
Specifications – Invitation to tender No VT/2008/090

Call for tenders: Framework Contract for Services related to Monitoring Transnational and Innovative Action under the 2007- 2013 European Social Fund, and to Synthesizing and Disseminating Relevant Results

1. Title of the contract

"Framework Contract for Services related to monitoring Transnational and Innovative Action under the 2007-2013 European Social Fund, and to synthesizing and disseminating relevant results"

2. Background and Context to the Contract

2.1 Transnational cooperation and innovative action under the ESF

The main purpose of the promotion of transnational cooperation and innovative action under the ESF is to contribute to reforms in employment and social inclusion policies essentially through capitalising on the results of innovative activities and learning from other countries.

Basing strategies and actions on evidence and experience of what works and what not, and why, on exchange of information, sharing of good practice, and working together towards common solutions in a multicultural environment has an important multiplier effect by:

- strengthening the capacities to innovate;
- modernising and adapting institutions to new social and economic challenges;
- identifying and assessing issues and solutions for reforms in policy and delivery in order to meet the objectives of the Lisbon strategy; and
- improving the quality of governance.

2.2 ESF support at EU level for Transnational Cooperation

This is why the ESF Regulation ((EC) No 1081/2006¹), building on the experience of the 2000-2006 Community Initiative EQUAL, stipulates that transnational co-operation and innovative action is an integrated feature of the 2007-2013 ESF:

"In implementing the objectives and priorities referred to in paragraphs 1 and 2, the ESF shall support the promotion and mainstreaming of innovative activities in the Member States².

"The ESF shall also support transnational and interregional actions in particular through the sharing of information, experiences, results and good practices, and through developing complementary approaches and coordinated or joint action."³

The latter provision invites Member States and regions to support transnational cooperation, through their national and regional ESF Operational Programmes (OPs)⁴

- in all policy areas identified for ESF interventions, such as adaptability, labour market policies, social inclusion, human capital and strengthening public administration;

¹ Regulation (EC) No 1081/2006 of the European Parliament and the Council of 5 July 2006 on the European Social Fund and repealing Regulation (EC) No 1784/1999, Official Journal of the EU, L 210, 31 July 2006

² Article 3, paragraph 5 of Regulation (EC) No 1081/2006

³ Article 3, paragraph 6 of Regulation (EC) No 1081/2006

⁴ For the period 2007-2013, 117 OPs have been adopted by the Commission. More than half of them are managed by regional authorities, mainly from Germany, Italy and Spain.

- for all types (strategic stakeholders such as social partners, NGOs, training and regional development organisations, public administrations, ESF management bodies, beneficiaries, participants in projects) and levels of actors, and
- for all types of exchange and cooperation (joint projects; events; focus groups and networks; mobility and exchange of people).

As a result, Member States and regions, in their Operational Programmes under the ESF 2007-2013, plan to use 2% (€ 3 bn) of the budgets of their Operational Programmes for transnational cooperation.

In addition, the Commission has committed itself to provide flexible support to Member States and regions to facilitate the implementation of the transnational dimension of Operational Programmes (OPs). The Commission is providing swift support to emerging needs of Member States that are more effectively met at European level. As outlined in its "Action Plan to support Transnational Cooperation at EU level"⁵, it will complement and reinforce the actions carried out at national or regional level. In doing so, the Commission's role will be that of:

- a facilitator of good practice between ESF managers and strategic stakeholders of Member States and regions, and
- a catalyst for learning and change, thus contributing to capacity building and supporting the reform agendas at national and regional level.

The Action Plan to support Transnational Cooperation 2007-2013 at EU level of Directorate General for Employment, Social Affairs and Equal Opportunities is based on Art 45(1)e of the General Regulation (Council Regulation (EC) No 1083/2006⁶) ("measures to disseminate information, networking, raise awareness, promote cooperation and exchange experiences throughout the Community") and aims at contributing to implementing the provisions of the corresponding Art. 9 of the ESF Regulation ((EC) No 1081/2006). This calls for the Commission's promotion of:

"in particular, exchanges of experience, awareness-raising activities, seminars, networking and peer reviews serving to identify and disseminate good practice and encourage mutual learning and transnational and interregional cooperation with the aim of enhancing the policy dimension and contribution of the ESF to the Community objectives in relation to employment and social inclusion".

These provisions have been further specified in the Action Plan, which was presented and welcomed by the European Social Fund Committee in March 2007. The Action Plan includes:

- providing a platform to identify and share, at an early stage, the themes selected and implementation provisions established by the Member States for transnational cooperation;
- establishing a network of ESF managers, who are responsible for implementing the transnational operations under an Operational Programme;
- supporting the creation of a user-friendly IT tool facilitating searches for suitable transnational partners, transnational events funded under the ESF, and for activities and results of transnational networks;
- supporting the validation of good practices/innovation and their results and to provide space on the ESF web portal;
- presentation of good practices, and
- supporting and thematic expertise for the establishment of thematic networks, exchange events and policy fora of groups of Member States and Regions.

In a nutshell, the Action Plan comprises a coherent support package for Member States and Regions to share practices, experience and tools for spending their budgets for transnational exchange and cooperation in the most effective way.

The Commission will present and disseminate results from innovative and transnational action through learning networks of key actors, web articles and publications, seminars and conferences and by developing synergies with the activities of other Community programmes and networks such as the PROGRESS Programme and the "Regions for Economic Change" Initiative.

⁵ http://ec.europa.eu/employment_social/equal/data/document/200704-trans-actionplan_en.pdf

⁶ Council Regulation (EC) No 1083/2006 of 11 July 2006 laying down general provisions on the European Regional Development Fund, the European Social Fund and the Cohesion Fund and repealing Regulation (EC) No 1260/1999, Official Journal of the EU, L 210, 31.7.2006, p. 25.

3. Objective of the Framework Contracts

In the context of the Action Plan of DG Employment, Social Affairs and EQUAL Opportunities (DG EMPL) to support Transnational Cooperation 2007-2013 at EU level, the objective of this call for tenders is to establish framework contracts for services to assist the Commission in supporting and capitalising on transnational/interregional and innovative action under the ESF across Europe, through monitoring, analysis, synthesis and dissemination as well as through pooling evidence, experience and expertise from relevant action across the ESF OPs under the 4 lots specified under chapter 4 of this Call.

Services under all lots will provide contents-oriented and methodological expertise underpinned by a European comparative perspective of the themes/issues specified. These themes and issues reflect the ESF's scope of assistance and may cut across different ESF priorities.

The outcome of the contractors' work will be fed back into the process of transnational cooperation and innovative action in the form of a pool of competencies and experience "thus enhancing the policy dimension and contribution of the ESF to the Community objectives in relation to employment and social inclusion"⁷.

