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***Specifications – Invitation to tender No VT/2008/066***

***Concerning a contract to analyse the socio-economic costs of accidents at work and work-related ill health and the socio-economic costs of prevention measures.***

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**1. TITLE OF THE CONTRACT**

Contract to analyse the socio-economic costs of accidents at work and work-related ill health and the socio-economic costs of prevention measures.

**2. BACKGROUND**

**2.1. Progress introduction**

The Social Agenda (2005-2010) 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.

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 and published in the OJ on 15 November.

PROGRESSSS 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. PROGRESS mission is to strengthen the EU contribution in support of Member States' commitments and efforts to create more and better jobs and to build a more cohesive society. To that effect, PROGRESS will be instrumental in:

- providing analysis and policy advice on PROGRESS policy areas;
- monitoring and reporting on the implementation of EU legislation and policies in PROGRESS policy areas;
- promoting policy transfer, learning and support among Member States on EU objectives and priorities; and
- relaying the views of the stakeholders and society at large.

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).

The present call for tenders is issued in the context of the implementation of the 2008 annual plan of work which is consultable at:

[http://ec.europa.eu/employment\\_social/progress/annwork\\_en.htm](http://ec.europa.eu/employment_social/progress/annwork_en.htm)

## **2.2. Background information specific to this contract**

In the Communication from the Commission COM(2007) 62 final of 21 February 2007: "Improving quality and productivity at work: Community strategy 2007-2012 on health and safety at work ", the Commission, supported by the two resolutions of the Council and the European Parliament, stresses the major contribution that guaranteeing quality of work can play in promoting economic growth and employment. It acknowledges the importance of effective occupational health and safety policies to ensure that economic costs of problems associated with work-related ill-health will not inhibit economic growth and affect the competitiveness of businesses in the EU.

The burden of accidents at work and work-related ill health can be analysed from different perspectives: worker's, employer's, insurer's and the society's as a whole. It is especially difficult to quantify or present in monetary terms the burden that falls on the worker which involves the pain and suffering, loss of function, diminished quality of life and premature death.

The improvement of workers' safety, hygiene and health at work is an objective which should not be subordinated to purely economic considerations. However, the employers are key decision-makers in the field of practical implementation of occupational safety and health measures, therefore it is also important to analyse how the effective prevention and development of safe working conditions result in reduced costs of absenteeism and reduced number of accidents at work.

Systematic information on costs of accidents or work-related ill health is not available from administrative statistical data sources or regular surveys on health and safety at work. However, various models on costing of accidents at work and work-related ill health have been developed. In order to enable employers, authorities and all those involved in prevention of accidents at work and work-related ill health at various levels to get an overview of both costs and benefits for an employer, a study should analyse the incremental benefit that companies may realise if prevention measures permitting to avoid the accidents and work-related ill-health are undertaken. Although the focus of the analysis is from an undertaking's perspective, the results will enable all key-players involved in prevention to see both costs and benefits of prevention of occupational risks and accident factors.

## **3. SUBJECT OF THE CONTRACT**

This invitation to tender invites bids for the preparation of a report that will include the analysis and evaluation of the costs of accidents at work and work-related ill health and of the benefit to enterprises if they develop an effective prevention of occupational risks and accident factors. The tasks to be carried out are described in Section 5.

## **4. 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.

## **5. TASKS TO BE CARRIED OUT BY THE CONTRACTOR**

### **5.1. Description of the tasks**

The contractor is asked to carry out an analysis and evaluation of the costs of accidents at work and work-related ill health and of the incremental benefit to enterprises if they develop an effective prevention policy in occupational health and safety matters. This shall be done based on desk research and multiple case studies taking into account different insurance systems in Member States.

The contractor shall conduct multiple case studies and make a detailed contextual analysis of a number of accidents at work and work-related ill-health and the relationships between their causes and consequences.

