CALL FOR TENDERS
N° MOVE/B/2014-260

STUDY ON
An evaluation of the effectiveness of the European Works Councils in the transport sector

TENDER SPECIFICATIONS
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INFORMATION ON TENDERING

1.1. Participation

Participation in this tender procedure is open on equal terms to all natural and legal persons coming within the scope of the Treaties and to all natural and legal persons in a third country which has a special agreement with the Union in the field of public procurement on the conditions laid down in that agreement. Where the Multilateral Agreement on Government Procurement\(^1\) concluded within the WTO applies, the participation to the call for tender is also open to nationals of the countries that have ratified this Agreement, on the conditions it lays down.

1.2. Contractual conditions

The tenderer should bear in mind the provisions of the draft contract which specifies the rights and obligations of the contractor, particularly those on payments, performance of the contract, confidentiality, and checks and audits.

1.3. Joint tenders

A joint tender is a situation where a tender is submitted by a group of economic operators (consortium). Joint tenders may include subcontractors in addition to the joint tenderers.

In case of joint tender, all economic operators in a joint tender assume joint and several liability towards the Contracting Authority for the performance of the contract as a whole.

These economic operators shall designate one of them to act as leader with full authority to bind the grouping or the consortium and each of its members. It shall be responsible for the receipt and processing of payments for members of the grouping, for managing the service administration and for coordination. The composition and constitution of the grouping or consortium, and the allocation of the scope of tasks amongst the members, shall not be altered without the prior written consent of the Commission.

The tenderers should indicate in their offer whether the partnership takes the form of:

a) a new or existing legal entity which will sign the contract with the Commission in case of award

or

b) a group of partners not constituting a new legal entity, who via a power of attorney, signed by an authorised representative of each partner (except the lead partner), designate one of the partners as lead partner, and mandate him as lead contractor to sign the contract with the Commission in case of award.

\(^1\) See [http://www.wto.org/english/tratop_e/gproc_e/gp_gpa_e.htm](http://www.wto.org/english/tratop_e/gproc_e/gp_gpa_e.htm)
1.4. **Subcontracting**

Subcontracting is permitted in the tender but the contractor will retain full liability towards the Contracting Authority for performance of the contract as a whole.

Tenderers must give an indication of the part of the services and proportion of the contract that they intend to subcontract.

Tenderers are required to identify subcontractors whose share of the contract is above 20%.

During contract execution, the change of any subcontractor identified in the tender will be subject to prior written approval of the Contracting Authority.

1.5. **Content of the tender**

The tenders must be presented as follows:

Part A: Identification of the tenderer (see section 1.6)

Part B: Evidence for exclusion criteria (see section 2.2)

Part C: Evidence for selection criteria (see section 2.3)

Part D: Technical offer (see section 2.5)

Part E: Financial offer (see section 2.6)

Part F: Power of attorney (for consortia only)

1.6. **Identification of the tenderer: legal capacity and status**

- The tenderer's identification form in Annex 1 shall be filled in and signed by:
  - The tenderer (including any member of a consortium or grouping)
  - subcontractor(s) whose share of the work represent more than 20% of the contract.

- In order to prove their legal capacity and their status, all tenderers (including any member of a consortium of grouping) must provide a signed **Legal Entity Form with its supporting evidence**. The form is available on: [http://ec.europa.eu/budget/contracts_grants/info_contracts/legal_entities/legal_entities_en.cfm](http://ec.europa.eu/budget/contracts_grants/info_contracts/legal_entities/legal_entities_en.cfm)

  Tenderers that are already registered in the Contracting Authority’s accounting system (i.e. they have already been direct contractors) must provide the form but are not obliged to provide the supporting evidence.

- If it has not been included with the Legal Entity Form, tenderers must provide the following information

  - For legal persons, a legible copy of the notice of appointment of the **persons authorised to represent the tenderer** in dealings with third parties and in legal proceedings, or a copy of the publication of such appointment if the legislation which applies to the legal entity concerned requires such publication. Any
delegation of this authorisation to another representative not indicated in the official appointment must be evidenced.