4. Subject of the contracts

These services regarding ESF actions and their impact (in particular on policies; legislation; strategies and actions of key stakeholders; delivery systems, networking, learning capabilities and partnerships) have to be carried out under four thematic lots which cover relevant actions promoted under the ESF.

Lot 1. Increasing adaptability of workers, enterprises and entrepreneurs, and enhancing human capital

1.1 Increasing adaptability of workers, enterprises and entrepreneurs, including the promotion of:

- life-long learning in enterprises, especially SMEs
- age management
- innovative and more productive ways of organising work
- inclusive and social entrepreneurship, (self-)employment
- mobility of workers
- the identification of future occupational and skills requirements
- services for employment, training and support for workers in the context of company and sector restructuring

1.2 Enhancing human capital, including the promotion of:

- reforms in education and training systems in order to develop employability
- the improvement of labour market relevance of initial and vocational education
- participation in education and training throughout the life cycle, including through action to achieve a reduction in early school leaving
- the continual updating of the skills of training personnel with a view to innovation and a knowledge based economy

Estimated volume of tasks under this lot:

- The estimated maximum annual amount for this lot is 300,000 €. This estimate is purely indicative.

Lot 2 Enhancing access to employment and the sustainable inclusion in the labour market, including the promotion of:

- the modernisation and strengthening of labour market institutions
- youth employment
- active aging and longer working lives
- reconciliation of work and private life
- access to and sustainable participation and progress of women in employment
- action to increase the participation of migrants in employment
- validation of competences and acquired skills

Estimated volume of tasks under this lot:

- The estimated maximum annual amount for this lot is 250,000 €. This estimate is purely indicative.

⁷ Article 9 of Regulation (EC) No 1081/2006 of the European Council and the Parliament on the European Social Fund

Lot 3 Reinforcing the social inclusion of disadvantaged people with a view to their sustainable integration in employment, including the promotion of:

- pathways to integration and re-entry into employment of disadvantaged people such as minorities, people with disabilities, people with mental health problems, (ex)-offenders, asylum seekers
- employability measures, including in the field of social economy
- support, community and care services that improve employment opportunities
- diversity in the workplace
- combating of discrimination in accessing and progressing in the labour market
- local employment initiatives

Estimated volume of tasks under this lot:

- The estimated maximum annual amount for this lot is 350,000 €. This estimate is purely indicative.

Lot 4 Good governance and capacity building, including action to promote:

- partnerships, pacts and initiatives through the networking of relevant stakeholders
- tools and methods for quality management in policy and programme design, monitoring and evaluation
- an experimental approach and innovation action
- transnational exchange and cooperation, and learning networks
- gender mainstreaming
- capacity building in public bodies at national, regional and local level, social partner organisations and NGOs for strengthening their efficiency in delivering reforms.

Estimated volume of tasks under this lot:

- The estimated maximum annual amount for this lot is 300,000 €. This estimate is purely indicative.

5. Tasks to be carried out for each lot

The tasks to be carried out for each lot consist in the **delivery of products** related to monitoring, analysing, synthesizing and providing assistance in disseminating information on relevant activities, evidence, practice experience and results from transnational and innovative action under the ESF across Europe (within the themes of the lot chosen), as well as in pooling relevant knowledge and results. This will include relevant transnational and innovative action funded through national and regional ESF Operational Programmes as well as the activities of EU learning networks⁸ related to the specific theme/issue of the lot chosen. Relevant input for the work of the contractor will also derive from EQUAL experience⁹ and the studies and networks funded under PROGRESS as well as the "Regions for Economic Change" Initiative.

The contractor will be asked to deliver a combination of products under tasks (A) to (I) outlined below. It should be noted that the specific requests for services that will be issued under the framework contract may include different quantities of products, involve different time schedules, include terms which will be more specific, and may include activities different from the ones described below (but of similar nature), in response to the evolving policy agenda. It should also be noted that a certain degree of overlap between the lots cannot be avoided, as most employment and social issues are interrelated, and the implementation of relevant action may also be closely linked.

⁸ See Restricted Call for Proposals VP/2008/018 "Learning for Change. Setting up learning networks under the ESF 2007-2013" http://ec.europa.eu/employment_social/emplweb/tenders/index_calls_en.cfm

⁹ The results of the EQUAL Initiative have been documented on the website http://ec.europa.eu/employment_social/equal/index_en.cfm, which presents relevant strategic lessons learnt, success stories, practical examples, tools and guides

Task A Monitor 2007-2013 transnational and innovative action across the EU under the 2007-2013 ESF

This task covers the following products:

- Product 1: Desk research, which includes **analysis and synthesis** of the relevant sections on transnational and innovative actions of the **annual implementation reports** of a number of selected¹⁰ ESF OPs; this product may include telephone interviews with programme managers.
- Product 2: **Field work**, mainly through on-the-spot visits to interview key actors in the member states such as responsible ESF managers, policy/decision makers, experts, project promoters, beneficiaries with the aim to collect information on practical examples and good practice, and to obtain background information on relevant aspects of programme implementation and development; this product includes one (1) on-the spot visit outside Brussels and may also cover telephone interviews.
- Product 3: **Participative observation** of key transnational events (meetings, seminars, conferences, peer reviews, etc) to assess the development of transnational exchange and cooperation, identify problems, and success factors in, networking and mutual learning; this product includes participation in one (1) event outside Brussels.
- Product 4: **Monitoring** the development of one specific **EU-level network**¹¹ of ESF managers and key stakeholders, through following their activities including (web) communication platforms, and attend steering group meetings and key events during 12 months.

The results of this empirical work will provide input to products 5 to 14; this may require some degree of action research. For example, close interaction with key members of the transnational networks of ESF managers and key stakeholders may facilitate the identification of key issues, relevant practices and other relevant knowledge needed to perform task (B).

The output of products 1, 2 and 3 is a short summary (1-2 pages) of the relevant content of each OP analysed, and of each visit or event attended. The output for product 4 is four quarterly reports on the development of the network, highlighting problems, and success factors in, network and community development, assessing achievements their management and the impact of mutual learning processes (5-8 pages per report).

Task B Policy briefs on issues and themes that are of particular interest for ESF implementation and the policies which the ESF supports

Policy briefs (product 5) are addressed to policy makers and practitioners in the ESF and the policies which the ESF supports and are a means to support evidence-based policy development and implementation. They focus on specific issues and themes outlining the relevant policy framework at EU level, describing the good practices identified, presenting (links/references to) relevant evidence and experience, highlighting their added value, addressing critical implementation aspects, and drawing strategic lessons for mainstreaming effective approaches and practices.