Insofar as concepts and definitions for accidents at work and its variables (economic activity and size of enterprise; working environment, working process; specific physical activity, deviation, employee's occupation, age and sex) are concerned, the contractor should use European Statistics for Accidents at Work Methodology (ESAW). The commuting accidents as defined in the ESAW methodology shall be excluded from the analysis. Work-related ill health shall be defined as in 1999 Labour Force Survey (LFS) ad hoc module according to which a work-related health problem covers all diseases, disabilities and other physical or psychological health problems, apart from accidental injuries, suffered by the worker, and caused or made worse by the work.

The contractor shall try to identify in his study and analyse in-depth certain types of accidents at work that could be distinguished particularly in terms of homogeneity of causes and circumstances as well as costs incurred. The choice of types of accidents at work should be justified in terms of their frequency and severity, that could be identified and correspond to sufficiently high number of cases in statistical sources, primarily Eurostat's ESAW data. The choice of the focus of analysis should be also based on relevance to existing or potential European policies of prevention for health and safety at work.

With regards to work-related ill health the contractor should try to measure all significant employment parameters within the scope of occupational safety and health that contribute to the productivity of workers e.g. too much physical or mental stress, too few brakes, poor lighting or ventilation, uncomfortable seating etc.

The outcome shall be the preparation of a report and a draft publication by the contractor to be submitted to the Commission. The report shall address all the items under section 5 of these specifications.

## **5.2. Specific tasks**

- 5.2.1.** Collecting and analysing information from existing models, and when justified, identifying new types of socio-economic costs of accidents at work and work-related ill health and various factors that influence these costs depending on: the sector of economic activity (NACE<sup>1</sup>), public or private sector, size of the undertaking, worker's age, sex, socio-economic status; and any confounding factors.

The contractor should analyse different cost categories (tangible/intangible, direct/indirect, fixed/variable) for the undertakings e.g. damage to equipment, production losses, legal costs, and the costs of replacement personnel, increased insurance premiums, various allowances, effects in terms of the market, industrial relations with staff in the undertaking, internal and external image and other identified types of costs.

The costs of accidents at work incurred by companies are, to a great extent, determined by accident insurance and its coverage and the employer's share of liability, therefore the study has to take into account different insurance systems in Member States and assess the impact that they have on how the cost of accidents at work are actually dealt with between the society, the employer, the victim and the private/public insurance handling reimbursements.

- 5.2.2.** Conducting a multiple case study to assess different types of costs in a representative sample of enterprises operating in different sectors of economic activity in the EU in order to collect robust quantitative and monetary information on the various types of socio-economic costs of different accidents at work and work-related ill-health in Member States. The enterprises approached shall be a representative sample for given sectors of economic activity in terms of size, the level of subcontracting and working process involved. Employees' age, sex, occupational status etc. shall be representative for the distribution of these variables in the sector.

- 5.2.3.** In the next step the contractor should investigate based on the causes of accidents on how they could have been prevented and estimate costs of the measures that, if undertaken, would have permitted to avoid the accident or work-related health problem in question.

The development of a coherent overall prevention policy and good working conditions includes, besides acquisition of technology, safety equipment and devices, often considerable input in organization of work, training, development and maintenance, and all of these costs should be assessed.

In performing this task the contractor should take into consideration obligations of employers and their responsibility to take the measures necessary for the safety and health protection of workers such as: avoiding risks, combating at source risks that cannot be avoided, adapting the work to the individual and adapting to technical progress. It should be also analysed, firstly, whether the employer followed the rule of replacing the dangerous by the non-dangerous or the less dangerous and gave collective protective measures priority over individual protective measures and secondly, how implementing such measures compared in the incremental cost-benefit ratio.

- 5.2.4.** The comparison of data collected through case studies should enable the contractor to compare the costs of ineffective health and safety management and the business benefits of good health and safety management. The contractor shall also measure

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<sup>1</sup> NACE- Statistical Classification of Economic Activities in the European Community

and evaluate the effects of health and safety management on: reduced interferences of the production or other operating activities, on all components of productivity and quality of services; and other dynamic impacts on staff turnover, maintaining qualified and skilled staff etc.