- For natural persons, where applicable, a proof of registration on a professional or trade register or any other official document showing the registration number.

- The tenderer (only the leader in case of joint tender) must provide a **Financial Identification Form and supporting** documents. The form is available on: http://ec.europa.eu/budget/contracts_grants/info_contracts/index_en.cfm

**EVALUATION AND AWARD**

**2.1. Evaluation steps**

The evaluation is based on the information provided in the submitted tender. It takes place in three steps:

(1) Verification of non-exclusion of tenderers on the basis of the exclusion criteria

(2) Selection of tenderers on the basis of selection criteria

(3) Evaluation of tenders on the basis of the award criteria (technical and financial evaluation)

Only tenders meeting the requirements of one step will pass on to the next step.

**2.2. Exclusion criteria**

All tenderers shall provide a declaration on their honour (see Annex 2), duly signed and dated by an authorised representative, stating that they are not in one of the situations of exclusion listed in the Annex 2.

The declaration on honour is also required for identified subcontractors whose intended share of the contract above 20%.

The successful tenderer shall provide the documents mentioned as supporting evidence in Annex 2 before signature of the contract and within a deadline given by the contracting authority. This requirement applies to all members of the consortium in case of joint tender. In case of doubt on this declaration on the honour, the contracting authority may also request the evidence for subcontractors whose intended share of the contract is above 20%.

**2.3. Selection criteria**

Tenderers must prove their economic, financial, technical and professional capacity to carry out the work subject to this call for tender.

The tenderer may rely on the capacities of other entities, regardless of the legal nature of the links which it has with them. It must in that case prove to the Contracting Authority that it will have at its disposal the resources necessary for performance of the contract, for example by producing an undertaking on the part of those entities to place those resources at its disposal.
2.3.1. Economic and financial capacity criteria and evidence

In order to prove their economic and financial capacity, the tenderer (in case of a joint tender the combined capacity of all tenderers and identified subcontractors) must comply with the following criteria:

- The annual turnover of the last two financial years above € 300,000

The following evidence should be provided:

- Copy of the profit & loss account for the last two years for which accounts have been closed,

- Failing that, appropriate statements from banks,

- If applicable, evidence of professional risk indemnity insurance;

If, for some exceptional reason which the Contracting Authority considers justified, a tenderer is unable to provide one or other of the above documents, he or she may prove his or her economic and financial capacity by any other document which the Contracting Authority considers appropriate. In any case, the Contracting Authority must at least be notified of the exceptional reason and its justification in the tender. The Commission reserves the right to request any other document enabling it to verify the tenderer's economic and financial capacity.

2.3.2. Technical and professional capacity criteria and evidence

a. Criteria relating to tenderers

Tenderers must comply with the following criteria:

The tenderer (in case of a joint tender the combined capacity of all tenderers and identified subcontractors) must provide evidence of employing directly or being readily capable of constituting a team of experts capable of carrying out in a professional and timely manner the tasks requested under the contract.

The team should include, as a minimum, the following competences:

- Well proven expertise in EU labour law, in particular as applied to the transport sector, notably concerning information, consultation and participation of workers
- Well proven expertise in business management consultancy notably concerning restructuring operations preferably in the transport sector
- Well proven expertise in Union policies in the transport sector with a good understanding of the economic situation in each of the modes concerned
- Well proven technical expertise in data collection (surveys, interviews, desk research) and data analysis
- Proven capacity of excellent communication and drafting skills in English.
- Proven capacity of effective communication skills in the other main languages used by the EWC, at the very least German and French
- Proven experience in the organisation of Conferences or technical workshops
The following evidence should be provided to fulfil the above criteria:

- List of relevant services provided in the past five years, with sums, dates and recipients, public or private. The most important services shall be accompanied by certificates of satisfactory execution, specifying that they have been carried out in a professional manner and have been fully completed;

- Detailed curriculum vitae of each staff member responsible for carrying out the work, including their educational background, degrees and diplomas, professional experience, research work, publications and linguistic skills. Each CV provided should indicate the intended function in the delivery of the service. The CVs 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.

