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## Specifications – Open invitation to tender No VT/2008/071

**Service contract for the production of a non-binding modular guide to best practice with a view to improving the application of Directives on protecting the health and safety of workers in agriculture, horticulture and forestry.**

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### 1. TITLE OF CONTRACT

Service contract for the production of a non-binding modular guide to best practice with a view to improving the application of Directives on protecting the health and safety of workers in agriculture, livestock farming, horticulture and forestry, especially on small and medium-sized holdings.

### 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.

PROGRESS 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. Context specific to this contract – Community Directives applicable to agriculture, horticulture and forestry**

The prime objective of the new Community strategy 2007-2012<sup>1</sup>, supported by the Council Resolution of 25 June 2007<sup>2</sup>, and the EP resolution of 15 January 2008, remains the continued improvement of working conditions and health and safety for workers at work, notably through an ongoing and sustainable reduction in work accidents and occupational diseases. In this context, the Commission notes that, in order to achieve this goal, the correct and effective implementation of Community legislation must be reinforced while supporting SMEs, particularly in “high-risk” sectors, such as construction, agriculture, fishing and transport. The Communication therefore provides for the Commission, through the new PROGRESS programme and in cooperation with the Advisory Committee<sup>3</sup>, to draw up non-binding practical guides on the correct application of Directives, particularly in agriculture, horticulture and forestry.

Several Directives on health protection and safety for workers at work apply to these three sectors of activity, starting with the Framework Directive 89/391/EEC<sup>4</sup> on the introduction of measures to encourage improvements in the safety and health of workers at work. All the individual directives under the Framework Directive also apply, with the exception of sectoral Directives such as Directives 92/91/EEC<sup>5</sup> and 92/104/EEC<sup>6</sup> on the extractive industries, Directive 93/103/EEC on fishing vessels<sup>7</sup>, and Directive 92/29/EEC on medical treatment on board vessels. Directive 92/57/EEC on temporary or mobile construction sites<sup>8</sup> applies only in the event of the construction or renewal of agricultural, horticultural or forestry installations. All the other Directives apply in these three sectors of activity.

Accordingly, the Commission feels it would be very appropriate to draw up a non-binding modular guide to best practice which, going beyond any other possible initiative, would have the aim of improving the understanding and practical implementation of the various

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<sup>1</sup> Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions – Improving quality and productivity at work: Community strategy 2007-2012 on health and safety at work [COM(2007) 62 final of 21 February 2007].

<sup>2</sup> Council Resolution of 25 June 2007 on a new Community strategy on health and safety at work (2007-2012), OJ C 145, 30.06.2007, p. 1.

<sup>3</sup> Council Decision of 22 July 2003 on the setting up of an Advisory Committee on Safety and Health at Work, OJ C 128, 13.09.2003, p. 1.

<sup>4</sup> Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work, OJ L 183, 29.06.1989, p. 1.

<sup>5</sup> Council Directive 92/91/EEC of 3 November 1992 concerning the minimum requirements for improving the safety and health protection of workers in the mineral- extracting industries through drilling, OJ L 348, 28.11.1992, p. 9.

<sup>6</sup> Council Directive 92/104/EEC of 3 December 1992 on the minimum requirements for improving the safety and health protection of workers in surface and underground mineral-extracting industries, OJ L 404, 31.12.1992, p. 10.

<sup>7</sup> Council Directive 93/103/EC of 23 November 1993 concerning the minimum safety and health requirements for work on board fishing vessels, OJ L 307, 13.12.1993, p. 1.

<sup>8</sup> Council Directive 92/57/EEC of 24 June 1992 on the implementation of minimum safety and health requirements at temporary or mobile construction sites, OJ L 245, 26.08.1992, p. 6.

Directives on health and safety protection for workers at work in agriculture, horticulture and forestry.