- 5.2.5.** The contractor must submit a methodology that will demonstrate how a critical literature review on different costing models of accidents at work and work-related ill health will be conducted. The presented methodology should also include a detailed explanation on how the case studies should be approached. The tenderers are asked to explain how they will select and approach a balanced sample of undertakings in private and public domain across different Member States and sectors of economic activity taking into account specific characteristics in terms of risk exposures and socio-economic features: size of enterprises, prevalence of subcontracting, demographic characteristics of workers (e.g. age, sex, occupation).

The bid should include a description of the approach and methodology with regard both to data gathering and analysis

- 5.2.6.** The contractor shall prepare a draft publication of at least 50 pages, including the methodology and the main results of the final report.
- 5.2.7.** On the basis of a study period of twenty months, the tenderer is asked to provide a detailed work plan for the distribution of task over time with reference to how the objectives of the study will be achieved and timetable of working meetings with the Commission's service in charge.

### **5.3. Guide on how the activities shall be carried out**

The PROGRESS Programme aimed 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:

- Gender equality issues are taken into account when relevant for the drafting of the technical offer by paying attention to the situation and needs of women and men;
- Implementation of the requested tasks includes a gender perspective by considering systematically women and men dimension;
- Performance monitoring includes the collection and gathering of data disaggregated by sex when needed.
- its proposed team and/or staff respects the gender balance at all levels.

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.

## **6. PROFESSIONAL QUALIFICATIONS REQUIRED**

*See also Annex IV of the draft contract*

### Additional requirements:

In order to carry out the required analyses and assessments properly, tenderers must have solid background knowledge and experience in the following areas:

- Socio-economic analysis in issues related to the protection of safety and health and the working environment;
- Evaluation of the technical merits of measures for the prevention of occupational risks
- Evaluation of approaches to managing occupational safety and health
- Use of statistical information and its analysis

The tenderers are required to provide evidence of their experience and competence in the aforementioned areas.

The contractor must also have the ability to communicate with undertakings and enterprises in different sectors of economic activity and of different size, in particular with SMEs, and their employees in Member States concerned by this invitation to tender.

## **7. TIME SCHEDULE AND REPORTING**

*See Article I.2 of the draft contract.*

### **7.1. Specific deadlines for the performance of tasks:**

The work must be carried out in not more than **twenty (20)** months from the date on which the contract is signed. It will cover the following stages:

1. Not more than thirty (30) days after signature of the contract, the contractor will submit to the European Commission (Unit EMPL F/4), and then present and discuss at a meeting with the Commission department responsible (EMPL F/4) in Luxembourg, a detailed account of the methodology, work plan and approach which the contractor intends to use, together with the work timetable. The methodologies, the approach adopted, the work plan and the work schedule will be submitted by the contractor in English.
2. Within seven (7) months of signing the contract, the contractor will send to the European Commission (Unit EMPL F/4), and then present and discuss at a meeting with the Commission department responsible (EMPL F/4) in Luxembourg, an interim report describing progress in relation to the timetable laid down. This interim report will contain a summary of the results obtained so far and a first draft of the final report. The interim report should include sufficient information to permit reorientation, if appropriate and required and will contain the information:
  - a) On the remaining work to be carried out;
  - b) Any particular problems encountered that would have a notable effect on the tasks to be carried out;
  - c) Information and clear references on sources of information used and to be used and the value of their methodologies if appropriate

This interim report must be in English and should be presented and discussed at a meeting of the Commission department responsible (EMPL F/4) in Luxembourg.

3. Fifteen (15) months after signature of the contract, the contractor will send the European Commission (Unit EMPL F/4), and submit to the Commission department responsible (Unit EMPL F/4) in Luxembourg, a preliminary draft final report. This preliminary draft final report will be supplied in English and should also be presented and discussed at a meeting of the Commission department responsible (EMPL F/4) in Luxembourg.

