
Specifications - Open invitation to tender No VT/2006/022

Service contract for drawing up a report on the analysis of the European statistics ESAW, in particular Phase 3 on "The causes and circumstances of accidents at work", with a view to evaluating the results of the new Community strategy on health and safety at work 2002-2006 and preparing any future preventive measures at Community level

1. Title of contract

Service contract for drawing up a report on the analysis of the European statistics ESAW, in particular Phase 3 on "The causes and circumstances of accidents at work", with a view to evaluating the results of the new Community strategy on health and safety at work 2002-2006 and preparing any future preventive measures at Community level.

2. Background

In the Communication from the Commission COM(2002) 118 final of 11 March 2002: "Adapting to change in work and society: a new Community strategy on health and safety at work 2002-2006", the Commission, supported by the two resolutions of the Council and the European Parliament, stresses the importance of adopting a global approach to well-being at work in order to enhance the quality of work and thus the need to consolidate a culture of risk prevention by combining a variety of policy instruments, including statistical analysis of the causes and circumstances of accidents at work.

To allow this global approach to well-being at work to become a reality, the main objective of the Community's policy on health and safety at work is to bring about a continuing improvement in well-being at work. The objectives mentioned in the strategy must be pursued jointly by all those involved (competent national authorities, employees, employers, European institutions, etc.). The most important of these objectives is a continuing reduction in occupational accidents and diseases. To this end, quantified objectives must be set, both at Community level and in the Member States, and particularly in sectors of activity with incidence rates above the European average.

In an effort to improve working conditions and the health and safety of workers at work, the Commission [Employment, Social Affairs and Equal Opportunities DG (hereinafter referred to as DG EMPL) and EUROSTAT] has been working since 1990 to harmonise the criteria and methodologies to be applied in recording and processing statistics on accidents at work — the ESAW project — and on occupational diseases — the EODS project.

The ESAW project was carried out in three phases, and Phase 3 on the "causes and circumstances" will be able to provide the information needed to implement a better prevention policy. Phase 3 of ESAW is designed to provide detailed data on the nature of the event resulting in an accident at work, so that an improved prevention policy can be adopted at European level and at national or sectoral level.

Furthermore, as the new Community strategy on health and safety 2002-2006 is now at the half-way point, we need to know its initial results from a statistical point of view and verify to what extent the reduction targets have been met.

3. Objective of the contract

The purpose of this invitation to tender is to analyse and process the ESAW data available to EUROSTAT and to draw up a report and two publications:

- one on the results of the processing and in-depth analysis of these data by type of accident and by sector, for the most frequent causes and circumstances of the accidents which occurred in the period 2001-2004, as stated in section 1 of these specifications;

- the second on the main specific measures which could be considered at Community level to prevent accidents at work in line with the causes and circumstances of accidents identified when analysing the data.

The data available are the 1994-2003 (2004) data for the 15 Member States and for ESAW Phase 2. For ESAW Phase 3, data are available for two countries for 2001 and four countries for 2002. Phase 3 data are available for seven countries for 2003 and eleven countries for 2004. In addition, some of the new Member States which joined the European Union on 1 May 2004 will provide preliminary Phase 3 data for 2003 and 2004. For the reference year 2004, none of the data referred to in this paragraph will be available until June 2006.

The ESAW Phase 3 methodology is available in electronic format at the following address:

<http://forum.europa.eu.int/Public/irc/dsis/hasaw/library>

European Statistics on Accidents at Work (ESAW) — Methodology — 2001 Edition — European Communities — DG Employment and Social Affairs series — Catalogue No KE-42-02-569-EN-C.

ESAW Phase 2 statistics illustrating the nature and scale of the Phase 2 data (but not yet the Phase 3 variables) are available on the EUROSTAT website under the directory "Data"/ "Health"/ "Health and Safety at Work". The address is:

<http://epp.eurostat.cec.eu.int>.

Examples of the first use of ESAW Phase 3 data by EUROSTAT are available on EUROSTAT's CIRCA website "Health and Safety at Work Statistics" under the "Statistical Tables" directory:

<http://forum.europa.eu.int/Public/irc/dsis/hasaw/library>.

