Dear Sir/Madam,

1. The European Commission invites tenders for a service contract regarding the following project:

   **Technical assistance for the adoption process of the revision of Directive 96/53 on maximum weights and dimensions of coaches and heavy goods vehicles**

2. If you are interested in this contract, you must submit a tender in duplicate, in one of the official languages of the European Union not later than 31/07/2012 to the following address:

   European Commission
   Directorate-General for Mobility and Transport
   For the attention of Mr Kristian HEDBERG
   DM 28 4/64
   B-1049 Brussels
   Belgium

   Tenders must be placed inside two sealed envelopes. The inner envelope, addressed to the department indicated in the invitation to tender, should be marked as follows:

   "Invitation to tender n° MOVE/D3/2012-499 not to be opened by the internal mail department"

   If self-adhesive envelopes are used, they must be sealed with adhesive tape and the sender must sign across this tape.

3. All tender documents shall be perfectly legible so that there can be no doubt as to words and figures.
4. Validity period of the tender: six months as from the final date for submission of tenders mentioned under point 2 above.

5. The original signature of the tenderer on the administrative identification form (Annex 1) shall be considered as the signature of the tender. Submission of a tender implies acceptance of all the terms and conditions set out in this invitation to tender, in the specification, in the draft contract and, where applicable, waiver of the tenderer's own general or specific terms and conditions. The terms and conditions are binding on the tenderer to whom the contract is awarded during the performance of the contract.

6. Requests for additional information must be sent to the following address:

   Mr Philippe HAMET
   European Commission
   DM 28-4/75
   B-1049 Brussels
   Belgium

   Fax (+32 2) 295.18.61
   e-mail: Philippe.hamet@ec.europa.eu

7. This invitation to tender is in no way binding on the Commission. A commitment will come about only when a contract with the successful tenderer has been signed.

   Until a contract is signed, the awarding authority may decide not to award a contract or to cancel the tendering procedure, without the candidates or tenderers being entitled to claim any compensation. Where appropriate, the decision will be substantiated and brought to the attention of the tenderers.

8. Tenderers will be informed of whether their tenders have been accepted or rejected.

9. If processing your reply to the invitation to tender involves the recording and processing of personal data (such as your name, address and CV), such data will be processed pursuant to Regulation (EC) No 45/2001 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data. Unless indicated otherwise, your replies to the questions and any personal data requested are required to evaluate your tender in accordance with the specifications of the invitation to tender and will be processed solely for that purpose by the Director of the Shared Resource Directorate MOVE/ENER, acting as data controller. Details concerning the processing of your personal data are available on the privacy statement at: http://ec.europa.eu/dataprotectionofficer/privacystatement_publicprocurement_en.pdf.

10. Your personal data (name, given name if natural person, address, legal form, registration number and name and given name of the persons with powers of representation, decision-making or control, if legal person) may be registered in the Early Warning System (EWS) only or both in the EWS and Central Exclusion Database (CED) by the Accounting Officer of the Commission, should you be in one of the situations mentioned in:


Yours faithfully,

Fotis KARAMITSOS
Director
SPECIFICATIONS

1. Introduction

1.1. Weights and dimensions of heavy-duty vehicles operating international and national transport in the EU are ruled by Directive 96/53/EC. This Directive aims at ensuring fair competition between hauliers, ensuring that transport operations may not be refused between two Member States on the basis of the dimensions of the vehicle used. There is now a case to adapt these rules which were put together during the 1990's. The Commission announced in its White Paper on Transport presented on 28 March 2011 that urgent action needs to be taken to make road transport more resource-efficient and to further integrate the various transport modes to achieve a Single European Transport Area. In keeping with these objectives, the White Paper announced that the legislation on weight and dimension should be reviewed to adapt it to new technologies and needs, and to facilitate intermodal transport and the overall reduction of energy consumption and emissions.

This revision of the Directive will have to be adopted by the European Parliament and the Council. It will be supplemented in due time by an adaptation to technical progress of the type-approval requirements on masses and dimensions for regarding heavy-duty vehicles (which defines standards to be complied with for the commercialisation of new vehicles) within the framework of Regulation 661/2009 and Directive 2007/46/EC.

1.2. At the moment, the revision process focuses on the 5 following topics:

- improvement of the aerodynamics of trucks in order to reduce their fuel consumption and their CO2 emissions. This improvement might take place thru the addition of flaps at the rear of the vehicle and a possible reshaping of the trucks cabins;
- encourage multimodal transport via a short increase in the length of the trailers to accommodate some larger standardized containers (45’ long);
- adaptation of the weight of coaches, in order to take into account the electrification of urban coaches and the hybridisation of the propulsion of inter-urban coaches;
- definition of procedures and means for the enforcement of offences against the Directive 96/53.
- clarification of the current Directive (essentially its article 4) on the issue of cross border movement of heavier or longer vehicles than those permitted by the Directive.