The tenderer must specify the part(s) of the contract which the service provider intends to subcontract. If several service providers/subcontractors are involved in the bid, each of them must have and show that they have the professional and technical capacity to perform the tasks assigned to them.

b. Criteria relating to the team delivering the service:

The team delivering the service should include, as a minimum, the following profiles:

**Project Manager**: At least 5 years' experience in project management, including overseeing project delivery, quality control of delivered service, client orientation and conflict resolution experience in project of a similar size (at least € 100,000) and coverage (geographical scope at least half of the one subject to this call for tender which is the whole EU-28), with experience in management of a team of at least 4 people.

**Language quality check**: a large majority of the members of the team should have proficiency level language skills in English and some members of it must moreover have the same level of skills in German for some or in French for others, as guaranteed by a certificate or past relevant experience.

**Expert in Labour Law**: Relevant higher education degree and / or 5 years' professional experience in the field of labour law, in particular concerning workers' information, consultation and participation.

**Expert in business management**: Relevant higher education degree and / or 5 years' professional experience in the field of business consultancy notably concerning restructuring operations preferably in the transport sector

**Expert in Transport economics**: Relevant higher education degree and / or 5 years' professional experience in the field of transport economics

**Team for stakeholder consultation, information treatment and data collection**: collectively the team should have knowledge of 5 EU languages and proven experience of 3 years in stakeholder consultation and data collection techniques.

**Expert in the organisation and conduction of workshops and conferences**: Relevant education degree and / or 3 years' professional experience in the field

c. Evidence:
The following evidence should be provided to fulfil the above criteria:

- List of relevant services provided in the past three years, with sums, dates and recipients, public or private. The most important services shall be accompanied by certificates of satisfactory execution, specifying that they have been carried out in a professional manner and have been fully completed;

- The educational and professional qualifications of the persons who will provide the service for this tender (CVs) including the management staff. Each CV provided should indicate the intended function in the delivery of the service.

### 2.4. Award criteria

The tender will be awarded according to the best-value-for-money procedure. The quality of the tender will be evaluated based on the following criteria. The maximum total quality score is 100 points.

- **Quality of the proposed methodology** (60 points – minimum threshold 60%)
  
  Sub-criterion 1.1 (10 points - minimum threshold 40%): in relation to task 1 of the Technical Specifications, the identification and description of information sources, proposing a good approach for their further exploitation.
  
  Sub-criterion 1.2 (20 points – minimum threshold 40%): in relation to task 2, the presentation of proposals for the analysis of the information obtained in task 1 in combination with tasks 3 and 4.
  
  Sub-criterion 1.3 (20 points – minimum threshold 40%): in relation to task 3, the submission of proposals for the required contacts with EWC and stakeholder representatives with a view to obtaining their active involvement in the development of the study including in task 4.
  
  Sub-criterion 1.4 (10 points – minimum threshold 40%): in relation to task 4, the design of a workshop with an active involvement of the EWC and other stakeholders, ensuring a high level of participation of both groups, including as workshop speakers.

- **Organisation of the work** (30 points – minimum threshold 60%)

  This criterion will assess how the roles and responsibilities of the proposed team and of the economic operators (in case of joint tenders, including subcontractors if applicable) are distributed for each task. It also assesses the global allocation of time and resources to the project and to each task or deliverable, and whether this allocation is adequate for the work. The tender should provide details on the allocation of time and resources and the rationale behind the choice of this allocation.