Policy briefs are based on in-depth analysis and expert assessment on the situation and development regarding specific issues and themes that are of particular interest for ESF implementation (notably the promotion of transnational activities and innovative action) and the policies the ESF supports. In order to validate the relevance and effectiveness of transnational and innovative efforts under the ESF the in-depth analysis will bring together:

- comparative micro-level analysis and assessment of selected innovative or transnational actions; by identifying in particular what works, what doesn't, and why; what are the advantages over current practice, what strategies and approaches help to overcome barriers to "mainstreaming" innovations, based on fieldwork, and
- policy level analysis which builds on relevant empirical and analytical work (e.g. evaluation reports), the results of PROGRESS studies; lessons learnt from the Community Initiative EQUAL and related analysis; results of networks funded under the ESF, PROGRESS or the "Regions for Economic Change" Initiative.

¹⁰ The standard sample of OP annual implementation reports for Product 1, to be agreed between the Commission and the contractor, covers analysis and synthesis of the relevant sections of 5 reports. The Commission will provide summaries for reports not available in EN, FR or DE.

¹¹ These networks will be selected under the Restricted Call for Proposals VP/2008/018 "Learning for Change. Setting up learning networks under the ESF 2007-2013" http://ec.europa.eu/employment_social/emplweb/tenders/index_calls_en.cfm.

For examples of such networks see <http://www.gendermainstreaming-cop.eu/home>, or <http://innovation.esf5ive.eu/>

Policy briefs (4-6 pages) will have to be delivered in clear language for the target audience and contain references to relevant evidence and practice produced under the framework contract, and to other relevant documents. This product includes one (1) policy brief.

Task C Semester reports

Synthesis reports on transnational/interregional and innovative actions regarding the themes/issues under the chosen lot may be requested:

Product 6: A **spring report** to summarise the thematic findings analysis and assessment work under tasks (A) and (B), which will include an assessment of the developments regarding activities and actors, thematic and governance issues, administrative problems, as well as recommendations for the further development of the transnationality and innovation strands in the ESF OPs, and for further support under the Action Plan to promote transnational cooperation, the links with PROGRESS and the "Regions for Economic Change" Initiative. It will be used to inform Commission officials, ESF managers and the general public on the development of transnational and innovative action under the ESF.

Product 7: An **autumn report** to present a mapping of transnational/interregional activities and innovative actions supported under the ESF OPs in terms of themes and issues, cooperation patterns, expenditure, results and policy recommendations. It will be based on the monitoring and analysis work under task (A), in particular on the analysis of OP level information (product 1). In order to get a full picture on the development of transnational and innovative actions in all OPs, the Commission will arrange meetings between the contractors and the responsible Commission desk officers.

The draft reports (15-20 pages, including a 1-2 pages flash report) will be presented and discussed with the Commission. The Commission's comments should be taken into account when finalising the reports.

Task D Developing common methodologies for work, and synthesising and pooling European expertise across the ESF priorities and the policies or aspects of policies the ESF supports

The objective of this task is to ensure comparable or common methods of work, to develop synergies between the work of experts carried out under the different lots of this call, and to complement the knowledge base on evidence and knowledge, experience and practice, strategies and tools generated under tasks (A) to (C) regarding transnational and innovative action under the ESF by carrying out cross-cutting comparative analysis and synthesis. This will allow the creation of a pool of European expertise as well as the documentation of the results of mutual learning from transnational exchange and innovative action, thus assisting the Commission in organising a progressive process of capitalising on the lessons from these actions.

This task covers the drafting of papers, in close exchange with experts working under other lots of this call.

Product 8 proposing or describing **common methodologies of work**, e.g for data collection, validation of practices, presentation of practices or lessons learnt, through exchange of expertise and experience with experts working under other lots of this call, and a joint workshop where needed.

The result of this product is one (1) short methodological working paper (5-10 pages) that can be applied for work under all lots.

Product 9 presenting **strategic lessons** regarding cross cutting issues, such as flexicurity, based on comparative analysis and synthesis of the results of work performed under different lots and presenting them in the context of the relevant policy framework. The methodology to be applied and the structure of presenting results could be similar to that of a policy brief (product 5).

Task E Support in disseminating relevant results

Services under this task will help to communicate the results of transnational exchange and innovative action, as analysed and synthesized under tasks (A) to (C), to policy makers, ESF managers and practitioners, and the general public through:

Product 10: Presentation¹² of relevant findings and **strategic lessons** to the Commission staff in **Brussels** (one-day event); this product covers one (1) presentation.

¹² presentation to be submitted in ppt format, together with a 2 page abstract

Product 11: Presentation¹³ of key findings and **strategic lessons** at events (such as exchange events, peer reviews, learning seminars, policy fora) organised by Member States and Regions **outside Brussels** (one-day event); this products covers one (1) presentation.

Product 12: Communication of strategic lessons and other results to a wider public through **web articles** (to be published by the Commission); this product covers the drafting of one (1) web article (2-4 pages).

Task F Support to the Commission in preparing seminars and conferences on the outcomes of transnational and innovative action under the ESF

The aim of product 13 is to assist the Commission in the preparation of thematic seminars and workshops to present the results of transnational exchange and innovative actions. Work would involve, in particular, drafting:

- a seminar overview outlining context and purpose, format, contributions, and possible speakers (2 pages);
- a comprehensive brief for the chair (5 pages);
- a summary report on the outcomes (2-3 pages).

This product will relate to one (1) seminar and will not involve missions.

Task G Expert opinion and consultancy

Work under this task aims at using the expertise of the contractors, and their experience and knowledge gained under the framework contract, for ad hoc expert opinion and consultancy assignments. This task will include small-scale analytical pieces of work, such as document review, compilation of facts and figures, or ad hoc advice to the Commission or bodies managing the ESF in member states or regions. The results will be used by the Commission to respond to requests for information on a specific issue linked to the chosen lot.

Three tasks are envisaged:

Product 14: Expert opinion

Work under this product will require approx. 3 working days of experts. It will result in a short expert paper (5-8 pages).

Product 15: Ad hoc consultancy

Work under this product will require approx. 8 working days of experts. It will result in a discussion paper (10-15 pages).

Product 16: Advice to member states or regions

Work under this product will require approx. 5 working days of experts. It will result in a discussion paper (8-10 pages) and be associated with a one (1) day mission.

In addition to the products specified under tasks A to G, the Commission may ask for the translation of the output document of a product into French, German, Spanish, Italian or Polish. For details, see Annex 4.

Task H Bilateral progress meetings

As many progress meetings as required for a smooth management of the contract between the project leader for the Framework Contract and the Commission services on the quality of the services provided under this contract will be held in the Commission's premises in Brussels (at a minimum two meetings per year will be scheduled, as a rule, in conjunction with a coordination meeting as described in Task I).