The following areas will be analysed and processed for occupational accidents broken down by:

- the most common causes and circumstances,
 - firms' size and sector of activity,
 - workers' age groups and gender,
 - place and type of work,
 - activity and associated material agent,
 - deviation and associated material agent,
 - mode of injury,
 - nature and location of injury,
 - victim's occupation and level of training,
 - costs (estimated by days lost and other expenses),
- taking account of the severity of the accident, whether fatal or involving any absence from work of more than three days, as well as an analysis of trends in incidence rates in the period in question.

Finally, an analysis should also be carried out, which does not take account of economic factors, on whether there is a relationship of cause and effect between the accidents and:

- the work equipment used (associated material agents),
 - the systems of work organisation used (type of work – activity),
 - training of workers (occupation and professional status),
- which could justify identifying new preventive actions, measures or policies designed to eliminate certain types of accidents by eliminating the cause and/or circumstance of these accidents.

The sectors to be taken into account are all spheres of activity in both the public and private sectors in which workers are likely to have accidents at work:

- agriculture,
- manufacturing,
- electricity, gas and water supply,
- construction,
- wholesale and retail distribution,
- hotels and restaurants,
- transport and communications,
- services (financial and real-estate activities, etc.),
- other sectors.

Particular care must be taken to ensure that the result of this analysis is essentially of use to small and medium-sized enterprises (SMEs) with fewer than 50 employees, which have problems implementing directives and preventive measures relating to the health and safety of workers at work.

On the basis of the aforementioned statistical analysis and with a view to preparing any new measures at Community level, consideration must be given to identifying the main measures for preventing the causes and circumstances of the accidents identified, broken down by:

- main types of companies (sector of activity, company size, other relevant characteristics of the companies, etc.),
- main type of population of workers (age, sex, etc.),
- other relevant criteria.

4. Participation in the contract procedure

Please note that:

- Participation is open on equal terms to all physical or legal persons coming within the scope of the Treaties and any other physical or legal person 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 which have ratified this agreement, under the conditions provided for therein. Please note that R&D services under Category 8 of Annex I-A of Directive 2004/18/CE are not covered by this Agreement.
- In practice, the participation of applicants from third countries which have concluded a bilateral or multilateral agreement with the Communities in the area of public contracts must be allowed under the conditions provided for in that agreement. Bids submitted by applicants from third countries that have not concluded such an agreement may be accepted, but may also be rejected.

5. Tasks to be carried out by the contractor

The contractor's main tasks must focus on drawing up a final report comprising the methodology used for this work, the processing and in-depth analysis of the ESAW statistics and a publication of a minimum of 100 pages based on these ESAW statistics and in particular the data on the "Causes and circumstances of accidents at work" and a second publication of approximately 50 pages on preventive measures in the areas described in section 3 of these specifications.

In order to carry out the analysis, the contractor will inform DG EMPL of the ESAW data table structures and variables needed for this report; in agreement with DG EMPL, EUROSTAT will extract and format the partially aggregated files from its ESAW database and forward them to DG EMPL. The contractor will examine the tables received from DG EMPL. If necessary, further information on interpreting the data and up to five other partially aggregated extraction results from the ESAW database will be provided in accordance with the same procedure, based on the specifications provided by the contractor.

The contractor must have the capacity to analyse and process statistics on accidents at work, have or acquire an in-depth knowledge of the ESAW methodology and draw up an analysis plan in accordance with the availability of the data and their structures.

5.1 Description of tasks

- a) Drawing up a work and analysis plan in accordance with the availability of data and their structures.
- b) Analysing the data for the areas and sectors described in section 3 of these specifications.
- c) Proposing a methodology involving systematic use of the database on the causes and circumstances of accidents at work: ESAW Phase 3.
- d) Drawing up an interim report including the methodological and structural part of the work and the initial results obtained after the first nine months, with a minimum of 20 tables of results and statistics and an initial outline of the draft publication.

