "Lisbon" Reform Programmes, and specific action plans e.g. on energy), results from stakeholder consultations on Commission documents and other important documents (such as research papers) should be reviewed in order to identify possible common policy ground. This screening exercise, which should also cover relevant initiatives launched by relevant neighbouring countries (especially those participating in Progress), should enable the contractor to arrive at a relatively broad range of policy initiatives. For example, in the transport policy field, it could be the implementation of an intelligent tolling system, or approaches to promote inter-modality or increase the attractiveness of transport by train or ship. Each of these initiatives could be realised in different ways ("options" in the IA-terminology). In their proposal, bidders should provide information how they will deal with this task.

**2. A priori selection of initiatives with significant employment and social impacts.** In consultation with the client, the contractor will – where needed – narrow down the range of policy initiatives to the most important ones in terms of employment and social impact, and – as the case may be - to initiatives typical for the policy field. The number of policy initiatives to be investigated more closely in a policy field should in principle not exceed 5 initiatives.

**3. Screening of methodologies and provision of empirical material**

Depending on the policy initiatives selected the actions and the potential effects will vary. The objective of this step is to give an indication of the main directions of the impacts linked to the different policy initiatives and how to assess these best. That means also answering the question to what extent qualitative or quantitative methods are applicable and which of the available methods is best suited to assess particular aspects. This step has a methodological and an empirical component. The methodological part is to identify which methods are available, typically used and ideal to assess the employment and social impacts linked to a certain initiative. The empirical part is to provide some documented and possibly quantified results on the analysed initiatives.

4. The contractor should organise a **workshop** discussing the approach and preliminary findings with experts at the Commission premises. The workshop should also discuss the validity of the standard methodology. Participants of the workshop will include Commission officials, and experts from the EU Member States and from third countries participating in PROGRESS – invited and reimbursed by the Commission.
5. **In sum, the project is expected to lead to the following results:**
  - a. It should produce concrete and valuable information on what employment and social impacts certain policy initiatives are likely to have.
  - b. It should provide guidance on which methodology to recommend for the employment and social Impact Assessment on a certain initiative.
  - c. It should identify the relative advantages and drawbacks of alternative methodologies and approaches to IA with reference to the Commission's IA guidelines.
  - d. A restatement of the "standard methodology" mentioned in section 3 “Work previously undertaken”.

### **Requirements common to all PROGRESS projects**

The PROGRESS Programme aims at promoting gender mainstreaming in all its five policy sections and commissioned or supported activities. Consequently, the Contractor will take the necessary steps to ensure that its proposed team and/or staff respects the gender balance at all levels. It will also pay due attention when appropriate to the gender dimension of the service he is asked to deliver as detailed in the description of tasks.

Equally, needs of disabled people shall be duly acknowledged and met while executing the requested service. This will in particular entail that where the Contractor organises training sessions, conference, issues publications or develops dedicated websites, people with disabilities have equal access to the facilities or the services provided.

Finally, the Contracting Authority encourages the Contractor to promote equal employment opportunities for all its staff and team. This entails that the Contractor shall foster an appropriate mix of people, whatever their ethnic origin, religions, age and ability.

The Contractor will be required to detail in its activity report accompanying the request for the final instalment the steps and achievements it made towards meeting these contractual provisions.

**7. Professional qualifications required**

See Annex IV of the draft contract.

**8. Time schedule and reporting**

Duration of the contract is 12 months.

The project is expected to produce two interim reports and a final report, on the basis of the following indicative schedule.

- Kick-off meeting – to prepare for this meeting the contractor is expected to provide a short discussion paper (~ 14 days after project start)
- First interim report summarising step 1 "identification of important initiatives" (mid month 4)
- Meeting between contractor and Commission representatives to discuss the first interim report and to carry out step 2 (end month 4)
- Second interim report summarising step 3 "impacts of important initiatives – methodological and empirical considerations" for discussion in the workshop (end month 8)
- Meeting between contractor and Commission representatives to discuss the second interim report, to prepare the workshop, and to discuss where further analysis is required (month 9)
- Methodological/ empirical workshop (month 10)
- Delivery of a draft final report (month 11)
- Meeting with the Commission to discuss draft final report (end month 11)

On each of the meetings the consultants are expected to present the actual state of the project and the most important new findings/elements.