These meetings will give both parties the opportunity to assess jointly the implementation of the contract, monitor the progress of the work and compliance with quality standards, speed and quality of response to the requests for service; quality of contract administration and coordination; quality and timing of the deliverables. The Commission reserves the right to change the frequency of these meetings where necessary.

Product 17: Participation in bilateral progress meetings

This product will require a half (1/2) working day of experts (project leader). Relevant expert fee must include the travel and subsistence costs. The product relates to participation in one (1) meeting.

¹³ presentation to be submitted in ppt format, together with a 2 page abstract

Task I Coordination meetings and methodology workshops

The contractor will need to participate in coordination meetings and methodology workshops with the Commission and project leaders/experts carrying out tasks under the other lots of this Call.

The **coordination meetings** will, as a rule, be organised twice a year, take place in Brussels and will aim at ensuring complementarity of tasks, coherence regarding work methodology, synchronisation of work schedules and exploitation of synergies, where needed.

Product 18: **Participation in coordination meetings**

This product will require a half (1/2) working day of experts (project leader). Relevant expert fee must also include the relevant travel and subsistence costs. The product relates to participation in one (1) meeting.

The costs of the **methodology workshops** will be covered through products 8 and 14.

6. Nature of the contract

The European Commission intends to conclude a Framework Contract for supplying services related to monitoring transnational and innovative action under the 2007-2013 European Social Fund, and for synthesizing and disseminating relevant results.

The Framework Contract will set out the general contractual terms (legal, financial, technical, administrative etc.) that apply during their period of validity and govern commercial relations between the Commission and the contractor.

The model Framework Contract applicable is provided in the tender documents. Bidders must declare their acceptance of it and must take it into account in drawing up their tenders. Bidders' attention is drawn to the fact that the Framework Contract does not constitute the placement of an order but is merely designed to set the legal, financial, technical and administrative terms governing relations between the contracting parties during the contract term. Orders can only be placed by the Commission using the service order form contained in Annex III to the Framework Contract.

The signature of the Framework Contract does not commit the Commission to placing orders and does not give the contractor any exclusive right to provide the services covered by the Framework Contract. In any case, the Commission reserves the right, at any time during the Framework Contract, to cease placing orders without the contractor thereby having the right to any compensation.

Administrative arrangements for the management of the contract at Commission level

The Transnationality/EGF unit of DG EMPL (Unit EMPL/B/4) will be the only contact point as regards the Framework Contract, will draft and handle the indicative work plan for the Framework Contract and will decide on the renewal of the contracts. Moreover, in compliance with chapter 10 of these Terms of Reference and article II.13 of the Framework Contract, the Transnationality/EGF unit of DG EMPL will take the final decision as regards subcontracting of services within any service order and the acceptance of CVs.

The contractor must receive the approval from the Transnationality/EGF unit of DG EMPL for all staff providing services in performance of the framework contract. In order to enable the Transnationality/EGF unit of DG EMPL to ensure that this requirement is met, the contractor must notify the unit immediately of the relevant staff as well as of any planned change of staff, and will be required to bear any costs incurred by such replacements.

The approval by the Transnationality/EGF unit of DG EMPL will be based on examination of the relevant curriculum vitae, possibly supplemented by an interview. The contractor will be required to bear any costs of any kind incurred for interviews. The Commission will notify the contractor of its decision in writing. In the event of a rejection, the contractor must propose another service provider with the requisite qualities.

The Transnationality/EGF unit of DG EMPL reserves the right to require the replacement without notice of any member of staff not satisfying the requirements of this section and/or of point II.1.7 of the Framework Contract, as well as the general requirement concerning discretion provided for in the General Terms and Conditions.

Procedure for service orders

When the Commission wishes to procure services under the Framework Contract, it will issue a request for services. The request will set out the terms of reference for the tasks requested, including the estimated maximum price including all expenses and the performance deadlines in keeping with the contract terms. The request will also include an order form number provided by the Transnationality/EGF unit of DG EMPL. This request will be sent to a functional e-mail address set up by the contractors for the purpose of the framework contracts and to a designated contact person. The contractors shall confirm the receipt of the email.

Within 5 working days after receipt of a request for services, the contractor shall express in writing by e-mail its availability to carry out the services required.

Within 10 working days after the date of sending the request for services, the contractor will provide the Commission with a written offer by e-mail and by post for the products required, including an outline of the methodologies proposed, the names of the experts to deliver the product, a work programme and a lump-sum price for the order, based on the price schedule for the products and translation services defined in chapter 11 and presented in Annex 4.

The Commission services concerned will examine the proposal received. If it meets the terms specified in the request for services, the Transnationality/EGF unit of DG EMPL will award the corresponding service order.

Other than the receipt of offers and the signature of the service order, documents shall be exchanged by electronic mail using a functional address.

7. Duration and place of performance of the framework contract

The duration of the Framework Contract will be one year from the date of signature. The Contract can be renewed up to 3 times under the same conditions, only before expiry of the framework contract and with the express written agreement of the contracting parties.

As a general rule, the services that may be placed with the contractor under this procedure will, by their nature, be carried out mainly in the contractor's premises and in the Commission's premises in Brussels (Belgium). Depending on the service request, tasks may need to be performed in other locations (e.g. participation in a conference).

8. Provisions concerning arrangements for payments, contract performance, reporting, conflict of interest and confidentiality

When preparing their tender, bidders' attention is particularly drawn to the provisions of the Framework Contract applicable to this contract, particularly those on prices (Article I.3), payments (Article I.5), conflict of interests (Article II.3) and confidentiality (Article II.9).

8.1 Payments

Payments shall be executed only if the Contractor has fulfilled all the contractual obligations by the date on which the invoice is submitted. Payment requests are not admissible by the Commission if a payment for a previous period has not been made as a result of default or negligence on the part of the Contractor.

Pre-financing

Within 30 days of the start date of the tasks and the reception of the relevant invoice, indicating the reference number of the Contract and of the Order Form to which it refers, pre-financing payment of 30% of the total value of the Order shall be made.

Interim payment

The contractor can request one interim payment. The amount of the interim payment shall be determined on the basis of the products delivered.

To be acceptable such request must be accompanied by:

- an interim technical report;
- the relevant invoices, indicating the reference number of the contract and of the order to which they refer, provided the report has been approved by the Commission.

For Orders of services below € 50,000 no interim payment will be allowed.

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 equal to 40% of the subtotal fees and direct costs referred to in the relevant Order shall be made.

Payment of the balance

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

- the final technical report;
- the relevant invoices indicating the reference number of the Contract and of the Order to which they refer, 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, payment of the balance corresponding to the relevant invoice shall be made.