- **Quality control measures** (10 points – minimum threshold 60%)

  This criterion will assess the quality control system applied to the service foreseen in this tender specification concerning the quality of the deliverables, the language quality check, and continuity of the service in case of absence of the member of the team. The quality system should be detailed in the tender and specific to the tasks at hand; a generic quality system will result in a low score.
Tenders must score above 60% for each criterion and above 70% in total. Tenders that do not reach the minimum quality thresholds will be rejected and will not be ranked.

After evaluation of the quality of the tender, the tenders are ranked using the formula below to determine the tender offering best value for money. A weight of 60/40 is given to quality and price.

\[
\text{Score for tender } x = \frac{\text{total quality score for award criteria for tender } x}{100} \times 60 + \frac{\text{cheapest price}}{\text{price of tender } x} \times 40
\]

**2.5. Technical offer**

The technical offer must cover all aspects and tasks required in the technical specification and provide all the information needed to apply the award criteria. Offers deviating from the requirements or not covering all requirements may be excluded on the basis of non-conformity with the tender specifications and will not be evaluated.

**2.6. Financial offer**

The price for the tender must be quoted in euro. Tenderers from countries outside the euro zone have to quote their prices in euro. The price quoted may not be revised in line with exchange rate movements. It is for the tenderer to assume the risks or the benefits deriving from any variation.

Prices must be quoted free of all duties, taxes and other charges, including VAT, as the European Union is exempt from such charges under Articles 3 and 4 of the Protocol on the privileges and immunities of the European Union. The amount of VAT may be shown separately.

The quoted price must be a fixed amount which includes all charges (including travel and subsistence). Travel and subsistence expenses are not refundable separately.

Estimated price: € 150,000

**TECHNICAL SPECIFICATIONS**

**3.1 Background/context**

As the White Paper "Roadmap to a Single Transport Area"\(^2\) states, market opening has to go in hand with quality jobs and working conditions within the transport sector. Therefore, it is important to align the EU competitiveness policy and the social agenda building on

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social dialogue. Social partners should be encouraged to enhance this dialogue at company group and transnational level. For these reasons, one of the actions foreseen in the White Paper (11.2) is to "ensure employee involvement in particular through European Works Councils, in transnational companies in the sector".

European Works Councils (EWCs) are bodies representing the European employees of a company. They typically bring together central management and employee representatives from the countries where the enterprise operates. Through them, workers are informed\(^3\) and consulted\(^4\) by management on the progress of the business and any significant decision at European level that could affect their employment or working conditions. The information and consultation of EWCs are limited to matters of transnational nature and shall relate, in particular, to the situation and probable trends in employment, investments, substantial changes concerning organisation, introduction of new working methods, transfers of production, mergers, cut-backs or closures of firms, and collective redundancies. Sometimes EWC provide a format for negotiations.

The right to establish EWCs was introduced by Directive 94/45/EC\(^5\) for undertakings or groups of undertakings employing at least 1000 employees in the European Union and the other countries of the European Economic Area (Iceland, Liechtenstein and Norway) with at least 150 employees in each of two Member States. After consulting the European social partners and carrying out an Impact Assessment, the Commission submitted in 2008 a proposal to recast the directive, adopted in 2009 by the European Parliament and the Council, with some amendments mainly suggested by the European social partners.

Building on the results of the existing legal framework, recast Directive 2009/38/EC\(^6\) \((\text{hereunder} \ "\text{the Directive}\)\) aims, in particular, at ensuring the effectiveness of employees' transnational information and consultation rights, at favouring the creation of new EWCs, and at ensuring legal certainty in their setting up and operation.

Nevertheless, an important number of Community-scale undertakings covered by the Directive have still not set up a EWC. This is also the case in the transport sector. Given the growing number of transnational operations in the transport industry and of company mobility, transnational representation of transport workers is of key importance to ensure dialogue between management and labour, one of the objectives of the Community and the Member States as established in Article 136 of the Treaty.