A legislative initiative amending Directive 96/53 is expected at the beginning of 2013.

2. Purpose of the contract

The objective of the contract is to provide technical assistance to the Commission during the adoption process of the Directive. The contractor will

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1 Council Directive 96/53/EC of 25 July 1996 laying down for certain road vehicles circulating within the Community the maximum authorized dimensions in national and international traffic and the maximum authorized weights in international traffic


• Assist the Commission in evaluating qualitatively and quantitatively the impacts of possible alternative proposals appearing during the adoption process of the proposal of the revised Directive.

• Assist the Commission during the discussions with Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions with provision of high-level technical expertise to answer questions on the different aspects covered by the revision.

The experts who will carry out the assignment shall sign a declaration of confidentiality and impartiality before the start of their mission.

3. Reports and documents to produce

Execution of the tasks begins after the date on which the Contract enters into force.

In principle, the deadlines set out below cannot be extended. The Contractor is deemed solely responsible for delays occasioned by subcontractors or other third parties (except for rare cases of force majeure). Adequate resources and appropriate organisation of the work including management of potential delays should be put in place in order to observe the timetable below.

A kick-off meeting will take place in Brussels, at the latest 20 days following the signature of the contract, in order to settle all the details of the study, report, etc... to be undertaken.

3.1. Reports

The assistance will take the form of the provision of expertise upon request on short notice, corresponding to the successive steps of the process. The contractor will have to reply in very short times to specific questions raised by the Commission, drafting replies under the form of short position papers, emails, presentations on PowerPoint slides. The consultant may have to accompany the Commission officers to meetings with stakeholders, Parliamentary committees, ...

The progress report showing progress of the work shall be submitted to the Commission at the latest 12 months after the date of signature of the contract. It will gather all the documents, notes, slides … provided to the Commission during the first year of the contract.

The Commission shall have twenty days from receipt to approve or reject the report. Within 20 days of receiving the Commission’s observations, the Contractor will submit additional information or another report.

3.2. Final report

The contractor will submit a final progress report to the Commission at the latest 23 months after the signature of the contract.

The Commission shall have twenty days from receipt to approve or reject the final progress report, and the Contractor shall have 20 days in which to submit additional information or a new final progress report.
3.3. **Report format and publication**

1 copy of the reports shall be supplied in paper form and one copy in electronic form, either in MS Word or Powerpoint, depending on the file type.

The Commission may publish the results of the study. For this purpose, the tenderer must ensure that there are no restrictions based on confidentiality and/or intellectual property rights are expected from the third party. Should he intend to use the study data, which cannot be published, this must be explicitly mentioned in the offer.

4. **Duration of the tasks**

The duration of the tasks shall not exceed **24 months**. This period is calculated in calendar days.

5. **Place of performance**

The tasks will be performed on the Contractor’s premises. However, meetings between the contractor and the Commission may be held on Commission premises in Brussels.

6. **Estimate of the amount of work involved**

The amount of work involved to carry out this contract is assessed at 50 man-days

7. **Terms of contract**

In drawing up his offer, the tenderer should bear in mind the provisions of the draft contract attached to this invitation to tender (Annex 5). *Any limitation, amendment or denial of the terms of contract will lead to automatic exclusion from the procurement procedure.*

The Commission may, before the contract is signed, either abandon the procurement procedure or cancel the award procedure without the tenderers being entitled to claim any compensation.

8. **Terms of payment**

Payments shall be made in accordance with article I.4. of the Contract.

9. **Structure of the tender**

All tenders must include three sections i.e. an administrative, a technical and a financial proposal.

9.1 **Section One: administrative proposal**

This section must provide the following information, set out in the standard identification forms attached to these tender specifications (Annexes 1, 2 and 3):

- Tenderers’ identification (Annex 1)
All tenderers must provide proof of registration, as prescribed in their country of establishment, on one of the professional or trade registers or provide a declaration or certificate.

If the tenderer is a natural person, he/she must provide a copy of the identity card/passport or driving licence and proof that he/she is covered by a social security scheme as a self-employed person.

