
Specifications – Invitation to tender No VT/2012/004

**SERVICE CONTRACT "SUPPORT SERVICES FOR MUTUAL LEARNING
WITHIN THE EUROPEAN EMPLOYMENT STRATEGY"**

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1. TITLE OF THE CONTRACT

"Support services for Mutual Learning within the European Employment Strategy"

2. BACKGROUND

2.1. The Europe 2020 Strategy and the new economic governance

The EU's Europe 2020 strategy for smart, sustainable and inclusive growth was launched by the European Commission in March 2010 and approved by the Heads of States and Governments of EU countries in June 2010.¹ The document sets out concrete targets to be achieved within the next decade in areas of employment, education, energy use and innovation in order to overcome the impact of the financial crisis and put Europe back on track for economic growth.

The fight against unemployment and poverty is at the heart of the strategy. In this respect, three out of the five headline targets are of paramount importance in the employment area:

- 75 % of the population aged 20-64 should be employed
- the share of early school leavers should be under 10% and at least 40% of the younger generation should have a tertiary degree
- 20 million less people should be at risk of poverty.

In addition to the targets, the Commission also proposed seven flagship initiatives to support and guide Member States with their work. The flagship initiatives most relevant for the employment dimension are "Youth on the Move", "An agenda for new skills and jobs" and "European platform against poverty". The Europe 2020 strategy is underpinned by a set of Integrated Guidelines, comprising four Employment Guidelines (from nr 7 to nr 10).² These give guidance to the Member States on defining their National Reform Programmes and implementing reforms.

Within this context, a new approach towards economic surveillance and a new policy-making timetable was established. The aim is to ensure that all policies are analysed and assessed together and that policy areas which previously were not systematically covered by economic surveillance are included. The first 'European semester' was put into practice for the first time during the first half of 2011, co-ordinating economic and fiscal policies in line with the Europe 2020 strategy.

The annual cycle begins with the Commission's Annual Growth Survey (incl. Joint employment Report), which gives broad guidance on priority actions to be taken at

¹ http://ec.europa.eu/europe2020/index_en.htm

² <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2010:2020:FIN:EN:PDF>

EU and national level. Member States then submit Stability or Convergence Programmes on their fiscal plans and National Reform Programmes on structural reforms and measures to boost growth and jobs. The Commission assesses these reports based on an integrated analysis covering fiscal, macroeconomic, and structural policies. On that basis, concrete policy recommendations for each country are proposed before governments draw up their draft budgets and submit them to national parliamentary debate in the second half of the year (the 'national semester'). The June European Council discusses the recommendations and the Council adopts them.

In the second part of the year, Member States finalise national budgets and policy measures taking into account the EU and country-specific guidance received. In its Annual Growth Survey of the following year, the Commission assesses how Member States have taken the guidance into account.

2.2. The Mutual Learning Program within the European Employment Strategy

The European Employment Strategy (EES)³ which is now an integral part of Europe 2020, is a 'soft' law mechanism designed to coordinate the employment policies of the EU Member States. While the objectives, priorities and targets are agreed at EU level, national governments are fully responsible for formulating and implementing the necessary policies.

One of the key instruments of the open-method of coordination in employment (the EES) is the Mutual Learning Programme. The Mutual Learning Programme was launched at the beginning of 2005 and incorporates the former Peer Review Programme that was launched in 1999.⁴ It contributes to the promotion of greater policy convergence towards the main goals of the EU employment policy by encouraging mutual learning at all levels of governance, and to enhancing the transferability of the most effective policies within key areas of the EES. A further aim is to encourage stakeholders to promote the wider and more effective dissemination of information about the European Employment Strategy (EES) and its implementation.⁵

The outcomes of the activities of the Mutual Learning Programme will also feed into the annual assessment of the employment dimension of Europe 2020. This also entails the need for consistency between the activities of the Mutual Learning

³ <http://ec.europa.eu/social/main.jsp?catId=101&langId=en>

⁴ In 1999, the Peer Review Programme was created to exchange and disseminate good practice in employment policy and promote its transfer within Europe. In 2003, the Employment Taskforce led by Wim Kok (http://europa.eu/legislation_summaries/other/c11321_en.htm) stressed even more strongly the importance of the better use of exchanging good practice experiences. As a result, the programme was re-launched as the Mutual Learning Programme (MLP) in 2004.

⁵ For the list of the events organized since 1999 and related documents describing the activities in details, please see <http://www.mutual-learning-employment.net/>

Programme and the main messages emerging from the European Semester in the relevant areas.

The program will be evaluated in 2012 and the results may give further input to improving the activities of the Mutual Learning Programme. Responding to this, the Commission may revise the working methods of the programme within the framework set out here, to strengthen the mutual learning process and aligning the Peer Review programme closer to the Europe 2020 strategy.

The Mutual Learning Programme has been supported by PROGRESS (see section 2.3.).

2.3. PROGRESS introduction

PROGRESS⁶ is the EU employment and social solidarity programme, set up to provide financial support for the attainment of the European Union's objectives in employment, social affairs and equal opportunities as set out in the Social Agenda⁷, as well as to the objectives of the Europe 2020 Strategy. This new strategy, which has a strong social dimension, aims at turning the EU into a smart, sustainable and inclusive economy delivering high levels of employment, productivity and social cohesion. The European Union needs coherent and complementary contributions from different policy strands, methods and instruments, including the PROGRESS programme, to support the Member States in delivering on the Europe 2020's goals.

The PROGRESS mission is to strengthen the EU's contribution in support of Member States' commitments and efforts to create more and better jobs and to build a more cohesive society. To this effect, PROGRESS is 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 supports:

- The implementation of the European Employment Strategy (section 1);

⁶ Decision No 1672/2006/EC of the European Parliament and of the Council of 24 October 2006 establishing a Community Programme for Employment and Social Solidarity — Progress, JO L 315 of 15.11.2006.

⁷ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions - Renewed social agenda: Opportunities, access and solidarity in 21st century Europe COM/2008/0412 final of 02.07.2008.