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\(^3\) "Information" means the transmission of data by the employer to the employees' representatives in order to enable them to acquaint themselves with the subject matter and to examine it; information shall be given at such a time, in such a fashion and with such content as are appropriate to enable employees' representatives to undertake an in-depth assessment of the possible impact and, where appropriate, prepare for consultations with the competent organ of the Community-scale undertaking or Community-scale group undertaking (Directive 2009/38/EC, art.2.f)

\(^4\) "Consultation" means the establishment of dialogue and exchange of views between employees representatives and central management or any more appropriate level of management, at such a time, in such a fashion and with such content as enables employees' representatives to express an opinion on the basis of the information provided about the proposed measures to which the consultation is related, without prejudice to the responsibilities of the management, and within a reasonable time, which may be taken into account within the Community-scale undertaking or Community-scale group of undertakings (Directive 2009/38/EC, art.2.g)


3.2 Main objectives and tasks

The study will apply a combination of desk research, interviews and questionnaires, with the overall objective of providing a comprehensive description of the functions, objectives, activities and practical organisation of the European Works Councils in the transport sector since their creation in 1994 by Council Directive 94/45/EC. It will also identify the main challenges to which they are confronted to carry out their objectives. The study is expected to deliver a detailed review of relevant literature, a description of the existing situation, projections on how the situation is expected to change in the future, and recommendations for improvement in the functioning of the EWC and for the promotion of their number.

The specific objectives of the study are to:

- Provide a list of EWCs currently established in the transport sector (per mode), as well as an inventory of companies in the transport sector that would qualify for creation of a EWC in line with the conditions laid down in Directive 2009/38/CE.
- Provide a list of EWCs in the transport sector which have been cancelled and the cause for such development.
- Gather structured and detailed information about the scope, composition, functions, organisation, and terms of office of the European Works Councils in the transport sector. Subject to confidentiality rules, copies of the agreements creating EWC in the transport sector should be annexed to the report.
- Examine the specific arrangements provided for in transport related EWCs to ensure the information and consultation of employees – particular attention should be given to the facilities made available to the employee side to be able to perform their role as employee representatives: procedures for the appointment of workers representatives, facilities for travelling and days off, access to outside expertise of their choice, organisation of pre meeting, circulation of working documents, etc.
- Elaborate on the type of difficulties that EWCs might encounter from both a workers and employers' viewpoint such as organisational difficulties, lack of transparency, rules of confidentiality, perceived attempts to by-pass national consultation procedures, etc., and come up with recommendations on how to tackle them.
- Provide an analysis of the effectiveness of EWCs in the transport sector in reaching their own established objectives, their compliance with the objectives of the EWC Directive, as well as in the ways they exercise their functions, in particular in the context of restructuring processes in groups of companies at a transnational level.
- Provide a list of issues which are discussed in EWC in the transport sector which are deemed to be of "European dimension" and propose criteria to the European Commission on how to define "European matters".

These general and specific objectives will be achieved through the 4 main tasks developed in the following section. A synthesis of the main results will be provided in task 5.

3.3 Description of Tasks

The contractor is expected to perform the following detailed list of tasks:
Task 1) Review and synthesize the existing literature and public information on the subject.

Among others, the following basic sources of information and publications will be used:

ETUC, European Trade Union Institute (ETUI) EWC database
(http://www.ewcdb.eu/statistics_graphs.php)

Industry associations and Trade Union federations

Member States national administrations

Sectoral and cross-industry social partners:

- "Lessons learned on European Works Councils" (April 2005) Cross-industry social partners

EU institutions and agencies:

- "Proposal on the establishment of a European Works Council" COM (2008)419 Final
- "European Works Councils in practice: key research findings", European Foundation for the Improvement of Living and Working Conditions, 2008
- Commission Staff Working document "Transnational company agreements; realising the potential of social dialogue" SWD(2012)264 final

Universities and research centres:

- "The role of Works Councils and Trade Unions in representing interests of the employees in EU Member States". Friedrich Ebert Siftung. Milan Jevtic. March 2012

Task 2) Describe and assess the role of the EWC in a changing European transport and transport policy context.