- Financial identification (Annex 2)
  The bank identification form must be filled in and signed by an authorised representative of the tenderer and his/her banker. A standard form is attached in Annex 2 and a specific form for each Member State is available at the following Internet address:
  http://ec.europa.eu/budget/contracts_grants/info_contracts/financial_id/financial_id_en.cfm

- Legal entities (Annex 3)
  The legal entity form in Annex 3 must be filled in and should be accompanied by a number of supporting documents, available on the Web site:
  http://ec.europa.eu/budget/contracts_grants/info_contracts/legal_entities/legal_entities_en.cfm

The Commission reserves the right, however, to request additional evidence in relation to the bid submitted for evaluation or verification purposes within a time-limit stipulated in its request.

9.2 Section Two: Technical proposal

The technical proposal must provide all the information needed for the purpose of awarding the contract.

9.3 Section Three: Financial proposal

All tenders must contain a financial proposal. The tenderer's attention is drawn to the following points:

- Prices must be quoted in euros, including the countries which are not in the euro-area. As far as the tenderers of those countries are concerned, they cannot change the amount of the bid because of the evolution of the exchange rate. The tenderers choose the exchange rate and assume all risks or opportunities relating to the rate fluctuation.

- Prices must be fixed amounts and include all expenses, such as travel expenses and daily allowances

- Prices should be quoted free of all duties, taxes and other charges, i.e. also free of VAT, as the European Union is exempt from such charges in the EU under Articles 3 and 4 of the Protocol on the Privileges and Immunities of the European Union of 8 April 1965 (OJ L 152 of 13 July 1967). Exemption is granted to the Commission by the governments of the Member States, either through refunds upon presentation of documentary evidence or by direct exemption. For those countries where national legislation provides an exemption by
means of a reimbursement, the amount of VAT is to be shown separately. In case of doubt about the applicable VAT system, it is the tenderer's responsibility to contact his or her national authorities to clarify the way in which the European Union is exempt from VAT;

- Prices shall be fixed and not subject to revision during the performance of the contract.

10. Exclusion criteria (exclusion of tenderers)

10.1. Exclusion criteria (Article 93 Financial Regulation⁴)

1. To be eligible for participating in this contract award procedure, tenderers must not be in any of the following situations:

(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 obligations relating to the payment of social security contributions or the payment of taxes in accordance with the legal provisions of the country in which they are established or with those of the country of the contracting authority or those of the country where the contract is to be performed;

(e) they have been the subject of a judgement which has the force of res judicata for fraud, corruption, involvement in a criminal organisation or any other illegal activity detrimental to the Union's financial interests;

(f) they are currently subject to an administrative penalty referred to in Article 96(1) of the Financial Regulation for being guilty of misrepresentation in supplying the information required by the contracting authority as a condition of participation in a contract procurement procedure or by the authorising officer as a condition of participation in a grant award procedure, for failing to supply this information or for having been declared to be in serious breach of their obligations under contracts or grants covered by the Union budget.

2. The cases referred to in point IV.1.1. e) above shall be the following:

a) cases of fraud as referred to in Article 1 of the Convention on the protection of the European Communities' financial interests established by the Council Act of 26 July 1995⁵;

b) cases of corruption as referred to in Article 3 of the Convention on the fight against corruption involving officials of the European Communities or officials of Member States of the European Union, established by the Council Act of 26 May 1997⁶;


⁵ OJ/C 316 of 27.11.1995, p. 48
c) cases of involvement in a criminal organisation, as defined in Article 2(1) of Joint Action 98/733/JHA of the Council⁷;


10.2. Other cases of exclusion (Article 94 Financial Regulation)

Contracts will not be awarded to tenderers who, during the procurement procedure:

a) are subject to a conflict of interest;

Tenderers must declare:

- that they do not have any conflict of interest in connection with the contract; a conflict of interest could arise in particular as a result of economic interests, political or national affinities, family or emotional ties, or any other relevant connection or shared interest;

- that they will inform the contracting authority, without delay, of any situation constituting a conflict of interest or which could give rise to a conflict of interest;

- that they have not made and will not make any offer of any type whatsoever from which an unjustified advantage can be derived under the contract;

- that they have not granted and will not grant, have not sought and will not seek, have not attempted and will not attempt to obtain, and have not accepted and will not accept, any advantage, financial or in kind, to or from any party whatsoever, where such advantage constitutes an illegal practice or involves corruption, either directly or indirectly, inasmuch as it is an incentive or reward relating to performance of the Contract.

The Commission reserves the right to check the above information.

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.

c) find themselves in one of the situations of exclusion, referred to in point 10.1 above for this procurement procedure.

10.3 Declaration to be provided by the tenderers

When submitting their bids, each tenderer shall provide a declaration on their honour, duly signed and dated, stating that they are not in one of the situations mentioned above. For that purpose, they must complete and sign the form attached in Annex 4.