- The implementation of the open method of coordination in the field of social protection and inclusion (section 2);
- The improvement of the working environment and conditions including health and safety at work and reconciling work and family life (section 3);
- The effective implementation of the principle of non-discrimination and promotion of its mainstreaming in all EU policies (section 4);
- 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 2012 annual work plan which can be consulted at <http://ec.europa.eu/social/main.jsp?catId=658&langId=fr>

New EU Programme for Social Change and Innovation (PSCI)

The bidders have to be aware of the future changes in PROGRESS instruments and priorities. The Commission has adopted a new programme on the 6th of October 2011, the Programme for Social Change and Innovation (PSCI).⁸ PSCI builds upon three existing instruments such as Progress, EURES and the Progress Microfinance Facility. The proposal will come into effect on 1st January 2014. Beyond this date;

- PROGRESS will be linked to EURES and to the PROGRESS Microfinance Facility
- PROGRESS will include a new instrument that is the social experimentation
- PROGRESS priorities and instruments will be fine tuned year to year in the Annual Work Plans (similarly to present practice).

All activities commencing after the 1st of January 2014 under this contract have to take into consideration these changes. The Commission might change the objectives, activities, specifications and deliverables of the contract accordingly, during the extension for 2014 and onwards.

3. SUBJECT OF THE CONTRACT

The Mutual Learning programme within the European Employment Strategy is subcontracted and the current contract will end in December 2012.

The general objective of this contract is to provide support services to the Commission for the management of the activities of the Mutual Learning Programme (MLP) within the European Employment Strategy (EES) in the next period, taking into account guidance provided by the EPSCO Council on 21 October 2010. In particular, with regards to aligning the MLP activities to the governance of the European Employment Strategy within the context of Europe 2020 and the European

⁸ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2011:0609:FIN:EN:PDF>

semester, the Commission is asked to: *".....concentrate the annual activities of the Mutual Learning Programme on the areas and themes highlighted by the strategic guidance provided by the Council and the European Council and inform the Council and the Member States of the results of the activities on a yearly basis."*

Within this context, the activities of the Mutual Learning Programme will be organized on the basis of a rolling work programme, dedicating a 12-month period to themes defined by the policy priorities identified by the Commission in co-operation with the Employment Committee (EMCO). The aim is to ensure that the programme activities mainly reflect the messages emerging from the annual Joint Employment Report (JER), which is transmitted to the Spring EPSCO Council and the main thematic outcomes of the Annual Growth Survey (AGS).

The contractor will be in charge of the organisation of the Peer Review seminars focusing mainly on specific good practices under a particular theme. The contractor will also be in charge of the organisation of other additional MLP-activities that focus on main policy challenges and approaches, from national and EU-wide perspectives, in relation to a particular thematic priority identified in the context of the European Semester.

The contractor in charge of the MLP-activities will also be required to offer additional support and follow-up activities, developing and implementing a communication strategy aimed at ensuring timely documentation and broad and effective dissemination of the key messages and findings of the MLP-activities. The contractor will also be responsible to maintain and further develop the MLP-website, see also section 5.2.6.

The contractor will be requested to assure high quality deliveries in each and every step of the delivery chain.

4. PARTICIPATION

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

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

5. TASKS TO BE CARRIED OUT BY THE CONTRACTOR

5.1. Geographical coverage

The contract will cover:

- the 27 Member States,
- EEA countries (Iceland, Lichtenstein and Norway)⁹,
- Accession, candidate and pre-candidate countries (Croatia, Former Yugoslav Republic of Macedonia, Serbia and Turkey).¹⁰

5.2. Organization of the Mutual Learning activities

The Mutual Learning support services are to be delivered by the contractor through a coordinating team (core team), and independent thematic and national experts working in the context of the meetings, seminars, dissemination, follow-up and ad hoc activities that are specified below. The members of the core team and the policy experts will work under the responsibility of the core team's "project director".

The project director will be responsible for the global management of the contract. One of the other core team members should act as a lead expert who will assist the core team and the project director with carrying out the MLP-activities and ensure their high quality (see also section 13.2.). The core team's lead expert will also act as an employment policy expert for the Commission in connection with the development of the activities' yearly work program.

The core team should consist of staff with substantial competences and experiences in the areas covered by the contract and also have competence to cover and document the activities that will be organized (see also section 13.2.).

Together with the Commission officials, the core team will establish a steering group. It should be anticipated that the steering group organizes up to 4 steering group meetings in Brussels, see also section 7.

⁹ The Agreement on the European Economic Area (EEA) brings together the 27 EU Member States and the three EEA EFTA countries (Iceland, Liechtenstein and Norway).

¹⁰ Other Western Balkan countries included in the stabilisation and association process may join the PROGRESS Programme upon negotiating Memoranda of Understanding. If, during the contract period, any countries start to participate in the Programme, an extension of the contract will be made by negotiated procedure according to Article 126(1)(f) of Commission Regulation n° 2342/2002 (EC, Euratom) laying down detailed rules for the implementation of Council Regulation (EC, Euratom) No 1605/2002 on the Financial Regulation applicable to the general budget of the European Communities (Official Journal L 357 of 31/12/2002).

5.2.1. *General core team tasks*

The core team will be in charge of:

- the overall organisation of the activities, providing a complete logistical support, including a complete logistical support for the participants (incl. management of travel and accommodation costs of participants as specified below);
- the preparation of the agenda of the activities in close cooperation with the experts and the Commission;
- the identification, liaison, preparation, support, and quality assurance of the experts for each of the topical policy themes or practices;
- ensuring the quality of the reports prepared for the activities by the experts;
- the co-ordination and dissemination of the input from the experts prior to the activities;
- the facilitation and chairing of the activities;
- the production, publication and dissemination of information from the organized activities, highlighting key messages and outcomes, potentially transferable, lessons and demonstrated mutual learning impact in line with the aims of the program;
- the liaison with the Commission officials involved in the programme;
- the ongoing evaluation of the methodological aspects and of the results of the programme's activities.
- the liaison with other subcontractors (if this will be the case).
- ensuring, before the end of the contract, an easy, uninterrupted and quality transfer of tasks to the following contract period (if applicable), see also section 5.3.