These various Directives constitute the most appropriate means of achieving the objectives of the strategy for 2007-2012 without going further than what is needed in order to do so. They lay down minimum requirements obliging employers to identify and assess risks, identify the measures needed in order to prevent them and, where they cannot be prevented, to reduce/tackle them, preferably at source, by adapting the job to the man, taking account of technical progress, giving collective protective measures priority over individual protective measures, and providing workers with information and training. Some of these Directives lay down exposure limit values and exposure action values to protect workers exposed to specific risks, such as certain physical, chemical or biological agents.

Among other obligations, the Directives on health and safety require employers to prepare a “**Safety and health plan**”, containing an assessment of the risks which cannot be avoided, and including measures to improve working conditions with a view to achieving an ongoing and effective reduction in work accident and occupational disease rates, which are particularly high in agriculture, horticulture and forestry. In this connection it is emphasised that the Community strategy for 2007-2012 quantifies the objective of an ongoing, sustainable and uniform reduction in work accidents, stipulating a 25% cut in the overall rate per 100 000 workers at EU-27 level.

### 3. SUBJECT OF THE CONTRACT

This invitation to tender is intended to attract bids with a view to collecting the information for the preparation and production of a non-binding modular guide to best practice as referred to in section 1 of these specifications.

This guide should set out and provide practical advice for better application of the Directives on the health and safety of workers at work in agriculture, horticulture and forestry.

The main goal of this non-binding modular guide is to provide basic information to help employers and others to improve working conditions in agriculture, horticulture and forestry.

This non-binding modular guide must help to identify risks and facilitate their evaluation, in order to reduce them by applying the general principles of prevention and or elimination.

In fact the non-binding modular guide must help employers to prepare a “**Safety and health plan**”, containing an assessment of the risks which cannot be avoided, and include measures to improve working conditions with a view to achieving an ongoing and effective reduction in work accident and occupational disease rates, which are particularly high in agriculture, horticulture and forestry.

The non-binding modular guide must be also offer assistance with the choice and safe use of work equipment, the optimisation and implementation of preventive measures (technical and/or organisational) on the basis of a prior risk assessment. The non-binding guide must also include information on the type of training and information to be provided to the workers concerned and propose effective solutions to all safety and health problems relating to workers in agriculture, horticulture and forestry.

The non-binding guide must be developed in modular form and based on didactic principles so as to facilitate its use by non-specialists. In particular to facilitate prevention actions of small agricultural, horticulture and/or forestry holdings which are managed by small and very small companies, including problems resulting from the simultaneous presence of workers from different undertakings, including subcontractors or companies offering different services on the farm, self-employed workers and migrant workers, and the possible communication problems arising. It must

also give brief information about more relevant accidents and diseases in agriculture, horticulture and forestry.

The non-binding guide must pay particular attention to family holdings. In addition, it must take into account the existing differences between Members States.

The main risks which should be considered are those related to:

- safe use and maintenance of work equipment;
- handling of loads and repetitive activities (movements);
- work involving the storage, handling and use of chemicals and pesticides;
- work involving contact with carcinogenic and/or mutagenic agents;
- noise, vibration or electromagnetic fields;
- explosive atmospheres;
- weather conditions;
- dust and fumes;
- work involving contact with animals
- biological agents, such as zoonoses or allergens;
- construction work;
- enclose or confine workplaces: silos, containers, fermenting chambers, small manufactories, welding, woodworking, small repair works
- fire;
- electricity;
- working alone;
- working in cold environments-cold stores;
- procedures relating the action to take in an emergency – first aid and reporting procedures;
- risks associate to falling, stumbling and slipping of persons and/or objects (e.g. trees)
- psychosocial risks;
- work near high-voltage power lines or radio/TV emitters;
- work exposing workers to the risk of drowning and poisoning by toxic vapours;
- transport around the farm premises and on public roads;
- railway crossings;
- vulnerable workers such as children, young and aged people, pregnant workers and disables workers;
- etc.