Only for Contractors to whom VAT applies and who are taxable in Belgium:

For Contractors established in Belgium, the Orders shall include the following provision: "*En Belgique, l'utilisation de ce bon de commande vaut présentation d'une demande d'exemption de la TVA n° 450*" or an equivalent statement in the Dutch or German language. The contractor shall include the following statement in her or his invoice(s): "*Exonération de la TVA. Article 42, § 3.3 du code de la TVA*" or an equivalent statement in the Dutch or German language.

8.2 Contract performance

The contractor must perform the contract to the highest professional standards and must comply with the quality plan established in accordance with chapter 8.3 below. If the contractor fails to do so, the Commission may terminate the contract, in accordance with Article II.15.1 of the Framework Contract.

The contractor will have sole responsibility for complying with all legal obligations respectively incumbent on him or her, particularly those arising from employment law, tax law and social legislation.

The Contractor may neither represent the Commission nor behave in any way that would give such an impression. The Contractor must inform third parties that he/she does not belong to the European public service, but is exercising the tasks on behalf of the European Community.

The Contractor will be solely responsible for the staff carrying out the work, who may not be placed in a position of dependency in relation to the Commission.

All deliverables must be sent to the Commission by electronic mail and in hard copy and should be submitted in English.

A service order may specify cumulative delivery of outputs specified under a product or service.

8.3 Quality management

The bidders shall define in their proposal a **quality plan** that they propose to adopt for the purposes of providing the services covered by the lot(s) for which they are bidding.

In their proposed quality plan, bidders must specify how they intend to control and ensure high quality and effective monitoring of the services and tasks they may be required to supply to the Commission in implementation of their contract. The project leader for the framework contract must provide the Commission with answers and solutions, both as regards the subject of the orders and organisational or administrative matters (including problems related to invoicing and payment), and implement them subject to the Commission's agreement.

The proposed quality plan must specify, among other things:

- the procedures the bidder intends to implement and the indicators (e.g. compliance with agreed deadlines) to be used to ensure the quality and monitoring of the services rendered;
- personnel policy and management including the mechanisms for notification to the Commission, and timely and full replacement of any reduction in capacity, in order to ensure the committed level of expertise and resources throughout the whole duration of the contract;
- in the case of consortia, the structure set up for coordinating the work between the different members of the consortium, including working criteria for the distribution of assignments between the members of the consortium and the composition of ad hoc teams;
- the procedure for updating and adapting the quality plan, taking into account that any such updating and adaptation must have the Commission's prior approval.

All expenses incurred in producing and implementing the quality plan will be borne by the contractor.

8.4 Final Activity report

On completion of the final Order for services and together with the technical report that accompanies the request for payment of the balance of the final Order for Services, the contractor must also submit a final activity report containing, in consolidated form, a description of:

- the products delivered,
- the main administrative, organisational, financial or management problems encountered, and how these were tackled,
- comments and recommendations useful for the organisation and management of the implementation of this type of framework contracts.

The cost of producing the final report must be borne exclusively by the contractor; the Commission will not participate in any way in the expenditure incurred of the reports required.

9. Participation in the tendering procedure, consortia or groups of service providers and subcontracting

As regards participation, please note that:

- the competition is open to any physical person or legal entity coming within the scope of the Treaties and 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 WTO applies, the contracts are also open to national of States that have ratified this Agreement, under the conditions provided therein. It should be noted that research and development services, which come under category 8 of Annex IIA 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 agreements may be accepted, but may also be rejected.

As regards consortia or groups of service providers and subcontractors, please note the following.

Bidders may organise joint tenders or tenders from consortia at their discretion. In such case, one of the members must be designated as the lead contractor and agent responsible.

- A consortium with the same members may submit offers for more than one Lot,
- Consortia with changing membership can submit offers for any number of Lots.
- Please note that in the case of a tender presented by a consortium, after submission the consortium composition must remain the same for the duration of the validity of the offer.
- Participation by any member of a consortium in another consortium for the purpose of other submissions for the same Lot of this planned Framework Contract, is not allowed and will automatically lead to the exclusion of both consortia concerned.

Bidders submitting joint tenders must describe how their cooperation will be organised in order to achieve the expected results and guarantee compliance with their quality plan. This organisation must cover both technical aspects and administrative/financial issues. It must also provide the Commission with a single access point to all the participants, as described in their quality plan.

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. 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 specifications must be supplied by every member of the grouping. In any event, such tenders will be treated in the same way as any other type of tender, each being assessed on its own merits in relation to the criteria and the evaluation procedure set out in these terms of reference. Each member of the grouping assumes a joint and several liability towards the Commission.

Any intention to subcontract part of the contract must be clearly stated in the tender. Tenderers must indicate the maximum percentage of the contract they intend to subcontract and the identity of the partners they intend to work with, and clearly state the nature of their links to those partners. If not included in the contractor's proposal for the Framework Contract, subcontracting shall require the previous written agreement of DG EMPL, as per Art. II.13 of the draft contract. DG EMPL may authorise subcontracting in duly justified cases, such as:

- need for highly specialised methodologies or very restricted field of expertise,
- special linguistic needs, organisation of special events related to the lots.

10. Procedure for evaluating the tenders

Bidders may submit a tender for one, two, three, or all lots (see also provisions relating to consortia in chapter 9).

Each lot will be the subject of a separate evaluation procedure.

For each lot, the evaluation of bidders and tenders will proceed in the following steps:

- (1) the exclusion of bidders in the cases listed in point 10. 2;
- (2) the selection of bidders on the basis of the selection criteria listed in point 10.3;
- (3) the technical and financial evaluation of the tenders on the basis of the procedure and award criteria described in point 10.4;
- (4) the award of the contract as described in point 10.5.

NB: Tenders must meet the requirements of each step in order to be admitted to the next step of the evaluation procedure.

Any economic operator can access and download the complete tender dossier which is located at a specific internet website of the Contracting authority:

http://ec.europa.eu/employment_social/emplweb/tenders/index_en.cfm

This dossier defines in detail the content of the Framework Contracts, their terms and conditions and the selection and award criteria, and invites tenders on that basis.

10.1 Administrative information

The administrative information included in the technical dossier must include:

1. a legal entity form, dependent on the type of organisation of the tenderer. This requirement applies to all members of a consortium;
2. a completed Financial Identification Form, duly signed by both the tendering party (or its duly authorised agent) and the bank.

10.2 Evaluation of the tenders – exclusion criteria.

10.2.1 Bidders must provide a declaration on their honour, duly signed and dated, that they are not in one of the situations referred to in articles 93 and 94 of the Financial Regulation.