- e) Preparing a final report on paper and in a standard electronic format which will contain:
 - the work methodology created and used;
 - the methodology created for systematic data processing and use;
 - the data series resulting from the analysis;
 - tables, graphs and other illustrations relating to the data resulting from the analysis, to be submitted in electronic JPEG format for publication on paper or dissemination via the websites of the Commission departments DG EMPL and EUROSTAT;
 - a concise summary of the main results obtained;
 - the findings;
 - the methodology followed for identifying the main preventive measures proposed;
 - a summary of the preventive measures proposed according to the various targets identified (type of company, type of worker, etc.).
- f) Draw up two draft publications:
 - one of at least 100 pages, comprising the main results of the final report, tables, figures and graphs on the results of the statistical analysis of data;
 - the second of around 50 pages, comprising the methodology and main specific measures which could be envisaged at Community level in order to prevent accidents at work in accordance with the causes and circumstances of accidents identified during the statistical analysis.

The draft publications will be created in a standard electronic format for publication on paper and on the websites of DG EMPL of the Commission. The electronic format should also make it possible for the first publication on the results of the statistical analysis of data also to be published on the websites of DG EMPL and EUROSTAT. The format, presentation and colours of the draft publication's cover page must comply with Commission standards. The graphs and other illustrations included in the publication must also be in colour.

- g) Participating in ten (10) meetings with the Commission departments in Luxembourg which are responsible for the project (Units DG EMPL D/4 and ESTAT F/5), to be held approximately once every two months, including an initial meeting to be held at the beginning of the work, 15 days after the contract has been signed, to present in detail the methodology and work plan proposed by the contractor in the bid submitted to the Commission. The methodology, work plan and detailed arrangements must be submitted to the Commission prior to the meeting.
- h) Participating in three (3) meetings to present the interim report to the ESAW Technical Committee (February 2007) and to the plenary meeting of the Advisory Committee on Health and Safety at Work (May 2007). The purpose of the third meeting will be to present the final report to the Working Party on "Statistics on Health and Safety at Work" (September 2007). All of these meetings will be held in the Commission buildings in Luxembourg.

5.2. Guide and details of how the tasks are to be carried out

In the tender, the tenderer will indicate the methodology he intends to use, the rigour of the approach envisaged and how suitable it is for carrying out the tasks set out in section 5.1 of these specifications. The rigour of the proposed approach (methodology), its suitability for correctly reflecting the requirements set out in section 5.1 above and the proposed work plan will be among the factors governing the award of the contract.

The methodology used for performing the statistical analysis of the ESAW data must make it possible to identify, analyse and assess the various elements mentioned in sections 3 and 5.1 of these specifications and should not be restricted to documentary identification and analysis. It must also include the proposal for systematic use of the ESAW database, and in particular the use of data on the "Causes and circumstances of accidents at work" (ESAW Phase 3), and set out the proposed approach and its suitability for correctly reflecting the requirements expressed in section 5.1.

The second methodology for the proposal of new preventive measures at Community level must make it possible to identify the elements set out in section 3 of these specifications. Among other things, the methodology should:

- show the links between the statistical analysis of the causes and circumstances of accidents and the identification of the measures proposed;
- show how the measures proposed form part of the "Community strategy on health and safety at work 2002-2006".

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

6. Professional qualifications required

(See Annex IV to the draft contract, CVs of experts)

To carry out these tasks, the tenderer must have a team with multidisciplinary expertise and proven experience specifically in the following areas:

- the capacity to analyse and process statistics;
- in-depth knowledge of the ESAW methodology or the ability to acquire this knowledge;
- in-depth knowledge of issues related to the health and safety of workers at work, and in particular of accidents at work.