A special attention should be paid to:

- the selection and use of personal protective equipment (PPE);
- the systems, methods and organisation of work, along with the technical equipment capable of reducing the risks to which workers are exposed, including isolated workers;
- providing appropriate information and training for workers to familiarise them with the risks facing them and enable them to use work equipment and personal protective equipment correctly;

- the need for simple and efficient training and information procedures as a function of the type of work and the risks to which workers may be exposed, as well as the risks associated with the simultaneous presence of workers from different undertakings, including self-employed workers.

The draft non-binding guide must have a modular structure so that it can be generally applied to all types and sizes of agricultural, horticulture and/or forestry holdings. It must facilitate risk assessment. The draft modular guide must also facilitate the adoption of measures to avoid or reduce the risks to which workers are exposed, and must include examples to assist in the evaluation of risks, including examples of prevention measures to be taken. In particular, it should be easy to apply to small family holdings.

Lastly, the draft guide must contain the following elements:

- a draft modular guide in paper form and electronic and interactive form including the possibility to disseminate it in DVD form must be developed using pictograms, pictures, graphics and any other didactic forms to transmit messages, in addition it should be sufficiently interactive that users – regardless of their technical skills – can easily access the required information, including a small search engine;
- a bibliography of existing guides and standards on the subject (CEN – CENELEC), available in the Member States of the European Union (EU-27) and from international bodies and institutions (ILO – WHO – ISO – etc.);
- a glossary of technical terms used in the guide, and definitions to assist understanding of them.

#### **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/EC 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 tasks**

The contractor's main tasks will be geared to preparing a draft modular guide to best practice which includes the elements mentioned in section 3 of these specifications and will allow all those involved in the practical implementation of the Directives on health and safety at work, especially small and medium-sized enterprises (SMEs), to eliminate or minimise the risks to which workers are exposed during activities in agriculture, horticulture and forestry.

In this respect, the contractor should take account of the fact that most of the users at whom the guide is aimed will be persons with very diverse expertise, who are engaged in operations

of different sizes, particularly SMEs, micro-enterprises, subcontractors and family holdings. The non-binding draft modular guide must be comprehensible to the different actors in different fields with different resources, where workers with different cultures and nationalities co-exist.

Consequently, this modular guide to best practice must cover not only general and practical guidelines but also the elements necessary to achieve the objectives set out in section 3, "Subject of the contract", of these specifications.

To this end the contractor, starting from the studies and guides on the subject already in existence in the 27 Member States of the European Union, must:

- (1) collect the information required for preparing a draft modular guide and make it available to the Commission along with the draft modular guide. This information must be included in the final report to be submitted to the Commission at the end of the contract;
- (2) devise a working method which will be discussed and adopted by a "Monitoring Committee" (MC) appointed by the Advisory Committee on Safety and Health at Work<sup>9</sup>, at the **first (1<sup>st</sup>) meeting** following the signature of the contract;
- (3) prepare a preliminary version of the draft modular guide, which will be discussed and adapted following suggestions and contributions made within the "Monitoring Committee" (MC) and proposals made by the Commission (Unit EMPL F/4);
- (4) take part in **twelve (12) meetings, six (6) with the Commission (Unit EMPL F/4) and six (6) with the "Monitoring Committee" (MC)**. The latter will take place the day after each meeting with the Commission, which each time will discuss the draft modular guide adapted following the previous meetings. These meetings will be held in the Commission premises in Luxembourg;
- (5) adapt the draft modular guide no later than **three (3) weeks** after each meeting with the "Monitoring Committee" (MC), taking account of the suggestions and proposals made by the Commission (Unit EMPL F/4) and by the members of the "Monitoring Committee" (MC);
- (6) verify and validate the capacity of the draft modular guide as indicated in section 3 of these specifications. **In this connection the contractor will test the draft** modular guide in collaboration with the competent national authorities in **three (3) Member States** of the European Union and with the support of the Senior Labour Inspectors Committee (SLIC), on **three (3) types of agricultural, horticultural or forestry holding** to be selected by the "Monitoring Committee" (MC) **acting on a proposal from the contractor twelve (12) months after the signature of the contract**. For example:
  - a traditional holding;
  - a breeding holding;
  - a glasshouse establishment;
  - a forestry holding;
  - a fruit farm;
- (7) present a final report at the end of the contract, including the final draft of the modular guide, the information gathered during testing on the **three (3) types of holding** selected, as well as the bibliographical references.