Those articles are as follows:

Article 93 of the Financial Regulation:

Applicants shall be excluded if:

- a) they are bankrupt or being wound up, are having their affairs administered by the courts, have entered into an arrangement with creditors, have suspended business activities, are the subject of proceedings concerning those matters, or are in any analogous situation arising from a similar procedure provided for in national legislation or regulations;
- b) they have been convicted of an offence concerning 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 obligations relating to the payment of social security contributions or the payment of income tax and VAT 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)¹⁴.

Article 94 of the Financial Regulation:

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

¹⁴ "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. (...)"

a) are subject to a conflict of interests;

b) are guilty of misrepresentation in supplying the information required by the contracting authority as a condition of participation in the procurement procedure or fail to supply this information;(...)"

10.2.2 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 10.2.1 above.

Article 134 of the Implementing Rules:

1. *The contracting authority shall accept as satisfactory evidence that the candidate or tenderer to whom the contract is to be awarded is not in one of the situations described in point (a), (b) or (e) of Article 93(1) of the Financial Regulation, a recent extract from the judicial record or, failing that, an equivalent document recently issued by a judicial or administrative authority in the country of origin or provenance showing that those requirements are satisfied.*

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 the document or certificate referred to in paragraph 1 is not issued in the country concerned and for the other cases of exclusion referred to in Article 93 of the Financial Regulation, 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 candidate or tenderer is established, the documents referred to in paragraphs 1 and 3 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.*

See Annex I ("supporting documents" 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 whom the contract will be awarded.

10.2.3 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 her or his honour that the documentary evidence has already been provided in a previous procurement procedure and confirm that no changes in her or his situation have occurred.

10.3 Evaluation of tenders - selection criteria

The selection of bidders is intended to assess their economic, financial, technical and professional capacity. Tendering parties' capacity will be assessed in the light of the criteria below, on the basis of the documents provided by the tenderers.

10.3.1. Economic and financial situation

(SC.1) Tendering parties must demonstrate their economic and financial capacity to carry out the tasks set in the tender specifications.

In order that their position in relation to the selection criteria can be verified, tendering parties should enclose documents with their application enabling an assessment to be made. This information requirement applies to all members of a consortium.

1) the tenderer (or all parts of the consortium together) must provide proof of at least one annual turnover in the last three financial years for which accounts have been closed, at least, equivalent to € 300.000;

2) balance sheets from the last two financial years that have been closed, where publication of the balance sheets is required under company law in the country in which the service provider is established; in the case of tenders from consortia, this balance sheet must be provided by each member of the consortium;

3) a statement of the undertaking's overall turnover and its turnover in respect of the services to which the contract relates for the previous three financial years; in the case of tenders from consortia, this statement must be provided by each member of the consortium;

4) a bank declaration providing evidence of good financial standing; in the case of tenders from consortia, this declaration must be provided by each member of the consortium.

Where a company has been operating for less than three years, proof must be provided for items 1), 2), 3), and 4) on the period available or relevant or on the longest period available.

10.3.2. Technical capacities

(SC.2) The senior members of the core team for each lot should have:

- a high level of expertise in the field of employment, social inclusion and social protection, the European Employment Strategy and the European Social Protection and Social Inclusion process as well as in-depth knowledge of the Structural Funds and in particular of the European Social Fund
- a high level of technical expertise in social innovations
- very strong analytical and synthesis skills
- ability to draft reports
- strong work experience in managing similar activities
- good organisational and coordination skills.

The bidder (candidate) should be in a position to demonstrate that she or he will be able to draw from a pool of experts to ensure the optimal coverage of the themes/issues under the chosen lot.

These experts should have a good knowledge of the themes and issues involved and a strong experience in the fields of policy analysis and assessment in employment, social protection and social inclusion, as well as in the field of social innovation, a good knowledge of Structural Funds and in particular ESF implementation issues and show ability to work in an international context.

For each category of experts assigned to deliver any of the products listed in chapter 5, at least two valid CVs should be presented within each lot.

(SC.3) Bidders must demonstrate that they have the human resources needed to provide the products required.

(SC.4) Bidders must demonstrate their capacity to respond to requests for services at short notice.

(SC.5) Bidders must designate a project leader. The project leader will be the Commission's contact person, the sole interlocutor to whom it will address any requests and who must attend progress meetings (see chapter 8.5).

(SC.6) Bidders must demonstrate their capacity to work in English, French and German. In addition, bidders should indicate their capacity to work in any of the other official languages of the European Union, if it were required for a service order.

Technical and professional capacity of the tenderer to undertake the analysis described above shall be evaluated and verified on the basis of the following:

- 1) A brief description of the professional activities of the tenderer (and its members in case of consortia) in respect of services similar to those to which the contract relates over the past three years at most. Where the work was undertaken for the European Commission, the applicant must also indicate the Commission reference number of the contract and the department for which the contract was performed.
- 2) A list of members (staff or expert) of the team to be used for the performance of services requested, including the project leader, together with their CVs and qualifications, and a clear description of the specific tasks each person will carry out during this project.
- 3) A declaration by the applicant certifying her or his technical capacity and the competence of the team to carry out the services.
- 4) Firm commitments of involvement in the project signed and dated from persons external to the firm if required.

10.4 Evaluation of the tenders - award criteria

The Commission will award the contract after comparing the tenders in the light of the following criteria.

10.4.1. Quality criteria (QC)

QC.1 (max 20 points): General approach and work to be performed (according to section 10.4.1.1), of which:

- Understanding of the overall assignment – 10 points
- Understanding of the individual tasks – 10 points

QC.2 (max 40 points): Proposed methodology and tools (according to section 10.4.1.2) for each of the tasks defined for the relevant lot in chapter 5

QC.3 (max 30 points): Approach proposed for the management of the work (according to section 10.4.1.3), of which:

- Mechanisms for continuous service – 10 points
- Organisation of the team, coordination with the Commission and inside the team – 10 points
- Mechanisms for appropriate storage of information – 10 points

QC.4 (max 10 points): Arrangements for ensuring quality control of the services delivered (according to section 10.4.1.4)

In order to participate in the award procedure, the assessment for each of the four quality criteria should at least be 50% of the maximum points for each criterion.

The overall assessment (sum of points for all criteria) should be at least 70 points out of 100. Those offers which will not receive this minimum overall scoring shall be rejected, even if they received the minimum scoring for each individual criterion.

In order that their position in relation to the award criteria can be verified, tendering parties should enclose documents with their application enabling an assessment to be made.

10.4.1.1. General approach and work to be performed

In order to assess the correspondence between the technical offer and the indicative requirements, tendering parties should describe in their tender their understanding of the services to be provided and the work to be performed to achieve these objectives. They should detail in particular how they intend to address each of the tasks or products defined for the relevant Lot in chapters 4 and 5.

10.4.1.2. Proposed methodology and tools

Tendering parties should provide a description of the methodologies and approaches proposed for undertaking each of the different products defined in chapter 5 for the relevant Lot. They should list in particular the tools and methods they envisage to use for each task. This description must be as precise as possible.