In agreement with the Commission, the core team will ensure that the programme activities inform the policy debates, and that the choices of the activities of the MLP mainly reflect the messages emerging from the annual Joint Employment Report (JER) and the main thematic outcomes of the Annual Growth Survey (AGS).

In addition to the core team involved in the organisation of the MLP-activities, the contractor is expected to identify and engage relevant experts to be sub-contracted to work in relation to the specific theme or policy practice to be reviewed in the activities organized (see also section 5.2.2.).

5.2.2. *Thematic and national expert's tasks*

Coordinate contributions of the national and thematic experts

Based on a pool of experts, the core team will propose relevant independent national and thematic experts to be sub-contracted to work in relation to the specific theme or policy practice to be reviewed/presented in the activities organized. The national and

thematic experts should have high quality competences in the field of this call, extensive international level research experiences, and excellent writing and presentation skills in the English language.

The contractor will be in charge of all financial responsibilities related to the experts' engagements.

The Commission will either approve the proposal for the national and thematic experts concerned (based on CVs etc) to be involved in the MLP-activities or may propose other experts or request a wider selection. An overview table of the pool of experts (both contracted and not contracted) will be made available to the Commission and updated on a regular basis throughout the period of the contract. The overview will among other things include full names, nationality, working place, competences, contact details and issues within employment field covered.

The bidders are requested to provide a list of potential experts that could be engaged for the activities of the MLP. The list should be composed by people that cover a wide range of issues of the EES, and have a good record of academic / policy work. The list should among other things include full names, nationality, working place, competences, contact details and issues covered within employment field.

Contact with relevant networks

The Mutual Learning activities are closely related to the European Employment Observatory's (EEO) activities.¹¹ Once in place, the core teams of both contractors will make all necessary arrangements so that their activities are synchronised and coordinated and that the respective networks and users are mutually informed of each other's activities. They should also ensure that both websites and newsletters publish their respective areas of work, where applicable.

The core team will also ensure contact with other relevant networks.

The core team will, if applicable and/or required, be requested to take account of experiences from outside the EU, which could be useful for the Member States. It should therefore be envisaged to engage further with experts from relevant International Organizations (OECD, ILO) and third countries (e.g. Canada, New Zealand, Australia) which can contribute and enrich the mutual learning process.

5.2.3. Organising Peer Review seminars

The core team will organize and facilitate annually up to 6 Peer Review meetings.

The **Peer Review seminars** cover a number of single initiatives relating to specific employment policy practices experienced in a Member State in line with the priority themes identified in the Annual Growth Survey (AGS) and the Joint Employment Report. The Peer Review is a method based on the exchange of experiences between a 'host country' which

¹¹ <http://www.eu-employment-observatory.net/>

- presents and wishes to gain feedback from other Member States on a policy, policy reforms, measures, programmes and innovations which have potential for dissemination in view of their results and their general interest for the EU (associated good practice).

and ‘peer countries’ who are interested in:

- learning from the host example and potentially transferring it into their national setting; and
- sharing their own policy experiences with the host and other participating countries

The policy example should have the following features:

- particular thematic priority identified in the context of the European Semester.
- concrete response to one or more Employment Guidelines, either as a single measure, a set of measures or on aspects of governance and delivery;
- evaluation results or monitoring data should be available; and
- where relevant, attention should be paid to the experience drawn from the European Social Fund (ESF).

The core team is also expected to actively assist the Commission by coming forward with proposals on good practices, measure etc. and identifying potential host countries.

Within the maximum number of peer reviews per year, some peer reviews can be organized in a more flexible manner during the year if Member States wish to host a peer review on a policy, measure, strategy or programme which is deemed to warrant broad dissemination but is not necessarily linked to the main themes of the European Semester. The bidders are invited to provide examples on how the identification of good examples for discussions would be carried out.

The Peer Reviews consists of aspects described below.

The Peer Review meetings will last 1,5 days each. The Peer Review will be hosted and preferably chaired by the host country or countries, or alternatively chaired by the contractor.

Each Peer Review seminar will involve:

- a) one or more government official representatives from the host country
- b) one representative from each peer country. The number of participating peer countries may vary, also depending on the type of the review, but it should comprise between 8 and 12 (maximum 12) countries;
- c) national experts from the host country and peer countries (selected and appointed by the core team);

- d) one thematic expert providing academic insights on the issue in question from the European perspective.
- e) up to three European Commission officials;
- f) representatives of relevant stakeholders (if required/desired) from the host country expressing the viewpoints of the beneficiaries etc.;
- g) representatives of the core team;

The core team involved in the organisation of the Peer Review will be responsible for the smooth implementation of the Peer Review process and supporting the host country in organising the event (devising the fiche and the agenda, helping with the content, providing the documentation, liaising with the participants, chairing of the meeting and facilitating the working groups etc.) in cooperation with the Commission.

The seminars are to be held in the meeting premises provided by the host country. The Peer Review may involve study visits to institutions involved in the delivery of policies, workshops, interviews with those responsible for local implementation, analysis of evaluations etc., and contact persons targeted by the policy in question. The core team will help the host country to organize and finance the study visit.

The contractor will be in charge of the organisation and payment of travel, accommodation for all participants with the exception of Commission staff and host country participants.

The working language will be English. If interpretation services will be considered necessary by the host country, the host country will be in charge of and finance such an arrangement.

Depending on the agreement with the host country, other parties (NGO, regional or/and local authorities, or social partners) might also contribute to the preparation of the Peer Reviews by presenting discussion or opinion papers. Their participation will be coordinated by the contractor but the contractor will neither have to identify them nor to pay fees for them.

The bidders are welcome to come forward with proposals on modifying the organizational aspects of the Peer Reviews.