Where the tenderer is a legal entity, they shall, whenever requested by the Commission, provide information on the ownership or on the management, control and power of representation of the legal entity.

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⁸ OJ/L 166 of 28.6.1991, p. 77
11. **Selection criteria (selection of tenderers)**

To be eligible, the tenderers must have the economic and financial capacity as well as the technical and professional capacity to perform the tasks required in this call for tender.

In particular, the following selection criteria have been set for this tender:

**Financial and economical criteria and references required:**

Tenderers must provide evidence of their economic and financial capacity by presenting an average annual turnover of minimum 100,000 EUR for the last two years for which accounts have been closed.

Tenderers must provide proof of their financial and economic capacity by means of the following documents:

- profit and loss accounts for the last three financial years for which accounts have been closed, where publication of this document is required under the company law of the country in which the economic operator is established. The figures to be taken into account must be clearly shown.

- a statement of overall turnover for the last three financial years.

**Professional and technical criteria and reference required:**

The team of experts that will carry out the work must have expertise in the following domains:

- organization of road transport of goods and persons
- technologies linked to road transport
- economics of road transport
- mechanics and aerodynamics of heavy goods vehicles and coaches
- multimodal and combined transport organization
- certification process

Evidence of this capacity shall be demonstrated on the basis of the following documents:

- references of previous studies, press articles or books
- CVs of their experts: Tenderers should provide with their offer detailed curriculum vitae of each staff member responsible for carrying out the work, including his or her educational background, degrees and diplomas, professional experience, research work, publications and linguistic skills. The CV's shall be presented, preferably, in accordance to the Commission Recommendation on a common European format for curricula vitae, published in OJ L79 of 22 March 2002, p. 66.

12. **Evaluation of tenders – award criteria**

The contract will be awarded according to the criteria given below, on the basis of the economically most advantageous tender.
Only bids that have reached a total score of a minimum of 70% and a minimum score of 60% for each criterion will be taken into consideration for awarding the contract.

a) Technical evaluation criteria in their order of importance as weighted by percentage

<table>
<thead>
<tr>
<th>Nº</th>
<th>Award Criteria</th>
<th>Weighting</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Demonstration of the understanding of the Directive 96/53, its consequences on the transport market, current discussions around the revision process of this directive</td>
<td>40</td>
</tr>
<tr>
<td>2</td>
<td>Ability to explain its positions by writing clearly and with sound Case Study: Provide a one or two pager assessing the pros and cons of side skirts added to trailers (aerodynamics, transport operations, economic point of view …)&quot;.</td>
<td>30</td>
</tr>
<tr>
<td>3</td>
<td>Methodology for allocating to the tasks, experts that can conduct their mission in an impartial way, and mechanisms to ensure the impartiality of the team throughout the implementation of the contract</td>
<td>30</td>
</tr>
<tr>
<td></td>
<td><strong>Total number of points</strong></td>
<td><strong>100</strong></td>
</tr>
</tbody>
</table>

b) Total price

The contract will be awarded to the tenderer whose offer represents the best ratio quality/price.

13. **ANNEXES**

1. Identification of the Tenderer
2. Financial Identification
3. Legal Entity Form
4. Declaration by the Tenderer related to the absence of conflict of interest
5. Draft Contract/ Purchase order
ANNEX 1
IDENTIFICATION OF THE TENDERER
(Each service provider, including subcontractor(s) or any member of a consortium or grouping, must complete and sign this identification form)

Call for tender MOVE/D3/2012-499

<table>
<thead>
<tr>
<th>Identity</th>
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<tbody>
<tr>
<td>Name of the tenderer</td>
</tr>
<tr>
<td>Legal status of the tenderer</td>
</tr>
<tr>
<td>Date of registration</td>
</tr>
<tr>
<td>Country of registration</td>
</tr>
<tr>
<td>Registration number</td>
</tr>
<tr>
<td>VAT number</td>
</tr>
<tr>
<td>Description of statutory social security cover (at the level of the Member State of origin) and non-statutory cover (supplementary professional indemnity insurance)</td>
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<table>
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<tr>
<th>Address</th>
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<tbody>
<tr>
<td>Address of registered office of tenderer</td>
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<tr>
<td>Where appropriate, administrative address of tenderer for the purposes of this invitation to tender</td>
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</table>

<table>
<thead>
<tr>
<th>Contact Person</th>
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</thead>
<tbody>
<tr>
<td>Surname:</td>
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<tr>
<td>First name:</td>
</tr>
<tr>
<td>Title (e.g. Dr, Mr, Ms) :</td>
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<tr>
<td>Position (e.g. manager):</td>
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<tr>
<td>Telephone number:</td>
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<tr>
<td>Fax number:</td>
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<tr>
<td>E-mail address:</td>
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</tbody>
</table>

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9 For natural persons
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<tr>
<th>Legal Representatives</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Names and function of legal representatives</strong> and of other representatives of the tenderer who are authorised to sign contracts with third parties</td>
</tr>
</tbody>
</table>

**Declaration by an authorised representative of the organisation**¹⁰

I, the undersigned, certify that the information given in this tender is correct and that the tender is valid.