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<sup>9</sup> OJ C 218, 13.09.2003, p. 1.

The contractor will propose a draft modular guide containing elements fulfilling the following purposes:

- to refer to the general prevention principles underlying EU Community legislation on safety and health at work. The modular guide will also refer to the principles on which the legislation is based, including the provisions on training and consultation of workers and health surveillance;
- to generally permit the identification and assessment of risks and thus be able to make provision for specific measures to ensure the safety and protect the health of workers exposed to risks as a result of their work in agriculture, horticulture and forestry;
- to take account of the risks associated with the use of machines, exposure to physical, chemical and biological agents, and explosive atmospheres;
- where applicable, to select appropriate personal protective equipment for workers and provide them with the necessary training;
- to enable the employer to define and adopt safety measures and suitable methods for ensuring the coordination necessary when workers from different enterprises (particularly SMEs, micro-enterprises, subcontractors and family holdings) and cultures are present in the same workplace.

## **5.2. Methodology**

In their bids, tenderers must indicate the methods they intend to use, including the modular aspect of the guide and **the testing of the draft modular guide in collaboration with the competent national authorities in three (3) Member States of the European Union** and with the support of the Senior Labour Inspectors Committee (SLIC). Testing will be carried out in accordance with the requirements of section 7 “Time schedule and reporting” of these specifications. Bids must contain evidence of the tenderer’s ability to perform the tasks set out in section 5.1 of these specifications, the rigour of the proposed approach (methodology) and the ability to meet the requirements expressed in section 3 “Subject of the contract”, as well as a draft list of contents of the proposed modular guide and the work plan, which will be among the factors governing the award of the contract.

Tenderers may choose not to give full details of their methodology unless they are awarded the contract. But in their bid they **must clearly indicate** the fundamental elements of the methodology allowing the objectives set out in section 3 of these specifications to be achieved. In this case, they must indicate their intention in their bid, and include a summary of the methodology.

The methodology must enable the identification, analysis and assessment of the various elements cited in sections 3 and 5.1 of these specifications and should not be restricted to documentary identification and analysis. It must also show the approach envisaged and its suitability for reflecting correctly the requirements expressed in sections 3 and 5.1 as well as the draft list of contents of the modular guide and the work plan, which will be among the factors governing the award of the contract.

The methodology described above and the work plan proposed will be among the factors governing the award of the contract.

## **5.3. Guide to how the activities will 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. SKILLS AND PROFESSIONAL QUALIFICATIONS REQUIRED

*See Annex IV to the draft contract, experts' CVs.*

### Additional requirements:

To carry out these tasks, tenderers must show that they have a team with confirmed experience in the specific field of assessment of the risks to which workers in agriculture, horticulture and forestry are exposed, together with a good knowledge of Community legislation on occupational health and safety aspects applicable to the sectors concerned and in the application of means of preventing these risks.

To carry out the tasks described in order to achieve the objectives set out in section 3 of these specifications, tenderers must have a team with proven competence and confirmed experience in the following specific areas:

- identification and prevention of risks associated with work in agriculture, horticulture and forestry;
- in-depth knowledge of the Framework Directive 89/391/EEC and the other Community Directives on health and safety at work applicable to agriculture, horticulture and forestry, in particular the definitions, tasks and responsibilities of the various players;
- establishing of “**Safety and health plans**”, including risk assessment as a function of the risks to which workers in these sectors are exposed, and the measures to be proposed to prevent and/or tackle those risks;
- selection and use of appropriate work equipment and personal protective equipment (where necessary);
- provision of instruction and preparation of modular guides to best practice aimed at a target group with different levels of training, education and understanding, particularly immigrants, using illustrations, pictograms, pictures and graphics.