See Article I.2. of the contract.

### **General requirements in the context of PROGRESS**

1. As a matter of principle, with a view to favouring appropriate monitoring and valorisation by the European Commission of all results obtained and outputs delivered under PROGRESS programme, the Contractor will be required to provide for each of the tasks required under the present Call:

- A presentation of their key points on one page. The key points should be concise, easily understandable and provided in English, French and German. Other Community languages are welcome even if not compulsory; and
- An executive summary of 5/6 pages in English, French and German, unless otherwise described in section 'Tasks to be carried out'.

2. In accordance with the General conditions, the Contractor is under the obligation to acknowledge that the present service is delivered on behalf of the Community in all documents and media produced, in particular final delivered outputs, related reports, brochures, press releases, videos, software, etc, including at conferences or seminars, as follows.

*This (publication, conference, training session) is supported by the European Community Programme for Employment and Social Solidarity (2007-2013). This programme was established to financially support the implementation of the objectives of the European Union in the employment and social affairs area, as set out in the Social Agenda, and thereby contribute to the achievement of the Lisbon Strategy goals in these fields.*

*The seven-year Programme targets all stakeholders who can help shape the development of appropriate and effective employment and social legislation and policies, across the EU-27, EFTA/EEA and EU candidate and pre-candidate countries.*

*The Programme has six general objectives. These are:*

- (1) *to improve the knowledge and understanding of the situation prevailing in the Member States (and in other participating countries) through analysis, evaluation and close monitoring of policies;*
- (2) *to support the development of statistical tools and methods and common indicators, where appropriate broken down by gender and age group, in the areas covered by the programme;*
- (3) *to support and monitor the implementation of Community law, where applicable, and policy objectives in the Member States, and assess their effectiveness and impact;*
- (4) *to promote networking, mutual learning, identification and dissemination of good practice and innovative approaches at EU level;*
- (5) *to enhance the awareness of the stakeholders and the general public about the EU policies and objectives pursued under each of the policy sections;*
- (6) *to boost the capacity of key EU networks to promote, support and further develop EU policies and objectives, where applicable.*

*For more information please see:*

*[http://ec.europa.eu/employment\\_social/progress/index\\_en.html](http://ec.europa.eu/employment_social/progress/index_en.html)*

For publications it is also necessary to include the following reference: "The information contained in this publication does not necessarily reflect the position or opinion of the European Commission"

The Contractor will insert the European Union logo, and any logo developed for the employment and social solidarity fields, and mention the European Commission as the Contracting Authority in every publication or related material developed under the present service contract.

**9. Payments and standard contract**

In drawing up the bid, the tenderer should take into account the provisions of the standard contract comprising the "General terms and conditions applicable to service contracts".

o **Pre-financing**

Not applicable.

- **Interim payments**

Requests for interim payment by the Contractor shall be admissible if accompanied by

- 1a) a first interim technical report in accordance with the instructions laid down in Annex I, of the contract

- 1b) the relevant invoices,

provided the report has been approved by the Commission.

- 2a) a second interim technical report in accordance with the instructions laid down in Annex I, of the contract

- 2b) the relevant invoices,

provided the report has been approved by the Commission.

The Commission shall have 45 days from receipt to approve or reject the report, and the Contractor shall have 30 days in which to submit additional information or a new report.

Within 30 days of the date on which the report is approved by the Commission, an interim payment corresponding to the relevant invoices, each interim payment up to maximum 30% of the total amount referred to in Article I.3.1, shall be made.

- **Payment of the balance**

The request for payment of the balance of the Contractor shall be admissible if accompanied by:

- the final technical report in accordance with the instructions laid down in Annex I,

- the relevant invoices,

- statements of reimbursable expenses in accordance with Article II.7,

provided the report has been approved by the Commission.

The Commission shall have 45 days from receipt to approve or reject the report, and the Contractor shall have 30 days in which to submit additional information or a new report.

Within 30 days of the date on which the report is approved by the Commission, payment of the balance of the total amount referred to in Article I.3.1 shall be made.

## 10. Prices

The total price of the offer will not exceed € 300,000.00 (three hundred thousand euros).