Documentation of the Peer Reviews

The core team will co-ordinate all documentation in conjunction with the seminars and follow-up activities, including the dissemination of the results of these activities.

Papers to be produced ahead of each Peer Review:

- Thematic expert discussion paper (approximately 15 A4 pages);
- Host country discussion paper prepared by a national expert (approximately 15 A4 pages);
- Peer countries comment papers prepared by national experts (each approximately 5 A4 pages);

- Stakeholders comment papers (if applicable; each approximately 5 A4 pages).

The core team will also assist the host country with preparing a "fiche" containing presentation of the policy measure/practice of the host country. The core team will be in charge of ensuring the quality of the papers and be responsible for their coordination and timely dissemination. If other documents will be prepared by participants to the Peer Review, the contractor will ensure the quality of the papers and be responsible for their coordination and timely dissemination as well.

Papers to be produced following each Peer Review:

- Executive summary (approximately 2 A4 page; available and disseminated one-two weeks after the event);
- Key policy messages (containing key policy messages, conclusions and recommendations based on the outcomes of MLP activities, allowing them to be fully used in policy design; approximately 15 A4 pages available and disseminated three weeks after the event) prepared for discussion in EMCO Ad Hoc Group with the help of the thematic expert.

Papers produced in conjunction with Peer Reviews should be made available in English. The Summary of the Peer Review should be translated into English, French, German and the language(s) of the host country.

Guidance notes

The core team will be requested to produce informative "guidance notes" for the governmental representatives, the thematic and national experts, explaining the nature of the Peer Review and the participants' role in this activity. The "guidance notes" for the thematic and national experts should also explain the way their papers should be prepared for the activities (incl. a template). These might be considered for publishing on the website.

Dissemination seminar

The core team will also be in charge of the organisation of one dissemination seminar at the end of the annual cycle where the results from the Peer Reviews and also other activities will be presented. The dissemination conference will last one day, will be organized in Brussels and will involve between 50-70 participants comprising policy-makers, representatives of the social partners, international organisations and other stakeholders from across Europe etc.

The bidders are encouraged to come forward with proposals on organizational aspects of the dissemination conference, documentation and the involvement and responsibilities of thematic experts. At the same time, the dissemination conference should involve the aspects described below.

The core team will be responsible for the smooth implementation of the dissemination conference by arranging and financing the venues, catering and lunch, and active interpretation services in English, French and German (and passive interpretation

services in Italian and Spanish). The core team will provide full logistical support (incl. financing) for all participants, travel and accommodation. The core team will actively help the Commission with the agenda of the meeting.

The core team will be responsible for conducting and facilitating the activities and will be expected to contribute to the presentations and discussions on the day and help the Commission with chairing.

5.2.4. *Organizing other activities*

Thematic events

The core team will also be in charge of the organisation of additional MLP-activities that focus on main policy challenges and approaches, from national and EU-wide perspectives, identified by the Commission in relation to a particular thematic priority identified in the context of the European Semester. Such activities should give the MLP the necessary flexibility to adapt to events and the political momentum during the course of the year. The proposed activities should be organized in Brussels for 100 to 120 participants, and involve experts, policy-makers, representatives of the social partners, international organisations and other stakeholders from across Europe.

The bidders are invited to provide an illustration of up to three examples of possible formats of such activities. The proposals should include organizational, documentation and dissemination aspects of such activities. The bidders are asked to provide the examples of such activities based on one of the following themes:

- Actions targeting in particular young people who are not in employment, education or training.
- Adapting education and training systems to reflect labour market conditions and skills demand.
- The implementation of strategies encompassing labour market measures of long-term unemployed persons.

The core team will be responsible for the smooth implementation of the activities by arranging and financing the venues, catering and lunch, and active interpretation services in English, French and German (and passive interpretation services in Italian and Spanish). The core team will provide full logistical support (incl. financing) for all participants, travel and accommodation.

Ad Hoc technical support

In order to enhance follow-up activities, the core team will assist the Commission by providing *ad hoc technical support* to Member States participating in the MLP-activities. Countries confronted with problematic issues in the employment policies field may at any time during the year ask for support networking in order to deepen their mutual learning with another peer country and explore further existing "good practices" (for instance with a view to the preparation or implementation of a major policy reform, or to improve the effectiveness and efficiency of their policies, or as a

follow-up of the organized MLP-activities). Such networking and mutual learning should further ensure that good examples and best practices are widely disseminated to the highest levels of policy makers.

The bidders are asked to come forward with a proposal on logistical, organizational, documentation and dissemination aspects of such activities.

Call for proposals

In order to enhance a further dissemination and an exchange of good practices, the Commission might during the period of contract launch a separate call for proposals. In order to ensure consistency within the overall Mutual Learning Programme and to provide input to the synthesis report, the contractor will be invited to follow these activities. It will be decided by the steering group which of these activities are to be followed more closely by the core team.

Database of best practices

The core team will be responsible for a development of a database of best practices in the field of employment that will be regularly updated. The bidders are asked to come forward with proposals on how to collect and structure this information. Proposals on how to integrate this information online will be evaluated by DG EMPL's Web Team according to the website's specifications see also section 5.2.6.

5.2.5. *Other documentation and dissemination*

The contractor will provide following documents after the completion of each annual MLP-programme:

- *Annual activity report* (approximately 20 pages): The contractor will summarise the MLP activities (also taking into account the relevant national and joint follow-up activities) in a document that will include an assessment of the practical arrangements and the methodology(ies) used (e.g. surveys of satisfaction, monitoring participation) with the core team's conclusions and recommendations in the context of the Europe 2020, and with a view to possible adaptation in the following year of the exercise.
- *Annual thematic synthesis report*: The aim is to summarise the main policy messages, conclusions from the MLP-activities (also taking into account the relevant national and joint follow-up activities) organized during the year. This report should also include the core team's recommendations to the Commission. This will be a part of the Annual Activity report and be used as an integrated input into the MLP report for the annual EPSCO "Thematic Surveillance Paper" in December.¹² Summary of the policy recommendations published in this report will in addition be provided as a factsheet for further dissemination.