In particular, the team must be familiar with the problems of small and medium-sized enterprises (SMEs), micro-enterprises and subcontracting in these sectors of activity.



## 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 completed within a maximum of **twenty (20) months** from the date on which the contract is signed. It will include the following stages:

- (1) No more than **fifteen (15) days** after signature of the contract, the contractor must submit to the European Commission (Unit EMPL F/4) a detailed document relating to the methods and approach presented in the bid, together with the work schedule, which will then be assessed by the “Monitoring Committee” (MC) at its first meeting.
- (2) During the **first month**, the contractor must give a presentation to the Commission and the “Monitoring Committee” (MC) on the aspects referred to in 5.1 above at an initial meeting organised by the European Commission (Unit EMPL F/4) in Luxembourg. The contractor must attend this initial meeting of the MC and the other meetings referred to in these specifications and must take account of the MC’s suggestions and recommendations during the progress of the work on the preparation of the draft modular guide. Details of the methods, the approach to be followed and the work plan must be submitted by the contractor in English.
- (3) The contractor must meet periodically with the Commission and the MC to discuss progress and the content of the draft modular guide **[twelve (12) meetings: six (6) with the Commission (Unit EMPL F/4) the day before the six (6) with the MC]**.
- (4) No more than **eight (8) months** after signature of the contract, the contractor must submit an interim report in English to the European Commission (Unit EMPL F/4), describing the progress of the work in relation to the envisaged timetable. This report must contain a summary of the results to date and a copy of the draft modular guide as it stands. It must be in English. The Commission (Unit EMPL F/4) will submit this report to the MC within 15 days of receiving it, for discussion and possible amendment at one of the six (6) meetings with the MC provided for in these specifications. The conclusions of the meeting with the MC will be taken into account by the contractor in his work to prepare the draft modular guide and the final report.
- (5) **Twelve (12) months** after signature of the contract, the contractor must test the draft modular guide at the **three (3) types of holding** selected, as indicated in section 5.1 (6) of these specifications.
- (6) **Fifteen (15) months** after signature of the contract, the contractor must submit a preliminary draft final report in English to the European Commission (Unit EMPL F/4). This preliminary draft final report will contain the final draft of the modular guide together with the documents collected as basic elements as defined in sections 3 and 5.1 of these specifications.  

This preliminary draft final report (in English) will be discussed by the MC at a meeting held in Luxembourg within 15 days of its receipt by the Commission (Unit EMPL F/4). The conclusions of the meeting of the MC will be taken into account by the contractor in preparing the draft final report.
- (7) **Sixteen (16) months** after signature of the contract, the contractor must submit a draft final report in English to the European Commission (Unit EMPL F/4). This draft final report (in English) will contain the final draft of the guide (in English) together with all the documents collected as basic elements for preparing the final draft of the modular guide and the standards, directives and literature, as defined in sections 3 and 5.1 of these specifications.
- (8) The European Commission (Unit EMPL F/4) may transmit objections and comments to the contractor within **sixty (60) days of receipt** of the draft final report. The contractor will then

have 30 days to present a new final report, in English, taking these objections and comments into account or presenting another point of view. When submitting the final report, the contractor may obtain written confirmation of acceptance.

- (9) **Sixty (60) days after submission of the draft final report**, and in the absence of objections and/or comments from the European Commission (Unit EMPL F/4), the contractor must submit the final report containing the final draft guide in English.

The contractor must present the final report containing the various elements referred to in sections 5 and 7 of these specifications. The draft modular guide must be provided in paper form and in electronic form, interactive enough so that users – regardless of their technical skills – can easily access the required information.