The price must be stated in EUR(€), net of VAT<sup>8</sup> (using, where appropriate, 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 issued), and broken down according to the model in Annex III included in the attached standard contract.

*Under the terms of Articles 3 and 4 of the Protocol on the Privileges and Immunities of the European Communities, the latter are exempt from all charges, taxes and duties, including value added tax; such charges may not therefore be included in the calculation of the price quoted. The amount of VAT is to be indicated separately.*

*Expenditure other than for fees and direct costs, such as estimated travel and subsistence expenses, must be indicated separately and is reimbursable on receipt by the Commission of **original** supporting documentation, to include receipted invoices, travel documents including tickets, boarding passes, etc.*

### ■ **Part A: Professional fees and direct costs**

Fees, expressed as the number of person-days multiplied by the unit price per working day for each expert proposed. The unit price should cover the experts' fees and administrative expenditure, but not the reimbursable expenses referred to below.

Other direct costs (to be specified if any)

Any translation expenses

### ■ **Part B: Reimbursable expenses**

See annex III.2.2.1 of the contract.

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<sup>8</sup> Including all other taxes and/or duties that the contractor might have to pay according to the fiscal legislation of the relevant country, as stated in the Protocol on Privileges and Immunities.

Travel expenses (other than local transport costs)<sup>9</sup>

Subsistence expenses of the Contractor and his staff (covering the expenditure incurred by experts on short-term trips outside their normal place of work)<sup>10</sup>

Contingencies

Total price = Part A + Part B= €300,000.00 maximum

#### **11. Groupings of economic operators or consortia**

Tenders can be submitted by groupings of service providers/suppliers who will not be required to adopt a particular legal form prior to the contract being awarded, but the consortium selected may be required to assume a given legal form when it has been awarded the contract if this change is necessary for proper performance of the contract<sup>11</sup>. However, a grouping of economic operators must nominate one party to be responsible for the receipt and processing of payments for members of the grouping, for managing the service administration, and for coordination. The documents required and listed in the following points 12 and 13 must be supplied by every member of the grouping.

Each member of the grouping assumes a joint and several liabilities towards the Commission

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<sup>9</sup> Travel expenses will be reimbursed, where appropriate, on the basis of the shortest itinerary on production of original supporting documents, including receipts and used tickets, within the following limits (see Article II.7 "Reimbursements" of the draft contract): travel by air shall be reimbursed up to the maximum cost of an economy class ticket at the time of the reservation; travel by boat or rail shall be reimbursed up to the maximum cost of a first class ticket; travel by car shall be reimbursed at the rate of one first class rail ticket for the same journey and on the same day; travel outside Community territory shall be reimbursed under the general conditions stated above provided the Commission has given its prior written agreement.

<sup>10</sup> Agreed per diem rates are to be used for each Member State (see Annex III.2.2.1 of the contract).

<sup>11</sup> These entities can take the form of an entity with or without legal personality but offering sufficient protection of the Commission's contractual interests (depending on the Member State concerned, this may be, for example, a consortium or a temporary association).

The contract has to be signed by all members of the group, or by one of the members, which has been duly authorised by the other members of the grouping (a power of attorney or sufficient authorisation is to be attached to the contract), when the tenderers have not formed a legal entity.

**12. Exclusion criteria and supporting documents**

**1) Bidders must provide a declaration on their honour, duly signed and dated, that they are not in one of the situation referred to in Articles 93 and 94 a) of the Financial Regulation.**

Those articles are as follows :

Article 93 :

Applicants or tenderers shall be excluded 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 their 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.

Article 94 :

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

- a) are subject to a conflict of interest;

2) The tenderer to whom the contract is to be awarded shall provide, within a time limit defined by the contracting authority and preceding the signature of the contract, the evidence referred to in Article 134 of the implementing Rules, confirming the declaration referred to in point 1 above.

#### Article 134 of the Implementation Arrangements – Supporting documents

1. The contracting authority shall accept, as satisfactory evidence that the candidate or tenderer is not in one of the situations described in points (a), (b) or (e) of Article 93 of the Financial Regulations, 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 these requirements are met.