4. Seventeen (17) months after signature of the contract, the contractor will submit the draft final report to the European Commission (Unit EMPL F/4). This draft final report will comprise the work methodology used and all information and documents as set out in sections 3 and 5.2 of these specifications which were used to draw up the above report. It will also contain the preliminary draft of the publication as provided for in section 5.2.6 of these specifications. Both the draft final report and the preliminary draft publications will be provided in English.
5. The European Commission (Unit EMPL F/4) may submit objections and comments to the contractor within 60 days of receipt of the draft final report and the draft publications. The contractor will then have 30 days to present the final report and the draft final publication, taking the Commission's objections and comments into account or presenting another point of view. When submitting the final report and the draft final publication, the contractor may obtain written confirmation of acceptance.
6. If the European Commission (Unit EMPL F/4) has not submitted any objections and/or comments 30 days after submission of the draft final report and the draft final publication, these will be considered definitive. The contractor will then have one month within which to submit the final report in English and French, and the draft final publication in English. The final report will also include a brief summary of the main results obtained.

The detailed methodologies and work plan, together with the various reports, draft reports and draft publication referred to in this section, will be submitted to the European Commission (Unit EMPL F/4) both on paper (in triplicate) and in a standard electronic format (for ex. CD-R). The contractor must also provide a copy of the information collected and used in preparing the final report. At the contractor's request, this information will be treated as confidential.

## **7.2. Publicity and information requirements**

- 1.- As a matter of principle, with a view to favouring valorisation by the European Commission of all results obtained and outputs delivered under PROGRESS programme, the Contractor will be required to provide - either upon specific request or in any event with the final activity report - for each of the tasks required under the present Call the following:
  - Presentation of their key points in one page. Key points should be concise, sharp and easily understandable. They shall be provided in English, French and German. Other Community languages would be welcome even if not compulsory.
  - And an executive summary in 5/6 pages in English, French and German unless otherwise more precisely described in the 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), managed by the Directorate-General for Employment, social affairs and equal opportunities of the European Commission. 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.*

*PROGRESS mission is to strengthen the EU contribution in support of Member States' commitments and efforts to create more and better jobs and to build a more cohesive society. To that effect, PROGRESS will be instrumental in:*

- *providing analysis and policy advice on PROGRESS policy areas;*
- *monitoring and reporting on the implementation of EU legislation and policies in PROGRESS policy areas;*
- *promoting policy transfer, learning and support among Member States on EU objectives and priorities; and*
- *relaying the views of the stakeholders and society at large.*

*For more information 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"*

With regard to publication and any communication plan linked to the present service, the Contractor will insert the European Union logo, and if any another 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.

### **7.3 Reporting requirements**

PROGRESS will be implemented through a results-based management - RBM. Managing for outcomes and results is about working to maximise results for European citizens. This includes:

- Identifying the most important results for European citizens;
- Managing for these results, including setting clear desired results, implementing plans based upon these results and learning about 'what works' in the process;
- *Seizing opportunities to work together whenever this helps achieve the results.*

As a first step, a Strategic Framework for the implementation of PROGRESS has been developed in collaboration with Member states and organisations from the civil society. The Strategic Framework provides the framework for implementing PROGRESS, complemented by the Performance Measurement, which defines PROGRESS mandate, its long-term and specific outcomes. See in Annex III the overview of PROGRESS performance measurement framework. For more information on the strategic framework, please visit PROGRESS website.

The Commission will in that context monitors the effect of PROGRESS supported or commissioned initiatives and considers how these initiatives contributes to PROGRESS outcomes as defined in the Strategic Framework. In that context, the Contractor will be asked to loyally work in close cooperation with the Commission and/or persons authorised by it to define their expected contributions and the set of performance measures against which their contribution will be assessed. The Contractor will be asked to collect and report on its own performance on a regular basis to the Commission and/or persons authorised by it. In addition, the Contractor will make available to the Commission and/or persons authorised by it all documents or information that will allow PROGRESS performance measurement to be successfully completed and to give them the rights of access.