**NB:**

The draft final report and the final report must include a brief summary in English of the main results obtained. A one-page presentation of the key points of the results must accompany the summary. These key points should be concise, clear and easy to understand. They must be drafted in English, French and German. Other Community languages will be appreciated, but are not compulsory.

The detailed methodology and work plan, together with the various reports and draft reports referred to in this section, must be submitted to the European Commission (Unit EMPL F/4) both on paper (in triplicate) and in a widely-used electronic format (CD-ROM or DVD). The contractor must also supply a copy of the information collected as mentioned in sections 5 and 7 and used in preparing the draft guide and the final report. The graphics and other illustrations must also be presented in a widely-used electronic format.

## **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 model contract, which includes the “general conditions applicable to service contracts”.

### **8.1. Pre-financing**

Following signature of the contract by the last contracting party, a pre-financing payment equal to 30% of the total referred to in Article 1.3.1 of the model contract will be paid within 30 days of the date of receipt of a request for pre-financing, accompanied by a corresponding invoice.

### **8.2. Interim payment**

The contractor can request an interim payment. To be acceptable, such request must be accompanied by:

- an interim technical report in accordance with the instructions laid down in section 7 of these specifications,
- the relevant invoices.

The report must have been approved by the Commission.

The Commission has 60 days from receipt of the report to approve or reject it, and the contractor has 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 a maximum of 40% of the total amount referred to in Article 1.3.1. of the draft contract.

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

To be acceptable, the contractor’s request for payment of the balance must be accompanied by:

- a final technical report in accordance with the instructions laid down in section 7 of these specifications,
- the relevant invoices,
- statements of reimbursable expenditure in accordance with Article II.7 of the model contract.

The said report must have been approved by the Commission.

After receiving the report, the Commission has 60 days in which to accept or reject it, and the contractor has 30 days in which to submit new documents.

The balance corresponding to the relevant invoices will be paid within 30 days following the date of approval of the report by the Commission.

## 9. PRICES

As, pursuant to Articles 3 and 4 of the Protocol on the Privileges and Immunities of the European Communities annexed to the Treaty, the Communities are exempt from all taxes and dues, including value-added tax (VAT), these should not be included in the price tendered. Therefore these charges should not be included when calculating the price. The amount of VAT must be shown separately.

The price must be stated in euro (€) 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 the invitation to tender was issued), and broken down according to the model in Annex III included in the attached standard contract.

### ■ Part A: Fees and direct costs

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

### ■ Part B: Reimbursable expenses

- Travel expenses (not including local transport)
- Subsistence expenses of the contractor and his personnel (covering expenditure incurred by experts on short trips away from their normal place of work) — see Annex III to the model contract
- Expenses for the shipment of equipment or unaccompanied luggage, directly connected with performance of the tasks specified in Article I.1 of the contract
- Contingencies.

**Total price = Part A + Part B, with a maximum of € 500, 000**

## 10. GROUPINGS OF ECONOMIC OPERATORS OR CONSORTIA

Bids may be submitted by groups of service providers/suppliers who will not be required to adopt a particular legal form prior to the contract being awarded, but the group 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>10</sup>. However, a grouping of economic operators must nominate one party to be responsible for receiving and processing payments for its members, for the administrative management of the service, and for coordination. The documents required and listed in sections 11 and 12 below must be supplied by every member of the grouping.

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

## 11. EXCLUSION CRITERIA AND SUPPORTING DOCUMENTS

1) Tenderers must provide a declaration on their honour, duly signed and dated, that they are not in any of the situations referred to in Articles 93 and 94 (a) of the Financial Regulation.

These articles read as follows:

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<sup>10</sup> This may be an entity with or without legal personality, but must offer sufficient protection of the Commission's contractual interests (depending on the Member State concerned it may be, for example, a consortium or a temporary association). The contract must be signed by all the members of the grouping or by one of them, duly authorised by the others (a proxy or other appropriate authorisation will be appended to the contract), in cases where the tenderers have not formed a legal entity.