<table>
<thead>
<tr>
<th>Surname:</th>
<th>First name:</th>
<th>Signature:</th>
</tr>
</thead>
</table>

¹⁰ This person must be included in the list of legal representatives; otherwise the signature on the tender will be invalidated.
ANNEX 2

Financial identification form

(to be completed by the tenderer and his or her financial institution)

A specific form for each Member State is available at the following Internet address:

http://ec.europa.eu/budget/contracts_grants/info_contracts/financial_id/financial_id_en.cfm
ANNEX 3

Legal entity form

Complete the legal entity form, which should be accompanied by a number of supporting documents, available on the Web site:

http://ec.europa.eu/budget/contracts_grants/info_contracts/legal_entities/legal_entities_en.cfm

Please note that we can only accept either original documents or certified copies, which must be less than 6 months old.

In the case of a grouping, this form must only be provided by the person heading the project.
ANNEX 4

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

Each service provider, including subcontractor(s) or any member of a consortium or grouping, must sign this declaration.

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

- in his/her own name (if the economic operator is a natural person or in case of own declaration of a director or person with powers of representation, decision making or control over the economic operator)11)
  - or
- representing (if the economic operator is a legal person)

official name in full (only for legal person):

official legal form (only for legal person):

official address in full:

VAT registration number:

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

a) is not bankrupt or being wound up, is not having its affairs administered by the courts, has not entered into an arrangement with creditors, has not suspended business activities, is not the subject of proceedings concerning those matters, and is not in any analogous situation arising from a similar procedure provided for in national legislation or regulations;

b) has not been convicted of an offence concerning professional conduct by a judgment which has the force of res judicata;

c) has not been guilty of grave professional misconduct proven by any means which the contracting authorities can justify;

d) has fulfilled all its obligations relating to the payment of social security contributions and the payment of taxes in accordance with the legal provisions of the country in which it is established, with those of the country of the contracting authority and those of the country where the contract is to be carried out;

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11 To be used depending on the national legislation of the country in which the candidate or tenderer is established and where considered necessary by the contracting authority (see art. 134(4) of the Implementing Rules).
e) has not been the subject of a judgement which has the force of *res judicata* for fraud, corruption, involvement in a criminal organisation or any other illegal activity detrimental to the Union's financial interests;

f) is not a subject of the administrative penalty for being guilty of misrepresentation in supplying the information required by the contracting authority as a condition of participation in the procurement procedure or failing to supply an information, or being declared to be in serious breach of his obligation under contract covered by the budget.

In addition, the undersigned declares on their honour:

g) they have no conflict of interest in connection with the contract; a conflict of interest could arise in particular as a result of economic interests, political or national affinities, family or emotional ties or any other relevant connection or shared interest;

h) they will inform the contracting authority, without delay, of any situation considered a conflict of interest or which could give rise to a conflict of interest;

i) they have not made and will not make any offer of any type whatsoever from which an advantage can be derived under the contract;

j) they have not granted and will not grant, have not sought and will not seek, have not attempted and will not attempt to obtain, and have not accepted and will not accept any advantage, financial or in kind, to or from any party whatsoever, constituting an illegal practice or involving corruption, either directly or indirectly, as an incentive or reward relating to award of the contract;

k) that the information provided to the Commission within the context of this invitation to tender is accurate, sincere and complete;

l) that in case of award of contract, they shall provide upon request the evidence that they are not in any of the situations described in points a, b, d, e above.

For situations described in (a), (b) and (e), production of a recent extract from the judicial record is required or, failing that, a recent equivalent document issued by a judicial or administrative authority in the country of origin or provenance showing that those requirements are satisfied. Where the Tenderer is a legal person and the national legislation of the country in which the Tenderer is established does not allow the provision of such documents for legal persons, the documents should be provided for natural persons, such as the company directors or any person with powers of representation, decision making or control in relation to the Tenderer.

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

For any of the situations (a), (b), (d) or (e), where any document described in two paragraphs above is not issued in the country concerned, it may be replaced by a sworn or, failing that, a solemn statement made by the interested party before a judicial or administrative authority, a notary or a qualified professional body in his country of origin or provenance.

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

Full name

Date

Signature