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 of the Financial Regulations, 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 tenderer or applicant is established, the documents referred to in paragraphs 1 and 2 above shall relate to legal entities and/or physical persons, including, where considered necessary by the awarding authority, company directors or any person with powers of representation, decision-making or control in relation to the tenderer.

***See Annex I (which may be used as a checklist) for the supporting documents accepted by the European Commission to be provided by applicants, tenderers or tenderers to who the contract will be awarded.***

3) The contracting authority may waive the obligation of a candidate or tenderer to submit the documentary evidence referred to in Article 134 of the Implementing Rules, if such evidence has already been submitted to it for the purposes of another procurement procedure launched by DG EMPL and provided that the issuing date of the documents does not exceed one year and that they are still valid.

In such a case, the candidate or tenderer shall declare on his honour that the documentary evidence has already been provided in a previous procurement procedure and confirm that no changes in his situation have occurred.

**13. Selection criteria**

**13.1 Economic and financial capacity:**

Tenderers must provide sufficient information to satisfy the Commission of their financial standing and more particularly that they have the necessary resources and financial means to carry out the work that is the subject of the tender and that the tenderer is viable for the duration of the contract.

In order for the Commission to determine the sound economic and financial capacity of an undertaking to execute this contract, the following three documents should be provided:

- A statement of the tenderer's overall turnover and turnover in respect of services to which the contract relates for the previous three financial years.
- A bank declaration providing evidence of sound financial standing.
- Accounts - balance sheets and profit and loss accounts - for the last two financial years, for which accounts have been closed, certified by an external audit, if required by national law

**13.2 Technical capacity:**

Educational and professional qualifications of the service provider will be substantiated by providing

- Detailed CV's of all members of the study team responsible for providing the service,
- A list of principal services or studies provided in the relevant policy domain over the past 3 years,
- Solid experience of analysis in the field concerned, including the theoretical, political and empirical aspects, as attested by the CVs and related documentation of the experts proposed;

- Language skills sufficient to execute the tasks efficiently. The contractor or consortium should demonstrate solid linguistic capability covering at least the three working languages of the Commission (English, German, French) and should ensure that the project contains provision for interpretation and translation if this is considered necessary by the contractor;
- A list of co-ordinators and experts to be used for the study, together with their CVs and qualifications and professional capacities;
- A declaration by the co-ordinator certifying the competence of the team to carry out the project study, including professional and linguistic capabilities;
- In the case of tenders from consortia: clear identification of the co-ordinator of the work who will also be responsible for signing the contract, and written confirmation from each member of the consortium that they would be ready and willing to participate in the project, and describing their role.

**14. Award criteria**

The contract will be awarded to the bid offering the best price/quality ratio, taking account of the following criteria

- |                                                                                                                              |           |
|------------------------------------------------------------------------------------------------------------------------------|-----------|
| (i) Quality of tender                                                                                                        | 40 points |
| - Understanding the nature and the policy context of the project                                                             | 20 points |
| - Clarity and efficiency of work-plan and organisation of work within the team, and strategy proposed to carry out the tasks | 20 points |
| (ii) Methodology proposed for the different case studies                                                                     | 60 points |

Please note that the contract will not be awarded to any bid that receives less than 70% in the award criteria.

The points total will then be divided by the price, with the highest-scoring bid being chosen.

## **15. Content and presentation of bids**

### **15.1 Content of bids**

Tenders must include:

- all information and documents necessary to enable the Commission to appraise the bid on the basis of the selection and award criteria (see points 13 and 14 above);
- a bank ID form duly completed and signed by the bank;
- a "legal entity" form duly completed;
- the price;
- the detailed CVs of the proposed experts;
- the name and function of the contractor's legal representative (i.e. the person authorised to act on behalf of the contractor in any legal dealings with third parties);
- proof of eligibility: tenderers must indicate the State in which they have their registered office or are established, providing the necessary supporting documents in accordance with their national law.

### **15.2 Presentation of bids**

Bids must be submitted in triplicate (i.e. one original and two copies).

They must include all the information required by the Commission (see points 10, 11,12 and 13 above).

They must be clear and concise.

They must be signed by the legal representative. **Unsigned bids will be rejected.**

They must be submitted in accordance with the specific requirements of the invitation to tender, within the deadlines laid down.