10.4.1.3. Approach proposed for the management of the work

Tendering parties should briefly describe the approach they propose in this regard. They should pay particular attention to the adequacy of the mechanisms for assuring a continuous service, rapid response and timely

availability of the specific expertise required for covering the different services to be implemented under the Framework Contract.

In addition, they should explain how the work inside the team(s) and between the team(s) and the project leader will be coordinated, as well as the allocation of tasks to the team members and with subcontractors or partners in relation with the methodology and tools proposed.

The bidders must take account of the fact that all the work done under the Framework Contract by the service provider is the property of the Commission and must be made available. Accordingly, they must specify how they intend to ensure the storage and availability of information collected for the specific assignments for future use.

10.4.1.4. Arrangements for ensuring quality control of the services delivered

The bidders must describe in detail their quality plan according to the specifications included in chapter 8.3.

10.4.2. Financial criteria

The value of the tender taken into account in order to determine the most economically advantageous tender will be the total of the unit prices for the 18 products, as specified in chapter 5.

These unit prices per product have to be calculated exclusively on the basis of expert fees for each professional profile to be used for the performance of the service or the development of product in question, and the related average mission expenses¹⁵ (for products 2, 3, 4, 11, and 16). For presenting these calculations, please use the model table of annex 3.

Bidders' attention is drawn to the fact that the sole objective of the presentation of the calculation of the lump-sum fee per product, based on average expert fees and mission expenses, is to provide a fair, non-discriminatory basis for comparing the financial offers. Consequently, these presentations cannot under any circumstances be considered to constitute a commitment on the part of the Commission to conclude specific contracts for the related services and quantities, and cannot give rise to any right or legitimate expectation on the part of the contractor, beyond the conditions of chapter 11 below.

Prices must be quoted in EUR (€) (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). Prices shall be quoted free of all duties, taxes and other charges, including value added taxes, as the European Community is exempt from such charges under Articles 3 and 4 of the Protocol on the privileges and immunities of the European Communities; the amount of VAT should be shown separately.

Consequently, prices for products under a service order will be presented as lump-sum unit prices as presented in Annex 4.

No separate reimbursable expenses will be accepted, except for translations if part of a specific service order. The bidder should provide a lump-sum fee for the translation of output documents for the relevant products specified in chapter 5.

10.5 Award of framework contract

The framework contract will be awarded according to the method of the most economically advantageous tender. This will be determined on the basis of the price and the quality of the tender.

11. Price schedule

The Table of Unit Prices for products, to be completed by the tendering parties [annex 4], will constitute the future contractual basis for the pricing for the products under service orders. In this regard, it will be an integral part of the Annex II (Contractor's Tender) of the Framework Contract. Accordingly, the financial offer must be completed in full and signed by a person able to commit the bidder financially.

¹⁵ For the purposes of this exercise, the 'average mission expense' will be calculated on the basis of travel costs and 1-day daily subsistence allowance per country.

12. Applicable law and Jurisdiction

This Framework Contract shall be governed by the national substantive law of Belgium.

Any dispute between the parties resulting from the interpretation or application of the Specific Contracts which cannot be settled amicably shall be brought before the courts of the place of employment of the competent authorising officer.

13. Final Provisions

Variants are not allowed.

Expenditure on preparing and submitting tenders is non-refundable.

Fulfilment of the conditions of the call for tenders imposes no obligation on the Commission to award a contract.

Initiation of a tendering procedure imposes no obligation on the Commission to award a contract, and the Commission reserves the right to award a contract as it deems appropriate.

The Commission is not liable for any compensation to bidders whose tenders have not been accepted. Nor is it so liable if it decides not to award the contract.

All the documents submitted by bidders become the property of the Commission. These documents will be considered confidential.

ANNEXES TO THE PRESENT TERMS OF REFERENCE

ANNEX I CHECKLIST EXCLUSION CRITERIA (ARTICLE 93 (1) FR), (ARTICLE 94 FR)

ANNEX 1 MODEL CV FOR THE PRESENTATION OF EXPERTS

ANNEX 2 EXPLANATORY NOTE FOR THE CALCULATION OF LUMP-SUM FEES FOR PRODUCTS

ANNEX 3 CALCULATION OF THE LUMP-SIUM FEES FOR PRODUCTS

ANNEX 4 SUMMARY TABLE

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)	
1. Exclusion from a procurement procedure, Article 93(1) FR : <i>« Candidates or tenderers shall be excluded from participation in a procurement procedure if:</i>		
1.1. (subparagraph a) <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 regulations¹⁶;</i>	Recent extract from the judicial record or recent equivalent document issued by a judicial or administrative authority in the country of origin or provenance or 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	
1.2. (subparagraph b) <i>they have been convicted of an offence concerning their professional conduct by a judgment which has the force of res judicata¹⁷;</i>	Cf. supporting documents for Article 93(1)(a) FR above	

¹⁶ See also Article 134(4) IR : Depending on the national legislation of the country in which the candidate or tenderer is established, the documents referred to in paragraphs 1 and 3 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 .

¹⁷ Cf. footnote n° 1.

Exclusion criteria (Article 93(1) FR)	Supporting documents to be provided by applicants, tenderers or tenderers to whom the contract will be awarded	
	Procurement (Article 93(2) FR; Article 134 IR)	
1.3. (subparagraph c) <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	
1.4. (subparagraph d) <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 performed¹⁸;</i>	Recent certificate issued by the competent authority of the State concerned confirming that the candidate is not in the situation described or 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	
1.5. (subparagraph e) <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 interests¹⁹;</i>	Cf. supporting documents for Article 93(1)(a) FR above	
1.6. (subparagraph f) <i>they are currently subject to an administrative penalty referred to in Article 96(1)²⁰. »</i>	Declaration by the candidate or tenderer that he is not in the situation described	

¹⁸ Cf. footnote n°1.

¹⁹ Cf. footnote n° 1.