The reports should be made available in English, French and German.

¹² As set out in the EPSCO Council conclusions, see page 6 for details.

Other relevant papers

Additional papers may be presented by the Member States in conjunction with the Peer Review meetings and other MLP-activities and should be disseminated and, if needed, translated as appropriate. Reports from the national and joint follow-up activities under the Mutual Learning programme should be disseminated as appropriate.

General requirements

The core team will be responsible for the drafting and ensuring the quality of all above-mentioned documents and other documents that will be proposed (see section 5.2.3. and 5.2.4). The documents shall be made available electronically on the MLP-website after approval by the Commission. All documents should be made available to the participants of the MLP activities.

The reports should be clear, accurate and concise, to be readable not only for participants but also for a general audience. The reports' layout should follow the guidelines of the European Commission's visual identity. The quality of their content should contribute to the effective dissemination of the results of the MLP activities. It is important that these papers are finalised shortly after the event so that the results can feed into subsequent discussions.

5.2.6. *Communication strategy*

In view of the importance of effectively disseminating the lessons learned in the context of the MLP-activities to a wide audience, both at European and national level, the contractor should develop and implement a communication strategy.

The communication strategy should:

- identify main target groups (e.g. relevant authorities at European and national level in the MS and participating countries, stakeholders, etc) for the dissemination of information on MLP activities
- identify relevant content providers / sources of information and establish a workflow for content production / supply
- define clear targets and indicators for assessing progress in the dissemination of information on MLP activities (see also 5.3. Quality Control and Assessment)
- identify tools, products and channels for promotion and dissemination of results to all relevant stakeholders, giving visibility to the outcomes of MLP activities and allowing them to be fully used in policy design.
- indicate alternative means of dissemination of information (e.g. online working / professional groups, social media, etc.), to be developed during the contract, to reach and motivate target groups to feed in and use the outcomes of MLP activities
- define a timeframe and work plan
- include a list of human resources to be used for each task of the work plan

- indicate how the quality of drafting and presentation of information and documents will be ensured.
- propose ways to evaluate feedback

Decisions about the communication and dissemination activities will be taken in agreement with the Commission.

The core team can be requested to make presentations of the MLP activities at meetings with third parties (e.g. meetings of the Employment Committee).

The structure, management and maintenance of the public website

During the previous years a public website has been developed to disseminate information on MLP activities in the employment field (<http://www.mutual-learning-employment.net/>).

The web presence of the MLP [hereinafter called 'subsite'] will be part of the [DG EMPL's main website](#). The core team will be requested to:

- migrate the content selected by the steering group (based on the core team's proposal) and currently on <http://www.mutual-learning-employment.net/> to [DG EMPL's website](#).
- revise and SEO¹³ the content in EN, FR, DE
- define and put in place the information structure of the MLP's subsite on DG EMPL's website
- translate the navigation labels into all EU 23 official languages (requirement of DG EMPL's content management system)
- manage the subsite's content and perform the necessary updates
- ensure quality, accuracy, accessibility and usability of the content, following the EC's rules on the [Information Provider's Guide](#)¹⁴, and the conventions established in the [Interinstitutional Style Guide](#)¹⁵ for all the EU institutions and bodies
- guarantee the content of the subsite in English, French and German with all outputs of the activities conducted in the framework of the MLP
- disseminate all deliverables (papers, documents and reports etc) on the subsite immediately after their production and approval by the Commission
- regularly check and update links to relevant national and EU websites
- facilitate publication on the subsite of relevant public reports by the independent experts in the field of the contract

¹³ SEO - Search Engine Optimisation

¹⁴ http://ec.europa.eu/ipg/index_en.htm

¹⁵ <http://publications.europa.eu/code/en/en-000100.htm>

Technical maintenance will be provided by DG EMPL's Web Team. Access to DG EMPL's content management system will be provided to the contractor. This access will be limited to the MLP subsite.

The bidders are asked to come forward with a proposal on other innovative communication channels (e.g. social media, professional networks and other interactive tools) to stimulate and facilitate the flow of information and work-sharing among the website's users. The Commission provides a set of [off-the-shelf tools](#)¹⁶ that can also be used for this purpose. The proposal should be submitted for DG EMPL approval and include:

- Most effective tools to reach the target audiences
- Ways to use these tools efficiently and motivate audiences to participate
- Human resources involved
- Timeframe and work plan

On the subsite it should be stated clearly that the European Commission has no responsibilities with regard to the information disseminated. Documents published on the subsite should also have this mention.

The 'mutual-learning-employment.net' domain will have to be booked for 3 years at the new contractor's expenses and redirected to the MLP subsite on DG EMPL's website. Domain name and rights will have to be transferred to a new contractor or to the Commission at the end of the contract.

5.3. Transition and transfer between contractors

The chosen contractor will co-operate with the Commission and the current contractor to allow for an easy, uninterrupted and quality transfer of tasks to the new contract period (if applicable).

It is required that all deliverables accumulated during the period of the contract (apart from the website's content, which will already be under the Commission domain), will be transferred to the Commission and/or the new contractor for further use before the contract expires. Advice on technical issues will be provided by DG EMPL's Web Team to both the current and the new contractor (if applicable).

The above mentioned transfer conditions will also be valid for the transfer between the chosen contractor and the following one (if applicable).

5.4. Quality control and assessment

Through the core team, the contractor will ensure the high quality of the activities undertaken and the reports produced. The contractor is requested to carry out an annual assessment of the activities focusing on:

¹⁶ http://ec.europa.eu/ipg/services/interactive_services/index_en.htm

- The impact of the Peer Reviews and other activities on the national (and/or the sub-national, where appropriate) and the European level
- The organisation of the activities;
- The effectiveness of the communication strategy with regard to the results of the activities carried out in the framework of the contract.

The bidders are invited to exemplify the methodological tools to be used to ensure assessment (e.g. surveys) and provide an illustration of how to assess the effectiveness of the examples on "thematic events" requested in section 5.2.4.