7. Timetable and reports

(See Article 1.2 of the draft contract)

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

- 7.1. Not more than fifteen (15) days after signature of the contract, the contractor will submit to the European Commission (DG EMPL), and then present to the Commission in Luxembourg (Units EMPL D/4 and ESTAT F/5), a detailed account of the methodology, work plan and approach which the contractor intends to use, together with the work timetable. The methodologies, the approach adopted, the work plan and the work schedule will be submitted by the contractor in English.
- 7.2. Within nine (9) months of signing the contract, the contractor will send to the European Commission (DG EMPL), and then present to the Commission in Luxembourg (Unit EMPL D/4), an interim report describing progress in relation to the timetable laid down and the first results for the period 2001-2003. This interim report will contain a summary of the results obtained so far and a first draft of the final report, including the basic concepts, the definitions and the glossary as referred to in sections 3 and 5.1. The interim report will be supplied in English and will include a minimum of 20 tables of results and statistics and an initial outline of the draft publication. It will also contain an initial list of the preventive measures which could be developed in line with the statistical analysis of the causes and circumstances of accidents at work as stipulated in section 5.1 of these specifications.
- 7.3. Fifteen (15) months after signature of the contract, the contractor will send the European Commission (DG EMPL), and submit to the Commission in Luxembourg (Unit EMPL D/4), a preliminary draft final report. This preliminary draft final report will comprise a summary of the results obtained so far for data relating to the period 2001-2004 and an initial draft publication as indicated in section 5.1.f) of these specifications. This preliminary draft final report will be supplied in English.
- 7.4. Seventeen (17) months after signature of the contract, the contractor will submit the draft final report to the European Commission in Luxembourg (Unit EMPL D/4). This draft final report will comprise the work methodology used and all information and documents as set out in sections 3 and 5.1 of these specifications which were used to draw up the above report. It will also contain the preliminary drafts of the two publications as provided for in section 5.1.f) of these specifications. The draft final report will contain all the elements mentioned in section 5.1.e) of these specifications, as well as the preliminary drafts of the publications mentioned in section 5.1.f). Both the draft final report and the preliminary draft publications will be provided in English.
- 7.5. The European Commission (Unit EMPL D/4) may submit objections and comments to the contractor within 30 days of receipt of the draft final report and the draft publications. The contractor will then have 30 days to present the final report and the two draft final publications, taking the Commission's objections and comments into account or presenting another point of view. When submitting the final report and the two draft final publications, the contractor may obtain written confirmation of acceptance.
- 7.6. If the European Commission (DG EMPL D/4) has not submitted any objections and/or comments 30 days after submission of the draft final report and the two draft publications, these will be considered definitive. The contractor will then have one month within which to submit the final report and the two draft final publications in three languages: English, French and German.

The final report will also include, in these three languages, a brief summary of the main results obtained.

The detailed methodologies and work plan, together with the various reports, draft reports and draft publications referred to in this section, will be submitted to the European Commission (Unit EMPL D/4) both on paper (in triplicate) and in a standard electronic format. The graphs and other illustrations must also be presented in a standard electronic format compatible with the systems used at the Commission, and separately to facilitate publication either on paper or on the Commission's websites (DG EMPL and EUROSTAT), as described at the end of section 5.1 of these specifications. The contractor will also supply a copy of the information collected as mentioned in sections 5 and 7 and used in drafting the final report. At the contractor's request, this information will be treated as confidential. The contractor will also authorise the publication of all illustrations and/or graphs contained in the publications free of copyright.

8. Payments and standard contract

Tenders should be drawn up bearing in mind the provisions of the standard contract, including the "General Terms and Conditions Applicable to Contracts".

8.1. Pre-financing

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

8.2. Interim payment

To be acceptable, each interim payment request from the contractor must be accompanied by:

- an interim technical report drawn up in accordance with the instructions in section 7;
- corresponding invoices;
- statements of reimbursable expenses under Article II.7 of the model contract, provided that the report has been approved by the Commission.

The Commission will have 45 days to approve or reject the report, and the contractor will have 30 days in which to submit new documents.

Within 30 days of the date on which the Commission approves the report, an interim payment corresponding to the relevant invoices, up to maximum 40 % of the total amount referred to in Article 1.3.1; of the model of contract shall be made.

8.3. Payment of the balance

The contractor's request for payment of the balance must be accompanied by:

- a final technical report drawn up in accordance with the instructions in section 7;
- corresponding invoices;
- statements of reimbursable expenses under Article II.7 of the standard contract, provided that the report has been approved by the Commission.

The Commission will have 45 days to approve or reject the report, and the contractor will have 30 days in which to submit new documents.