²⁰ 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 whom the contract will be awarded	
	Procurement	Grants
2. Exclusion from a procurement or grant award procedure Article 94 FR : <i>« Contracts may not be awarded to candidates or tenderers who, during the procurement procedure:</i>		
2.1. (subparagraph a) <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	
2.2. (subparagraph 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»²¹.</i>	No specific supporting documents to be supplied by the applicant, tenderer or bidder It is the responsibility of the authorising officer, represented by the evaluation committee, to check that the information submitted is complete ²² and to identify any misrepresentation	

²¹ Cf. Article 146(3) of the FR Implementing Rules: « ...the evaluation committee or the contracting authority 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 or, where appropriate, the authorising officer responsible 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 »

²² Cf. footnote n°1

ANNEX 1 TO THE TERMS OF REFERENCE

MODEL CV FOR THE PRESENTATION OF EXPERTS

Personal information																					
Surname(s) / First name(s)	Surname(s) First name(s)																				
Nationality																					
Date of birth	(remove if not relevant)																				
Gender	(remove if not relevant)																				
Relevant professional experience	Add separate entries for each relevant professional experience (specify dates, number of months spent in the project of professional activity, description of tasks and employer/commissioner, starting by the most recent)																				
Education and training																					
Dates	Add separate entries for each relevant training you have completed, starting from the most recent. (remove if not relevant)																				
Title of qualification awarded																					
Principal subjects/occupational skills covered																					
Name and type of organisation providing education and training																					
Personal skills and competences																					
Mother tongue	Specify mother tongue (if relevant add other mother tongue(s))																				
Other language(s)																					
Self-assessment																					
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th colspan="2" style="width: 50%;">Understanding</th> <th colspan="2" style="width: 50%;">Speaking</th> </tr> <tr> <td style="width: 25%;"></td> <td style="width: 25%;"></td> <td style="width: 25%;"></td> <td style="width: 25%;"></td> </tr> <tr> <td align="center">Listening</td> <td align="center">Reading</td> <td align="center">Spoken interaction</td> <td align="center">Spoken production</td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> </tr> </table>	Understanding		Speaking						Listening	Reading	Spoken interaction	Spoken production								
Understanding		Speaking																			
Listening	Reading	Spoken interaction	Spoken production																		
Language																					
Language																					
Other relevant skills and competences	Replace this text by a description of these competences and indicate where they were acquired. (Remove if not relevant)																				
Additional information	Include here any other information that may be relevant. (Remove heading if not relevant)																				

ANNEX 2 TO THE TERMS OF REFERENCE

EXPLANATORY NOTE FOR THE CALCULATION OF LUMP SUM FEES FOR PRODUCTS

For information, bidders should provide information on the calculation of the unit price for each product defined in chapter 5, by presenting the underlying expert fees and mission expenses²³. This should be done by completing the calculation table presented in Annex 3 for each product.

Presentation of fees for experts in the calculation table

The **fees for experts** presented must **include all costs** (project management, quality control, support resources such as printing of reports, submitting papers documenting the output of a product to the Commission and making requested changes if any, etc.) and **all expenditure** (management of the firm, secretariat, social security, salaries, communication etc.) incurred directly and indirectly by the contractor in performance of the tasks which may be entrusted to her or him. The fees for experts **must also include the travel and subsistence costs** for services provided in the contractor's premises, and in the Commission's offices in Brussels.

Expert fees are understood to include all additional costs of co-ordination (including the costs for the project leader), general administration, coordination with the Commission, etc. - such costs must therefore not be listed separately.

Expert fees should be presented per working day²⁴ for each level of qualification (from Category I to IV). The classification of qualification levels shall be done according to the following categories and be consistent with the information provided in the expert's CV (model provided for in Annex 1 to the specifications):

- Category I : Highly qualified member of personnel, having assumed important responsibilities in his/her profession recruited for his/her management/supervisory, thought and creativity skills as regards professional practice. He/she must have at least 15 years professional experience of which **at least 7** must be connected with the professional sector²⁵ concerned **and** the type of tasks²⁶ to be performed.
- Category II : Highly qualified member of personnel having assumed responsibilities in his/her profession recruited for his/her management/supervisory, thought and creativity skills as regards professional practice. He/she must have at least 10 years professional experience of which **at least 4** must be connected with the professional sector concerned **and** the type of tasks to be performed.
- Category III : Certified member of personnel having received a high-level training in his/her profession recruited for his/her thought and creativity skills as regards professional practice. He/she must have at least 5 years professional experience of which **at least 2** must be connected with the professional sector concerned **and** the type of tasks to be performed.
- Category IV : Junior member of personnel, newcomer to the profession but with a training related to the professional sector concerned **and** the type of tasks to be performed.

As already stated, the expert fee to be presented in the calculation table should cover ALL costs and ALL expenditure for the members of personnel²⁷.

Presentation of mission expenses

Return travel and daily subsistence costs for one member of staff from the contractor's location to a site outside Brussels, if required in the corresponding request for service, should therefore be presented for products 2, 3, 4, 11 and 16 in the calculation table in Annex 3. No provision should be made for reimbursing experts for travel time.

²³ Only for products 2, 3, 4, 1 and 16

²⁴ 1 working day for 1 Contractor's member of personnel, the hours worked beyond normal daily work time shall not be payable; normal work time is understood as respecting the law and regulations in force in the country where the Services are to be performed

²⁵ Professional sector experience is to be understood as relevant professional experience in the field covered by the lot. In the case of lot 1, this would for example mean relevant professional experience in employment, education and training as defined in chapter 4.

²⁶ Type of tasks is to be understood as relevant experience in the tasks mentioned under each lot.

²⁷ i.e. including the travel and subsistence costs for services provided in the contractor's premises, and in the Commission's offices in Brussels, but excluding mission costs to a site outside the contractor's premises or Brussels.

ANNEX 3 OF THE TERMS OF REFERENCE (to be completed for each of the 18 products)

Presentation of average fees and mission expenses for calculating the lump-sum fees for each of the 18 products specified in chapter 5

	Experts Category I	Experts Category II	Experts Category III	Experts Category IV	Total fees	Total mission costs	Lump-sum unit price
Expert fees/day							
Number of working days							
Number of 1 day missions							
Average travel costs²⁸							
Average 1-day subsistence costs²⁹							

²⁸ For all member states; calculated on the basis of the most direct and economic route

²⁹ For all member states, covering all the subsistence costs (hotel/meals/local transport/etc.) for one expert on mission for a one day of field work.

ANNEX 4 TO THE TERMS OF REFERENCE

SUMMARY TABLE

Product no	Content ³⁰	Lump-sum unit price per product ³¹	Translation of the product				
			Lump-sum price per translation for the output document of the product				
			into FR	into DE	into IT	into ES	into PL
1	Analysis and synthesis of annual implementation reports						
2	On-the-spot visit						
3	Participation in key transnational events						
4	Monitoring the development of a specific EU-level network						
5	Drafting of a policy brief						
6	Spring report						
7	Autumn report						
8	Common methodologies of work paper						
9	Comparative analysis and synthesis paper						
10	Presentation of findings in Brussels						
11	Presentation of findings outside Brussels						
12	Web article						
13	Preparation of a seminar						
14	Expert opinion						
15	Ad hoc consultancy						
16	Advice to member states or regions						
17	Participation in a bilateral progress meeting						
18	Participation in a coordination meeting						

³⁰ As outlined in chapter 5

³¹ Taken from table 3