The study will report on the activities of the European Works Councils in the transport sector. It will assess their effectiveness in reaching their objectives and compliance with the objectives of the EWC Directives as well as the ways they exercise their functions and tackle the effects of transport reorganisation at a transnational level.

An analysis will be made of the link between the development of the transport policies and the dynamics of the transport sector itself and the effects of both in the companies which have EWC. Therefore the study will examine how restructuring processes in groups of companies are linked to the development of the internal market as led by the corresponding
policies. In this context it will elaborate on the meaning and scope of "European dimension" in relation to the European transport policy as EWC can only be consulted on matters of European dimension.

Directive 2009/38/EC lays down the rules for the establishment of EWC in EU scale undertakings or groups of them for the purposes of informing and consulting employees. The competence of a EWC is limited to transnational matters. The employees concerned should be informed and consulted when decisions which affect them are taken in a Member State other than that in which they are employed. The information and consultation of EWC relate in particular to the situation and changes in employment, investments, organisation, working methods, transfers of production, mergers, cut-backs or closures of firms and collective redundancies. The study should describe how these processes take place in real life

Task 3) Interviews with members of the EWC in the transport sector, and with relevant members of the social partners organisations.

There are 21 EWC which are active in the transport industry. The study will be carried out involving the members of the EWC in the transport sector and the social partners. Employer organisations and trade unions will be contacted in order to know the extent and content of their relations with the EWC and equally with a view to obtaining their active involvement in the development of the study.

Intermediate results will be strengthened and information gaps filled through a number of interviews with the members of EWCs and social partners active in the different modes of transport and related transport sectors studied. Interviews with experts at European level can be complemented with interviews with experts at national level.

EWCs in transport – by sector

Transport, post & logistics:
- CEVA Logistics, Deutsche Bahn, DP DHL, FedEx, Kuhne + Nagel, TNT, UPS;

Transport, tourism, services:
- TUI, LSG Skychefs;

Aviation:
- AF KLM, Aer Lingus, Alitalia, Lufthansa, Aviapartner, British Airways/Iberia, Easy Jet, World Flight Service;

Passenger transport:
- Keolis, Veolia Transdev;

Maritime / ports (logistics):
- Dubai Ports World, Hapag Lloyd, Stena Line;

Rail
- SNCF;
Regarding **stakeholders** to be consulted in the framework of the study, the contractors will have to contact affiliated organisations in both sides of industry (employers' and workers' organisations) of the recognised social partner organisations where EWC exist or could exist. These are:

**Employers' organisations**

– Airport Services Association (ASA Europe)
– Airports Council International – Europe (ACI-Europe)
– Association of European Airlines (AEA)
– Civil Air Navigation Services Association (CANSO)
– Community of European Railway and Infrastructure Companies (CER)
– European Barge Union (EBU)
– European Community Shipowners Association (ECSA)
– European Rail Infrastructure Managers (EIM)
– European Regions Airline Association (ERA)
– European Skippers' Organisation (ESO)
– International Air Carrier Association (IACA)
– International Road Transport Union (IRU)
– European Sea Ports Organisation (ESPO)
– Federation of European Private Port Operators (FEPORT)

**Workers' organisations:**

– European Cockpit Association (ECA) (civil aviation)
– European Transport Workers’ Federation (ETF) (all modes of transport)
– International Dockworkers Council (IDC)

The contractors will update this list of transport sector stakeholders by consulting the general "List of European social partners' organisations consulted under Article 154 of the EC Treaty" which can be found at:

http://ec.europa.eu/social/BlobServlet?docId=2154&langId=en
Other organisations which are not "European social partners" but which could offer a relevant input should also be consulted such as the employers' organisations European Rail Freight Association (ERFA), the European Passenger Transport Operators (EPTO), the European Low Fares Airlines Association (ELFAA), or the workers' organisation "Autonomous Train Driver' Unions of Europe (ALE).