The balance in accordance with the relevant invoices will be paid within 30 days of approval of the report by the Commission.

9. Price

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; hence these charges may not form part of the bid price. The amount of VAT should be shown separately.

Prices will be in euros (€), excluding VAT (using the conversion rates published in the Official Journal of the European Union, series C, and applicable on the day on which the invitation to tender is issued), and broken down in accordance with the model in Annex III included in the enclosed standard contract.

Part A: Fees and direct costs

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

Part B: Reimbursable expenses

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

The total price of tender = Total for Part A + Total for Part B with an overall ceiling of € 200 000

10. Composition of a partnership or consortium

If a partnership or consortium is envisaged, its composition must be specified and the criteria listed under point 12 must be detailed for each individual member of the partnership. In addition, one of the consortium members will be designated as lead contractor and will assume full responsibility towards the Commission as regards both the bid and the future contract if awarded to them.

11. Exclusion criteria and supporting documents

Tenders will be examined sequentially, in three stages, in order and in accordance with the procedures in points 11, 12 and 13 below.

Legislation:

Article 93 of the Financial Regulation

1) Applicants or tenderers will 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 judgment which has the force of res judicata;
- c) they have been guilty of grave professional misconduct proven by any means which the contracting authority can justify;
- d) they have not fulfilled their obligations relating to the payment of social security contributions or the payment of taxes in accordance with the legal provisions of the country in which they are established, the country of the awarding authority or those of the country in which the contract is to be performed;
- e) they have been the subject of a judgment which has the force of res judicata for fraud, corruption, involvement in a criminal organisation or any other illegal activity detrimental to the Communities' financial interests;

- f) following another procurement procedure or grant award procedure financed by the Community budget, they have been declared to be in serious breach of contract for failure to comply with their contractual obligations.
- 2) Candidates or tenderers must certify that they are not in one of the situations listed in paragraph 1.

Article 134 of the Implementing Rules — Supporting documents

1. The contracting authority will accept, as satisfactory evidence that the candidate or tenderer is not in one of the situations described in points (a), (b) or (e) of Article 93 of the Financial Regulation, production of a recent extract from the judicial record or, failing that, a recent equivalent document issued by a judicial or administrative authority in the country of origin or provenance showing that these requirements are met.
2. The contracting authority will accept as satisfactory evidence that the candidate or tenderer is not in the situation described in point d) of Article 93 of the Financial Regulation, a recent certificate issued by the competent authority of the State concerned. Where no such document or certificate is issued by the country concerned, it may be replaced by a declaration under oath or, failing that, a solemn statement made by the tenderer before a judicial or administrative authority, a notary or a qualified professional body in his or her country of origin or provenance.
3. 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 will 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.

Article 94 of the Financial Regulation

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

- a) are subject to a conflict of interest;
- b) are guilty of misrepresentation in supplying the information required by the contracting authority as a condition of participation in the contract procedure or fail to supply this information.

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.

A spontaneous written declaration from an applicant to the effect that he is not subject to one of the cases for exclusion referred to in Article 93(1)(a), (b), (d) and (e) above will not be accepted by DG EMPL.

Any tender not including the supporting documents provided for in this Annex will be excluded.

12. Selection criteria

All tenders must also contain the documents listed below, testifying to the tenderer's financial and economic standing, technical capability and professional qualifications, as referred to in point 6. In particular, the European Commission will examine:

12.1. Economic and financial capacity: on the basis of the following documents:

- turnover during the previous financial year (statement on the overall turnover — at least twice the value of the maximum of the contract (€ 400,000) - and turnover on assessment services provided during the past three financial years;
- balance sheets and profit and loss accounts for the past three financial years, if the legislation of the country in which the tenderer is established requires them to be published;

- regular accounts for the quarter preceding that in which the notice of invitation to tender was published, if the full accounts for the previous financial year are not yet available.

12.2 Description of the technical capability of the tenderer

Description of the technical capability and practical experience of the tenderer in the fields referred to in sections 3, 5 and 6 of these specifications. For consortia of companies or groups of service providers, this description must relate specifically to the tasks to be performed by each of their various members.