### **Article 93:**

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

- a) they are bankrupt or being wound up, are having their affairs administered by the courts, have entered into an arrangement with creditors, have suspended business activities, are the subject of proceedings concerning those matters, or are in any analogous situation arising from a similar procedure provided for in national legislation or regulations;
- b) they have been convicted of an offence concerning their professional conduct by a judgment which has the force of res judicata;
- c) they have been guilty of grave professional misconduct proven by any means which the contracting authority can justify;
- d) they have not fulfilled obligations relating to the payment of social security contributions or the payment of taxes in accordance with the legal provisions of the country in which they are established or with those of the country of the contracting authority or those of the country where the contract is to be performed;
- e) they have been the subject of a judgment which has the force of res judicata for fraud, corruption, involvement in a criminal organisation or any other illegal activity detrimental to the Communities' financial interests;
- f) they are currently subject to an administrative penalty referred to in Article 96(1)<sup>11</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>12</sup>.

2) The tenderer to whom the contract is to be awarded must 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 Implementing Rules** – 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 point (a), (b) or (e) of Article 93(1) of the Financial Regulation, production of a recent extract from the judicial record or, failing that, a recent equivalent document issued by a judicial or administrative authority in the country of origin or provenance showing that those requirements are satisfied.

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<sup>11</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>12</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. »

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

Where no such certificate is issued in the country concerned, it may be replaced by a sworn or, failing that, a solemn statement made by the interested party before a judicial or administrative authority, a notary or a qualified professional body in his country of origin or provenance.

3. Depending on the national legislation of the country in which the tenderer or 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 acceptable to the European Commission which must be provided by the candidate, tenderer or contractor.***

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 DG EMPL procurement procedure and provided the documents were issued no more than one year ago and are still valid.

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

## **12. SELECTION CRITERIA**

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

### **12.1. Financial and economic capacity (on the basis of the following documents)**

- turnover during the previous financial year (statement of overall turnover – at least twice the value of the contract, i.e. €1,000,000 -)
- balance sheets and profit and loss accounts for the last 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 tender notice was published, if the full accounts for the previous financial year are not yet available.

### **12.2. Tenderer's technical capability**

- a description of the tenderer's technical capability and practical experience in the field referred to in sections 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 members;
- samples of work and/or publications of last 3 years demonstrating the tenderer's practical experience in the fields referred to in section 3 of these specifications;
- the tenderer must provide the names and CVs (maximum of three pages each) of the persons responsible for the specific tasks described in section 5 of these specifications, with a view to demonstrating their practical experience and their capability to prepare practical guidelines and to test its in the practical way;
- 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 to the best-value-for-money tender, on the basis of:

### 13.1 Quality of the offer (max. 100 points)

The evaluation of the quality of the offers will be done accordingly to the following criteria:

- Understanding of the scope of work, objectives and tasks: 20 points
- Quality and consistency of the methodological approach, taking into account any particularities of this specific project and including a description of the tangible results which will be delivered: 40 points
- Quality of the work plan proposed: 20 points
- Organisation of the work and management of the project: 20 points

### 13.2. Financial proposal

#### 13.2.1 *Minimum requirements*

Tenders for which the assessment of the quality of the bid result in less than **65 points** of a perfect score (100) will be considered to be of an unacceptably low quality. Only tenderers having scored an average of 65 points or more on the bids evaluation may participate in the financial evaluation.

The total score obtained in this way will be considered together with the **price** (for method used, see 13.2.2 Financial evaluation), and the contract will be awarded to the most cost-effective tender.

The Commission reserves the right not to select a contractor if the price of the offers proposed is in excess of the budget allocated to this project.