## **8. PAYMENTS AND STANDARD CONTRACT**

When preparing their bids, tenderers must take account of the provisions of the standard contract, which includes the “general conditions applicable to service contracts”.

### **8.1 Pre-financing**

Once the contract has been signed by the last contracting party, and within 30 days of the receipt of a request for pre-financing accompanied by a corresponding invoice, a pre-financing payment equal to 30% of the total amount referred to in Article 1.3.1 of the standard contract will be transferred.

### **8.2. Interim payment**

The contractor can request an interim payment which shall be admissible if accompanied by:

- an interim technical report in accordance with the instructions laid down in sections 5 and 7,
- the relevant invoices,

provided the report has been approved by the Commission.

The Commission shall have 60 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, up to maximum 40 % of the total amount referred to in Article 1.3.1. of the contract shall be made.

### **8.3. Payment of the balance**

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

- a final technical report in accordance with the instructions laid down in sections 5 and 7,
- the corresponding invoices,
- statements of reimbursable expenditure in accordance with Article II.7 of the standard contract.

provided the report has been accepted by the Commission.

The Commission shall have 60 days from receipt to accept or reject it, 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 shall be made.

## **9. PRICES**

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.

The price must be stated in EUR(€), net of VAT (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.

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

- Fees, expressed in number of person/days and unit price per working day for each expert proposed. The unit price covers the experts' fees and administrative expenditure, but not the reimbursable expenses referred to below.
- Translation costs, where applicable

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

- Travelling expenses (not including local transport)
- Subsistence expenses of the contractor and his staff (covering the expenditure incurred by experts on short-term trips outside their normal place of work) — see p. 17 of the standard contract
- Cost of transporting equipment or unaccompanied baggage directly linked to the performance of the tasks set out in Article I.1 of the standard contract
- Contingencies

The total price = Part A + Part B, **with a maximum of 300,000 €**

## **10. 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>2</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 11 and 12 must be supplied by every member of the grouping.

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

## **11. 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;

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<sup>2</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.

- 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) they are currently subject to an administrative penalty referred to in Article 96(1)<sup>3</sup>.

#### **Article 94 :**

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<sup>4</sup>.

**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 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.

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<sup>3</sup> "Article 96(1) : the contracting authority may impose administrative or financial penalties on the following :

a) candidates or tenderers in the cases referred to in point (b) of Article 94;

b) contractors who have been declared to be in serious breach of their obligations under contracts covered by the budget.

(...)"

<sup>4</sup> Cf. Article 146(3) of the FR Implementing Rules: « ...the evaluation committee may ask candidates or tenderers to supply additional material or to clarify the supporting documents submitted in connection with the exclusion and selection criteria, within the time limit it specifies. » and Article 178(2) of the FR Implementing Rules: « The evaluation committee may ask an applicant to provide additional information or to clarify the supporting documents submitted in connection with the application, in particular in the case of obvious clerical errors. »

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.

## **12. SELECTION CRITERIA**

All bids must also contain the documents listed below, testifying to the tenderer's financial and economic standing, technical capability and professional qualifications. In particular, the European Commission will verify:

### **12.1. Financial and economic standing: on the basis of the following documents:**

- turnover during the previous financial year (statement on the overall turnover – at least twice the value of the contract i.e. EUR 600 000);
- balance sheets and profit and loss accounts for the past three financial years, if the legislation of the country in which the tenderer is established requires them to be published;
- regular accounts for the quarter preceding that in which the notice of invitation to tender was published, if the full accounts for the previous financial year are not yet available.