**Task 4) Final workshop**

A final workshop with representatives of the EWCs and social partners will be organised by the contractor to present and discuss the preliminary version of the final report. Two days will be necessary in order to deal with passengers and freight separately. The participation of EWC speakers from both the management and the employee side will be encouraged. The workshop will take place in Brussels in the Commission's premises, and the contractor will be responsible for its preparation and for the overall logistics. The EWC sending representatives to the workshop will be expected to cover the travel and hotel expenses of their speakers and other participants from their councils. This notwithstanding, a reserve for the payment of hotel and travel expenses for some of the speakers from existing or envisaged EWC up to a maximum number of nine speakers should be foreseen in the offer. Only hotel and transport ticket expenses should be covered, the latter only for trips within the EU.

**Task 5) Conclusions and recommendations**

The study will summarise in a consolidated final report the conclusions reached in respect of the key objectives. It will highlight the opinions expressed by the EWC members during the interviews and in particular during the final workshop. It will also provide suggestions on further policy measures that might be adequate to fulfil the needs and shortcomings previously identified in particular with a view to improving the effectiveness of the EWC and enhancing the interest of the social partners at enterprise level to set up new EWC.

**The duration of the tasks shall not exceed nine months.** This period is calculated in calendar days. 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. The meeting will aim at refining the scope of the work, agreeing on the research questions, and discussing the overall approach and work plan. The meeting will take place at the premises of the European Commission.

**Two additional meetings** to discuss the progress of the study with the European Commission services will be held in Brussels following the submission of the mid-term report and the draft final report respectively. The exact date will be agreed upon with the Contractor. The meeting following the submission of the mid-term report could be held by video-conference, if the Commission finds it appropriate.
Minutes of the three meetings should be drafted by the contractor within 10 working days, and should be agreed among the participants.

The meetings will take place in the premises of the contracting authority at no charge for the contractor.

In addition the contractor shall organise in Brussels a workshop. For this workshop the Contractor shall be responsible for the logistics of its organisation, while the event itself will take place in the Commission's premises.

**Timing**

The following summary table reports the tentative time schedule for the different activities and deliverables.

<table>
<thead>
<tr>
<th>Activity</th>
<th>Task</th>
<th>Months</th>
</tr>
</thead>
<tbody>
<tr>
<td>Signature</td>
<td></td>
<td>(T0)</td>
</tr>
<tr>
<td>Kick-off meeting (T0)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>D1: Inception report</td>
<td>Inception, adaptation of methodology</td>
<td>T0+1</td>
</tr>
<tr>
<td>D2: Intermediate report</td>
<td>Initial literature review and detailed methodology</td>
<td>T0+2</td>
</tr>
<tr>
<td>D3: Mid-term report</td>
<td>Final literature review, results of tasks 2 and 3, and detailed planning of remaining work</td>
<td>T0+6</td>
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<tr>
<td>Mid-term meeting</td>
<td></td>
<td></td>
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<tr>
<td>D4: Draft final report</td>
<td>Draft final results for submission to the expert workshop</td>
<td>T0+7</td>
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<tr>
<td>Draft final Report meeting</td>
<td></td>
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<tr>
<td>D5: Expert workshop</td>
<td>Revision and finalisation of results, conclusions and policy implications</td>
<td>T0+8</td>
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<tr>
<td>D6: Final report</td>
<td>Revision and finalisation of results, conclusions and policy implications</td>
<td>T0+9</td>
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</table>
4. CONTENT, STRUCTURE AND GRAPHIC REQUIREMENTS OF THE FINAL DELIVERABLES

All studies produced for the European Commission and Executive Agencies shall conform to the corporate visual identity of the European Commission by applying the graphic rules set out in the European Commission's Visual Identity Manual, including its logo\(^7\).

The Commission is committed to making online information as accessible as possible to the largest possible number of users including those with visual, auditory, cognitive or physical disabilities, and those not having the latest technologies. The Commission supports the Web Content Accessibility Guidelines 2.0 of the W3C.