### 13.2.2 Financial evaluation

#### Method used:

- (1) The best-value-for-money offer is determined by weighting the quality of the offer **70%** and the financial proposal **30%** using the following method:
- (2) In order to reflect the **70%** weighting to be given to the quality of the proposal, the tender with the best quality as evaluated under 13.1 is awarded the maximum **70**. Other tenders which received the minimum score of 65 points on the quality of the offer (see 13.2.1) receive points calculated according to the following equation:

Points **T** = (initial score of bid in question/initial score of best bid) x **70**

- (3) In order to reflect the **30%** weighting to be given to the financial proposal the lowest financial offer is automatically awarded the maximum of **30**.

Other tenders receive points calculated according to the following equation:

Points **F** = (least expensive price/price of tender in question) x **30**.

**Final score = T+F**

**The highest scoring firm is deemed to have made the best-value-for-money offer.**

## 14. CONTENT AND PRESENTATION OF BIDS

### 14.1 Content of bids

Bids must include:

- a presentation letter duly signed by the legal representative;
- all the information and documents necessary to enable the Commission to appraise the bid on the basis of the selection and award criteria (see sections 12 and 13 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.

### 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 deadlines laid down.

## Annex I

Exclusion criteria (Article 93(1) FR)	Supporting documents to be provided by applicants, tenderers or tenderers to who the contract will be awarded	
	Procurement (Article 93(2) FR; Article 134 IR)	
<b>1. Exclusion from a procurement procedure, Article 93(1) FR :</b> <i>« Candidates or tenderers shall be excluded from participation in a procurement procedure if:</i>		
<b>1.1. (subparagraph a)</b> <i>they are bankrupt or being wound up,</i>  <i>are having their affairs administered by the courts,</i>  <i>have entered into an arrangement with creditors have suspended business activities, are the subject of proceedings concerning those matters,</i>  <i>or are in any analogous situation arising from a similar procedure provided for in national legislation or regulations<sup>13</sup>;</i>	– Recent extract from the judicial record <b>or</b> recent equivalent document issued by a judicial or administrative authority in the country of origin or provenance <b>or</b> – Where no such certificate is issued in the country concerned : 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	–
<b>1.2. (subparagraph b)</b> <i>they have been convicted of an offence concerning their professional conduct by a judgment which has the force of res judicata<sup>14</sup>;</i>	Cf. supporting documents for Article 93(1)(a) FR above	
<b>1.3. (subparagraph c)</b> <i>they have been guilty of grave professional misconduct proven by any means which the contracting authority can justify;</i>	Declaration by the candidate or tenderer that he is not in the situation described	
<b>1.4. (subparagraph d)</b> <i>they have not fulfilled obligations relating to the payment of social security contributions or the payment of taxes in accordance with the legal provisions of the country in which they are established or with those of the country of the contracting authority or those of the country where the contract is to be performed<sup>15</sup>;</i>	Recent certificate issued by the competent authority of the State concerned confirming that the candidate is not in the situation described <b>or</b> – Where no such certificate is issued in the country concerned : 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	
<b>1.5. (subparagraph e)</b> <i>they have been the subject of a judgment which has the force of res judicata for fraud, corruption, involvement in a criminal organisation or any other illegal activity detrimental to the Communities' financial interests<sup>16</sup>;</i>	Cf. supporting documents for Article 93(1)(a) FR above	
<b>1.6. (subparagraph f)</b> <i>they are currently subject to an administrative penalty referred to in Article 96(1)<sup>17</sup>. »</i>	Declaration by the candidate or tenderer that he is not in the situation described	

<sup>13</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>14</sup> Cf. footnote n° 13.

<sup>15</sup> Cf. footnote n°13.

<sup>16</sup> Cf. footnote n° 13.

<sup>17</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 (Article 94 FR)	Supporting documents to be provided by applicants, 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>  <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> <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>18</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>19</sup> and to identify any misrepresentation</li> </ul>	

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<sup>18</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>19</sup> Cf. footnote n°18

## 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>20</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>20</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>21</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.]

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

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<sup>21</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.

**Annex III**

**Overview of PROGRESS performance measurement framework**