### **12.2 Technical capability of the tenderer:**

- a description of the tenderer's technical capability and practical experience in the field referred to in section 3, 5 and 6 of these specifications. For consortia of companies or groups of service providers, this description must relate specifically to the tasks to be performed by each of their various members;
- samples of work demonstrating tenderer's practical experience in the field referred to in section 3 of these specifications;
- the tenderer must provide the names and curricula vitae (three pages maximum) of the persons responsible for the specific tasks described in section 5 of these specifications, with a view to ascertaining their practical experience and their ability to communicate with the undertakings and/or establishments;
- a description of the parts of the services to be provided by each consortium of companies or groups of service providers (where applicable).

### 13. AWARD CRITERIA

Taking the bids which meet the requirements of sections 11 and 12 above, the contract will be awarded on the basis of best value for money, taking account of the following criteria:

- |                                                                                                                                       |     |
|---------------------------------------------------------------------------------------------------------------------------------------|-----|
| - understanding of the objectives and tasks:                                                                                          | 30% |
| - quality and consistency of the methodological approach<br>(including ability to give proper consideration to the actual situation): | 30% |
| - quality of the work plan proposed:                                                                                                  | 20% |
| - organisation of the work and management of the project:                                                                             | 20% |

The contract will **not** be awarded to a tenderer whose bid receives less than (70%) for the award criteria.

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

### 14. CONTENT AND PRESENTATION OF BIDS

#### 14.1 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 set out in sections 12 and 13 of these specifications;
- they must include all the information required by the Commission (see sections 9, 10, 11 of these specifications),
- 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;
- the plan of work, timetable and the description of the approach intended to apply (see section 7.1).

#### 14.2 Presentation of bids

- Bids must be submitted in triplicate (i.e. one original and two copies).
- They must be clear and concise.
- They must be signed by the legal representative.
- They must be submitted in accordance with the specific requirements of the invitation to tender, within the deadline laid down.

## **Annex I**

| <b>Exclusion criteria<br/>(Article 93(1) FR)</b>                                                                                                                                                                                                                                                                                                                                                                                                                 | <b>Supporting documents to be provided by applicants,<br/>tenderers or tenderers to who the contract will be<br/>awarded</b>                                                                                                                                                                                                                                                                                                                                                                          |  |  |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|--|
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | <b>Procurement<br/>(Article 93(2) FR; Article 134 IR)</b>                                                                                                                                                                                                                                                                                                                                                                                                                                             |  |  |
| <b>1. Exclusion from a procurement procedure,<br/>Article 93(1) FR :</b><br><i>« Candidates or tenderers shall be excluded from<br/>participation in a procurement procedure if:</i>                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |  |  |
| <b>1.1. (subparagraph a)</b><br><i>they are bankrupt or being wound up,<br/><br/>are having their affairs administered by the<br/>courts,<br/><br/>have entered into an arrangement with creditors<br/>have suspended business activities, are the<br/>subject of proceedings concerning those matters,<br/><br/>or are in any analogous situation arising from a<br/>similar procedure provided for in national<br/>legislation or regulations<sup>5</sup>;</i> | - Recent extract from the judicial record<br><br><b>or</b><br>recent equivalent document issued by a<br>judicial or administrative authority in the<br>country of origin or provenance<br><br><b>or</b><br>- Where no such certificate is issued in the<br>country concerned : sworn or, failing that, a<br>solemn statement made by the interested<br>party before a judicial or administrative<br>authority, a notary or a qualified<br>professional body in his country of origin or<br>provenance |  |  |
| <b>1.2. (subparagraph b)</b><br><i>they have been convicted of an offence<br/>concerning their professional conduct by a<br/>judgment which has the force of res judicata<sup>6</sup>;</i>                                                                                                                                                                                                                                                                       | Cf. supporting documents for Article 93(1)(a)<br>FR above                                                                                                                                                                                                                                                                                                                                                                                                                                             |  |  |
| <b>1.3. (subparagraph c)</b><br><i>they have been guilty of grave professional<br/>misconduct proven by any means which the<br/>contracting authority can justify;</i>                                                                                                                                                                                                                                                                                           | Declaration by the candidate or tenderer that<br>he is not in the situation described                                                                                                                                                                                                                                                                                                                                                                                                                 |  |  |
| <b>1.4. (subparagraph d)</b><br><i>they have not fulfilled obligations relating to the<br/>payment of social security contributions or the<br/>payment of taxes in accordance with the legal<br/>provisions of the country in which they are<br/>established or with those of the country of the<br/>contracting authority or those of the country<br/>where the contract is to be performed<sup>7</sup>;</i>                                                    | Recent certificate issued by the competent<br>authority of the State concerned confirming<br>that the candidate is not in the situation<br>described<br><br><b>or</b><br>Where no such certificate is issued in the<br>country concerned : sworn or, failing that, a<br>solemn statement made by the interested<br>party before a judicial or administrative<br>authority, a notary or a qualified professional<br>body in his country of origin or provenance                                        |  |  |
| <b>1.5. (subparagraph e)</b><br><i>they have been the subject of a judgment which<br/>has the force of res judicata for fraud, corruption,<br/>involvement in a criminal organisation or any<br/>other illegal activity detrimental to the<br/>Communities' financial interests<sup>8</sup>;</i>                                                                                                                                                                 | Cf. supporting documents for Article 93(1)(a)<br>FR above                                                                                                                                                                                                                                                                                                                                                                                                                                             |  |  |
| <b>1.6. (subparagraph f)</b><br><i>they are currently subject of an administrative<br/>penalty referred to in Article 96(1)<sup>9</sup>. »</i>                                                                                                                                                                                                                                                                                                                   | Declaration by the candidate or tenderer that<br>he is not in the situation described                                                                                                                                                                                                                                                                                                                                                                                                                 |  |  |