5.5. Requirements on how the tasks shall be carried out

The PROGRESS Programme aims to promote gender mainstreaming in all its five policy sections and commissioned activities. Consequently, the Contractor shall 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 the 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 ensure in particular that where the Contractor organises training sessions and conferences, issues publications or develops dedicated websites, people with disabilities will 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 is encouraged to foster an appropriate mix of people, whatever their ethnic origin, religion, age, and ability.

The Contractor will be required to detail in its final activity report the steps and achievements made towards meeting these contractual requirements.

6. PROFESSIONAL QUALIFICATIONS REQUIRED

See Annex IV of the draft contract, experts' CVs.

Additional requirements: see paragraph "Selection criteria".

7. TIME SCHEDULE AND REPORTING

See Article I.2 and Annex I of the draft contract “Tender Specifications and Monitoring”.

Additional requirements (specific deadlines for the performance of tasks):

- **TIME SCHEDULE**

The contract will have a duration of 12 months from the date of the signature of the contract. It may be renewed 3 times.

The contractor should anticipate up to 4 working meetings of the steering group, to take place in Brussels.

In addition to the specific reports required by each specific task, as mentioned above, the contractor will be asked to provide the following:

- **INCEPTION REPORT**

The inception report should clarify the approach, organisation and the methodology of the work. It should include a calendar of the tasks and a detailed description of how the core team will organize and manage the different tasks and events. This is due one month after signing of the contract.

- **INTERIM AND FINAL REPORTING**

- an interim report to be submitted during the sixth month of execution of the contract. It shall indicate the state of play of the different activities covered by the contract;
- a final report to be submitted at the end of the contract period.

Both reports should be submitted in English and include, for the time period concerned:

- a complete description of the work done;
- a presentation of the results obtained;
- an assessment of the activities and recommendations to improve management procedures;
- any comments, suggestions or recommendations judged useful or necessary by the Contractor;

All reports described above will be submitted in English language, in 3 hard copies as well as in electronic format (CD-ROM). The executive summary of the final report has to be presented in English, French and German.

- **ADDITIONAL REQUIREMENTS**

PROGRESS is implemented through a results-based management (RBM). The Strategic Framework, developed in collaboration with the Member States, social partners and civil society organisations, sets out the intervention logic for PROGRESS-related expenditure and defines PROGRESS' mandate and its long-term

and immediate outcomes. It is supplemented by performance measures which serve to determine the extent to which PROGRESS has delivered the expected results. See in Annex the overview of PROGRESS performance measurement framework. For more information on the strategic framework, please visit PROGRESS website <http://ec.europa.eu/social/main.jsp?catId=659&langId=en>.

The Commission regularly monitors the effect of PROGRESS-supported or commissioned initiatives and considers how they contribute to PROGRESS outcomes as defined in the Strategic Framework. In this context, the Contractor will be asked to dedicatedly work in close cooperation with the Commission and/or persons authorised by it to define the expected contribution and the set of performance measures which this contribution will be assessed against.

The Contractor will be asked to collect and report on its own performance to the Commission and/or persons authorised by it against a template which will be annexed to the contract. 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 necessary rights of access.

8. PUBLICATION AND INFORMATION REQUIREMENTS

In accordance with the General conditions, all contractors are under the obligation to acknowledge that the present service has received funding from the Union in all documents and media produced, in particular final delivered outputs, related reports, brochures, press releases, videos, software, etc, including at conferences or seminars. In the context of the European Union's Programme for Employment and Social Solidarity – PROGRESS, the following formulation shall be used:

This (publication, conference, training session etc) is commissioned by the European Union Programme for Employment and Social Solidarity - PROGRESS (2007-2013).

This programme is implemented by the European Commission. It was established to financially support the implementation of the objectives of the European Union in the employment, social affairs and equal opportunities area, and thereby contribute to the achievement of the Europe 2020 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.

For more information see: <http://ec.europa.eu/progress>

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 activity, the Contractor will insert the European Union logo and mention the European Commission as the Contracting Authority in every publication or related material developed under the present contract.

9. PAYMENTS AND STANDARD CONTRACT

See Article I.4 of the draft contract.

10. PRICES

The price must be stated in EUR(€), net of VAT (using, where appropriate, the conversion rates published in the C series of the Official Journal of the European Union on the day when the invitation to tender was issued), and broken down according to the model in Annex III included in the attached standard contract.

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

The total price of the offer will not exceed € **800.000** (EURO), eight hundred thousand) per year.

Bidders should note that any bids exceeding this limit will not be considered.

The financial offer must cover one year and be presented in a way that allows identification of the nature and details of costs (number of items, unit prices etc).

Professional fees and direct costs

- Fees, expressed as the number of person-days multiplied by the unit price per working day for each expert proposed (including the days of participation in meetings / seminars).
- Direct costs include
 - Travel expenses, accommodation and subsistence costs of the contractor's staff and experts attending the MLP-activities
 - Travel and accommodation for participants in Peer Reviews, dissemination seminar and thematic events (see sections 5.2.1.-5.2.4.)
 - All logistical requirements mentioned in sections 5.2.1.-5.2.4.
 - Reporting expenses;
 - Translation and printing;
 - Shipping of documents;
 - Documentation;
 - Development and updating of the Website;
 - Costs related to quality control and assessment;
 - Any unavoidable expenses necessary to the achievement of the Contract.

11. COMPOSITION OF A PARTNERSHIP OR CONSORTIUM

Tenders can be submitted by groupings of service providers/suppliers who will not be required to adopt a particular legal form prior to the contract being awarded, but may be required to do so after the award if this formulation is necessary for the good execution of the contract¹⁷.

However, a grouping of firms must nominate one party to be responsible for the receipt and processing of payments for members of the grouping, for managing the service administration, and for coordination. The documents required and listed in the following paragraphs "Exclusion criteria and supporting documents" and "Selection criteria" must be supplied by every member of the grouping.