- Examples evidencing the tenderer's practical experience in the field of analysis and processing of statistics on accidents at work, as referred to in sections 3, 5 and 6 of these specifications.
- Tenderers must provide the names and CVs (maximum three pages for each) of the persons assigned the specific tasks described in sections 5 and 6 of these specifications, in order to determine their practical experience in the field referred to in each lot and their capacity to communicate with the enterprises and/or establishments.
- Description of the parts of the services to be provided by each member of the consortium of companies or groups of service providers (where applicable).

Any tender not containing the elements setting out the tenderer's economic, financial and technical capacity will be eliminated.

Information which is not in the public domain must not be referred to in the technical tender.

13. Award criteria

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

- | | |
|--|-------|
| - understanding of the objectives and tasks: | 15 % |
| - quality and rigour of the technical and methodological approach (including ability to correctly reflect the real situation): | 40 % |
| - quality of the work plan proposed: | 15 % |
| - organisation of the work and management of the project: | 30 %. |

It should be noted that the contract will not be awarded to any tender receiving less than (70%) for the award criteria. The points total will then be divided by the price with the highest-scoring bid being chosen.

14. Content and presentation of tenders

14.1 Content of tenders

The tender must include:

- a letter of presentation, signed by the legal representative;
- all information and documents necessary to enable the Commission to appraise the tender on the basis of the selection and award criteria (see sections 12 and 13 above);
- a bank ID form duly completed and signed by the bank;
- a "legal entity" form, duly completed;
- the price;
- the detailed CVs of the proposed experts;
- the name and function of the contractor's legal representative (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. Presentation of tenders

- Tenders must be submitted in triplicate (one original and two copies).
- They must include all the information required by the Commission (see sections 9, 10, 11 and 12 above).
- They must be clear and concise.
- They will be considered only if signed by the tenderer's legal representative. Unsigned tenders will be rejected.
- They must be submitted in accordance with the specific requirements of the invitation to tender, within the deadlines laid down.

Annex I

11 Exclusion criteria (Art. 93§1 FR)	Supporting documents to be provided by applicants, tenderers or bidders		
	Procurement (Art. 93§2 RF; Article 134 FR)		
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, are having their affairs administered by the courts,</i> <i>have entered into an arrangement with creditors,</i> <i>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 regulations¹;</i>	<ul style="list-style-type: none"> — 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 judicata²;</i>	See supporting documents for Article 93(1)(a) FR above		
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 See also Article 134(3) IR: Depending on the national legislation of the country in which the tenderer or applicant is established, the documents referred to relate to legal entities and/or physical persons, including, where considered necessary by the awarding authority, company directors or any person with powers of representation, decision-making or control in relation to the applicant or tenderer.

² See footnote 1.

<p>1.4. (subparagraph d) <i>they have not fulfilled their obligations relating to the payment of social security contributions or the payment of taxes in accordance with the legal provisions of the country in which they are established or with those of the country of the contracting authority or those of the country where the contract is to be performed³;</i></p>	<p>Recent certificate issued by the competent authority of the State concerned confirming that the candidate is not in the situation described</p> <p style="text-align: center;">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>1.5. (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 interests⁴;</i></p>	<p>See supporting documents for Article 93(1)(a) FR above</p>		
<p>1.6. (subparagraph f) <i>following another procurement procedure or grant award procedure financed by the Community budget, they have been declared to be in serious breach of contract for failure to comply with their contractual obligations."</i></p>	<p>Declaration by the candidate or tenderer that he is not in the situation described</p>		

³ See footnote 1.

⁴ See footnote 1.

11 Exclusion criteria (Art. 94 FR)	Supporting documents to be provided by applicants, tenderers or bidders		
	Procurement	Subsidies	
2. Exclusion from a procurement or grant award procedure under 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 interests;</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”⁵.</i>	<ul style="list-style-type: none"> — No specific supporting documents to be supplied by the applicant, tenderer or bidder. — It is the responsibility the authorising officer, represented by the evaluation committee, to check that the information submitted is complete⁶ and to identify any misrepresentation. 		—

⁵ See Article 146(2) of the FR Implementing Rules: “However, 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 See footnote 1.