<sup>5</sup> See also Article 134(3) IR : 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.

<sup>6</sup> Cf. footnote n° 4.

<sup>7</sup> Cf. footnote n° 4.

<sup>8</sup> Cf. footnote n° 4.

<sup>9</sup> Article 96(1) FR: The contracting authority may impose administrative or financial penalties on the following:

(a) candidates or tenderers in the cases referred to in point (b) of Article 94;

(b) contractors who have been declared to be in serious breach of their obligations under contracts covered by the budget.

| Exclusion criteria<br>(Article 94 FR)                                                                                                                                                                                                                 | Supporting documents to be provided by applicants,<br>tenderers or tenderers to who the contract will be awarded                                                                                                                                                                                                                                         |        |  |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|--|
|                                                                                                                                                                                                                                                       | Procurement                                                                                                                                                                                                                                                                                                                                              | Grants |  |
| <b>2. Exclusion from a procurement or grant award procedure Article 94 FR :</b> « <i>Contracts may not be awarded to candidates or tenderers who, during the procurement procedure:</i>                                                               |                                                                                                                                                                                                                                                                                                                                                          |        |  |
| <b>2.1. (subparagraph a)</b><br><br><i>are subject to a conflict of interest;</i>                                                                                                                                                                     | Statement by the applicant, tenderer or bidder confirming the absence of conflict of interests, to be submitted with the application, bid or proposal                                                                                                                                                                                                    |        |  |
| <b>2.2. (subparagraph b)</b><br><i>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»<sup>10</sup>.</i> | <ul style="list-style-type: none"> <li>– No specific supporting documents to be supplied by the applicant, tenderer or bidder</li> <li>– It is the responsibility of the authorising officer, represented by the evaluation committee, to check that the information submitted is complete<sup>11</sup> and to identify any misrepresentation</li> </ul> |        |  |

<sup>10</sup> Cf. Article 146(3) of the FR Implementing Rules: « ...the evaluation committee may ask candidates or tenderers to supply additional material or to clarify the supporting documents submitted in connection with the exclusion and selection criteria, within the time limit it specifies. » and Article 178(2) of the FR Implementing Rules: « The evaluation committee may ask an applicant to provide additional information or to clarify the supporting documents submitted in connection with the application, in particular in the case of obvious clerical errors. »