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

12. EXCLUSION CRITERIA AND SUPPORTING DOCUMENTS

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

Those articles are as follows:

Article 93:

Applicants or tenderers shall be excluded if:

- a) they are bankrupt or being wound up, are having their affairs administered by the courts, have entered into an arrangement with creditors, have suspended business activities, are the subject of proceedings concerning those matters, or are in any analogous situation arising from a similar procedure provided for in national legislation or regulations;*
- b) they have been convicted of an offence concerning their professional conduct by a judgement which has the force of res judicata;*
- c) they have been guilty of grave professional misconduct proven by any means which the contracting authority can justify;*
- d) they have not fulfilled their obligations relating to the payment of social security contributions or the payment of taxes in accordance with the legal*

¹⁷ The contract has to be signed by all members of the group, or by one of the members, which has been duly authorised by the other members of the grouping (a power of attorney or sufficient authorisation is to be attached to the contract), when the tenderers have not formed a legal entity. The contract has to be signed by all members of the group, or by one of the members, which has been duly authorised by the other members of the grouping (a power of attorney or sufficient authorisation is to be attached to the contract), when the tenderers have not formed a legal entity

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)18.*

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 procurement procedure or fail to supply this information;(..."*

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 Rules¹⁹, confirming the declaration referred to in point 12.1) above

Article 134 of the Implementation Rules - Evidence

§3. 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. 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.

¹⁸ 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. (...)"

¹⁹ Commission Regulation n° 2342/2002 (EC, Euratom) laying down detailed rules for the implementation of Council Regulation (EC, Euratom) No 1605/2002 on the Financial Regulation applicable to the general budget of the European Communities - Official Journal L 357 of 31/12/2002

Where the document or certificate 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.

§4. Depending on the national legislation of the country in which the candidate or tenderer is established, the documents referred to in paragraph 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 (which may be used as a checklist) for the supporting documents accepted by the European Commission to be provided by applicants, tenderers or bidders to who the contract will be awarded..

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

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

13. SELECTION CRITERIA

The candidates will be selected on the basis of their financial and economic capacity and their professional and technical capacity.

13.1. Economic and financial capacity:

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

The following documents should be provided:

- a) Proof of turnover of the last financial year at least equivalent to 100% of the price of the contract;
- b) A bank declaration providing evidence of financial standing;
- c) Full set of financial statements (comprising at least a balance sheet and profit and loss account) for the last two financial years, where the tenderer is required by law to produce such statements. Where the relevant company law requires these financial statements to be audited, the audit's statement should be included. Where the tenderer is not required to produce full financial statements, other documents establishing financial capacity should be

submitted (eg internal reports, management accounts, appropriate bankers' statements, evidence of professional risks indemnity insurance etc).

If, for some exceptional reason which the contracting authority considers justified, the tenderer or candidate is unable to provide the references requested by the contracting authority, he may prove his economic and financial capacity by any other means which the contracting authority considers appropriate.

13.2. Operational capacity:

The core team

- a) The Project Director should be a Category I expert, as outlined in Annex IV of the draft contract, experts' CVs. The core team's lead expert should be a Category I expert.
- b) The senior members of the Core Team should be at least Category II experts.
- c) The Project Director, the core team's lead expert and senior members of the Core Team should have proven high experience in the field of the call, including in-depth knowledge of the European Employment Strategy. They should also have a proven track record in managing similar activities, organisational capacity, and excellent analytical and drafting capacity.

Professional qualifications of the service provider will be substantiated by providing

- Details of the proposed project team and an explanation of the nature and extent of their participation in the project;
- A declaration by the Project Director certifying the competence of the team to carry out the project, including professional capabilities;
- A declaration by the Project Director certifying that the language skills are sufficient to execute the tasks efficiently. The contractor or consortium should demonstrate solid linguistic capability covering at least the three working languages of the Commission (English, German, French) and should ensure that the project contains provision for interpretation and translation if this is considered necessary by the contractor;
- Solid experience in the policy areas of the European Employment Strategy, including the theoretical and empirical aspects, as attested by the CVs and related documentation of the experts proposed;
- Detailed CV's of the Project Director, the core team's lead expert and all members of the team (s) responsible for providing the service;
- A list of principal services or studies provided in the relevant policy domain over the past 3 years;
- In the case of tenders from consortia: clear identification of the co-ordinator of the work who will also be responsible for signing the contract, and written

confirmation from each member of the consortium that they would be ready and willing to participate in the execution of the contract, and describing their role.

Please note that CVs should not exceed two pages. It is recommended to use the presentation of the Europass CV at

http://europass.cedefop.europa.eu/europass/preview.action?locale_id=1

14. AWARD CRITERIA

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

a) Quality and consistency of the tender

- The degree of understanding of the nature of the assignment, its context and results to be achieved (20 %);

b) Quality of the bid and the proposed methodological approach

- Completeness, effectiveness, innovativeness and quality of the bid and of the methodology proposed for organising the work efficiently, in particular the administrative and logistical tasks involved in the organisation of the different activities of the MLP within the EES, the preparation of various outputs and the ability to ensure high quality outputs (45%);
- Quality of the communication strategy proposed (10%);
- Clarity and coherence of the workplan, organization of work; human resources mobilised to carry out the different stages of the work, structure of the team(s) and allocation to tasks, measures to include quality assurance and ability to complete the work well within the time available (25%).

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

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

15. CONTENT AND PRESENTATION OF BIDS

15.1. Content of bids

The bid must include:

- all information and documents necessary to enable the Commission to appraise the bid on the basis of the exclusion, selection and award criteria (see points 12, 13 and 14 above);
- a bank ID form duly completed and signed by the bank;
- a "legal entity" form duly completed;

- the price (the financial offer must be signed);
- the detailed CVs of the Core Team;
- the name and function of the contractor's legal representative (i.e. the person authorised to act on behalf of the contractor in any legal dealings with third parties);
- proof of eligibility: tenderers must indicate the State in which they have their registered office or are established, providing the necessary supporting documents in accordance with their national law

15.2. Presentation of the bid

Bids must be submitted in triplicate (i.e. one original, two copies and an electronic copy of the technical part of the bid (CD Rom).