<sup>11</sup> Cf. footnote n°9

## **Annex II**

### **Declaration of honour with respect to the Exclusion Criteria and absence of conflict of interest**

The undersigned [name of the signatory of this form, to be completed]:

- ☐ in his/her own name (if the economic operator is a natural person or in case of own declaration of a director or person with powers of representation, decision making or control over the economic operator<sup>12</sup>)  
or
- ☐ representing (if the economic operator is a legal person)

official name in full (only for legal person):

official legal form (only for legal person):

official address in full:

VAT registration number:

declares that the company or organisation that he/she represents / he/she:

- a) is not bankrupt or being wound up, is not having its affairs administered by the courts, has not entered into an arrangement with creditors, has not suspended business activities, is not the subject of proceedings concerning those matters, and is not in any analogous situation arising from a similar procedure provided for in national legislation or regulations;
- b) has not been convicted of an offence concerning professional conduct by a judgment which has the force of res judicata;
- c) has not been guilty of grave professional misconduct proven by any means which the contracting authorities can justify;
- d) has fulfilled all its obligations relating to the payment of social security contributions and the payment of taxes in accordance with the legal provisions of the country in which it is established, with those of the country of the contracting authority and those of the country where the contract is to be carried out;
- e) has not 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) is not a subject of the administrative penalty for being guilty of misrepresentation in supplying the information required by the contracting authority as a condition of participation in the procurement procedure or failing to supply an information, or being declared to be in serious breach of his obligation under contract covered by the budget.

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<sup>12</sup> To be used depending on the national legislation of the country in which the candidate or tenderer is established and where considered necessary by the contracting authority (see art. 134(4) of the Implementing Rules).

In addition, the undersigned declares on their honour:

- g) they have no conflict of interest in connection with the contract; a conflict of interest could arise in particular as a result of economic interests, political or national affinities, family or emotional ties or any other relevant connection or shared interest;
- h) they will inform the contracting authority, without delay, of any situation considered a conflict of interest or which could give rise to a conflict of interest;
- i) they have not made and will not make any offer of any type whatsoever from which an advantage can be derived under the contract;
- j) they have not granted and will not grant, have not sought and will not seek, have not attempted and will not attempt to obtain, and have not accepted and will not accept any advantage, financial or in kind, to or from any party whatsoever, constituting an illegal practice or involving corruption, either directly or indirectly, as an incentive or reward relating to award of the contract.
- k) that the information provided to the Commission within the context of this invitation to tender is accurate, sincere and complete.
- l) that in case of award of contract, they shall provide the evidence that they are not in any of the situations described in points a, b, d, e above<sup>13</sup>.

For situations described in (a), (b) and (e), production of a recent extract from the judicial record is required 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. Where the tenderer is a legal person and the national legislation of the country in which the tenderer is established does not allow the provision of such documents for legal persons, the documents should be provided for natural persons, such as the company directors or any person with powers of representation, decision making or control in relation to the tenderer.

For the situation described in point (d) above, recent certificates or letters issued by the competent authorities of the State concerned are required. These documents must provide evidence covering all taxes and social security contributions for which the tenderer is liable, including for example, VAT, income tax (natural persons only), company tax (legal persons only) and social security contributions.

For any of the situations (a), (b), (d) or (e), where any document described in two paragraphs above is not 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.]

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<sup>13</sup> Mandatory for contracts of value above €133 000 only (see art. 134(2) of the Implementing Rules). The contracting authority can nevertheless request such evidence for contracts with a lower value.

By signing this form, the undersigned acknowledges that they have been acquainted with the administrative and financial penalties described under art 133 and 134 b of the Implementing Rules (Commission Regulation 2342/2002 of 23/12/02), which may be applied if any of the declarations or information provided prove to be false.

Full name

Date

Signature

### **Annex III** : Overview of PROGRESS performance measurement framework