They must include all the information required by the Commission.

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.

16. VALIDITY OF THE TENDER

Tenders must be valid for up to 8 months after submission.

OVERVIEW OF PROGRESS PERFORMANCE MEASUREMENT FRAMEWORK

PROGRESS Ultimate Outcome

Member States implement laws, policies and practices in a manner that contributes to the desired outcomes of the Social Agenda

PROGRESS works towards its ultimate outcome by helping strengthen the EU's support for Member States' efforts to create more and better jobs and to build a more cohesive society. PROGRESS seeks to contribute to (i) an **effective legal regime** in the EU in relation to the Social Agenda; (ii) **shared understanding** across the EU with regard to Social Agenda objectives; and (iii) **strong partnerships** working towards Social Agenda objectives.

In operational terms, support provided by PROGRESS facilitates (i) provision of analysis and policy advice; (ii) monitoring and reporting on the implementation of EU legislation and policies; (iii) policy transfer, learning and support among Member States; and (iv) relaying to decision-makers the views of the stakeholders and society at large.

Legal Regime

Outcome:

Compliance in Member States with EU law related to PROGRESS areas.

Performance Indicators

1. Transposition rate of EU law on matters related to PROGRESS policy areas
2. Effectiveness of application in Member States of EU law on matters related to PROGRESS policy areas.
3. EU policies and legislation are grounded in thorough analysis of situation and responsive to conditions, needs and expectations in Member States in PROGRESS areas
4. Extent to which PROGRESS-supported policy advice feeds into the development and implementation of EU legislation and policies
5. Cross-cutting issues are addressed in PROGRESS policy sections
6. EU policies and legislation display a common underlying logic of intervention in relation to PROGRESS issues
7. Gender mainstreaming is systematically promoted in PROGRESS

Shared Understanding

Outcome:

Shared understanding and ownership among policy/decision-makers and stakeholders in Member States, and the Commission, of objectives related to PROGRESS policy areas.

Performance Indicators

1. Attitudes of decision-makers, key stakeholders and general public regarding EU objectives in PROGRESS policy areas
2. Extent to which national policy discourses or priorities reflect EU objectives
3. Extent to which principles of good governance (including minimum standards on consultation) are respected in policy debate
4. Extent to which the outcomes of policy debates feed into the development of EU law and policy.
5. Greater awareness of policy- and decision-makers, social partners, NGOs, networks regarding their rights/obligations in relation to PROGRESS policy areas
6. Greater awareness of policy- and decision-makers, social partners, NGOs, networks regarding EU objectives and policies in relation to PROGRESS policy areas

Strong Partnerships

Outcome:

Effective partnerships with national and pan-European stakeholders in support of outcomes related to PROGRESS policy areas.

Performance Indicators

1. Existence of common ground/consensus among policy and decision-makers and stakeholders on EU objectives and policies
2. Identification and involvement by the EU of key actors in a position to exert influence or change at EU and national levels
3. Effectiveness of partnerships in relation to outcomes related to PROGRESS policy areas.
4. Number of individuals served or reached by networks supported by PROGRESS.
5. Extent to which advocacy skills of PROGRESS-supported networks have improved
6. Satisfaction of EU and national authorities with the contribution of networks
7. Extent to which PROGRESS-supported networks take a cross-cutting approach

Annex I

| Exclusion criteria (Article 93(1) FR) | Supporting documents to be provided by applicants, tenderers or bidders (Article 134 IR) | |
|---|--|--|
| <p>1. Exclusion from a procurement procedure, Article 93(1) FR :</p> <p><i>« Candidates or tenderers shall be excluded from participation in a procurement procedure if:</i></p> | | |
| <p>1.1. (subparagraph a)</p> <ul style="list-style-type: none"> ▪ <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</i> ▪ <i>have suspended business activities,</i> ▪ <i>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 regulations¹;</i> | <p>Recent extract from the judicial record</p> <p>or</p> <p>recent equivalent document issued by a judicial or administrative authority in the country of origin or provenance</p> <p>or</p> <p>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</p> | |
| <p>1.2. (subparagraph b)</p> <p><i>they have been convicted of an offence concerning their professional conduct by a judgment which has the force of res</i></p> | <p>Cf. supporting documents for Article 93(1)(a) FR above</p> | |

¹ 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.

| | | |
|---|--|--|
| <i>judicata</i> ² ; | | |
| Exclusion criteria (Article 93(1) FR) | Supporting documents to be provided by applicants, tenderers or bidders (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 performed</i> ³ ; | 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 interests</i> ⁴ ; | Cf. supporting documents for Article 93(1)(a) FR above | |

² Cf. footnote n° 1.

³ Cf. footnote n°1.

⁴ Cf. footnote n° 1.

| | | |
|--|---|--|
| <p>1.6. (subparagraph f) <i>They are currently subject to an administrative penalty referred to in article 96(1)</i></p> | <p>Declaration by the candidate or tenderer that he is not in the situation described</p> | |
|--|---|--|

| <p>Exclusion criteria (Article 94 FR)</p> | <p>Supporting documents to be provided by applicants, tenderers or bidders (Article 134 IR)</p> | |
|---|---|----------|
| <p>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></p> | | |
| <p>2.1. (subparagraph a) <i>are subject to a conflict of interest;</i></p> | <p>Statement by the applicant, tenderer or bidder confirming the absence of conflict of interests, to be submitted with the application, bid or proposal</p> | <p>–</p> |
| <p>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»⁵.</i></p> | <ul style="list-style-type: none"> – 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 complete⁶ and to identify any misrepresentation | <p>–</p> |

⁵ 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 a specified time-limit. » and Article 178(2) of the FR Implementing Rules: « The evaluation committee may ask an applicant to provide additional proof or to clarify the supporting documents establishing financial and operational capacity, within a specified time-limit. »

⁶ Cf. footnote n°1