For full details on Commission policy on accessibility for information providers, see: http://ec.europa.eu/ipg/standards/accessibility/index_en.htm

Pdf versions of studies destined for online publication should respect W3C guidelines for accessible pdf documents. See: http://www.w3.org/WAI/

4.1. Content

4.1.1. Final study report

The final study report shall include:

- an abstract of no more than 200 words and an executive summary of maximum 6 pages, both in English, German and French;

- the following standard disclaimer:

  "The information and views set out in this study are those of the author(s) and do not necessarily reflect the official opinion of the Commission. The Commission does not guarantee the accuracy of the data included in this study. Neither the Commission nor any person acting on the Commission’s behalf may be held responsible for the use which may be made of the information contained therein."

- specific identifiers which shall be incorporated on the cover page provided by the Contracting Authority.

4.1.2. Publishable executive summary

The publishable executive summary shall be provided in both in English, German and French and shall include:

- the following standard disclaimer:

  "The information and views set out in this study are those of the author(s) and do not necessarily reflect the official opinion of the Commission. The Commission does not guarantee the accuracy of the data included in this study. Neither the Commission nor

\(^7\) The Visual Identity Manual of the European Commission is available upon request. Requests should be made to the following e-mail address: comm-visual-identity@ec.europa.eu
any person acting on the Commission's behalf may be held responsible for the use which may be made of the information contained therein."

- specific identifiers which shall be incorporated on the cover page provided by the Contracting Authority.

4.2. Graphic requirements

For graphic requirements please refer to the template provided in the annex 4. The cover page shall be filled in by the contractor in accordance with the instructions provided in the template. For further details you may also contact comm-visual-identity@ec.europa.eu.

5. ANNEXES

1. Tenderer’s Identification Form
2. Declaration related to the exclusion criteria and absence of conflict of interest
3. Power of Attorney (mandate in case of joint tender)
4. Standard Word template for studies
5. Draft Contract
# ANNEX 1

**IDENTIFICATION OF THE TENDERER**

(Each service provider, including any member of a consortium or grouping and subcontractor(s) whose share of the work is more than 20% of the contract must complete and sign this identification form)

Call for tender MOVE/B/2014-260

<table>
<thead>
<tr>
<th>Identity</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Name of the tenderer</td>
<td></td>
</tr>
<tr>
<td>Legal status of the tenderer</td>
<td></td>
</tr>
<tr>
<td>Date of registration</td>
<td></td>
</tr>
<tr>
<td>Country of registration</td>
<td></td>
</tr>
<tr>
<td>Registration number</td>
<td></td>
</tr>
<tr>
<td>VAT number</td>
<td></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)(^8)</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Address</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Address of registered office of tenderer</td>
<td></td>
</tr>
<tr>
<td>Where appropriate, administrative address of tenderer for the purposes of this invitation to tender</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Contact Person</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Surname:</td>
<td></td>
</tr>
<tr>
<td>First name:</td>
<td></td>
</tr>
<tr>
<td>Title (e.g. Dr, Mr, Ms) :</td>
<td></td>
</tr>
</tbody>
</table>

\(^8\) For natural persons
Position (e.g. manager):
Telephone number:
Fax number:
E-mail address:

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

<table>
<thead>
<tr>
<th>Declaration by an authorised representative of the organisation⁹</th>
</tr>
</thead>
<tbody>
<tr>
<td>I, the undersigned, certify that the information given in this tender is correct and that the tender is valid.</td>
</tr>
</tbody>
</table>

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

---

⁹ This person must be included in the list of legal representatives; otherwise the signature on the tender will be invalidated.
ANNEX 2

Declaration of honour on exclusion criteria and absence of conflict of interest

(Complete or delete the parts in grey italics in parentheses)
[Choose options for parts in grey between square brackets]

The undersigned (insert name of the signatory of this form):

☐ in [his][her] own name (for a natural person)

or

☐ representing the following legal person: (only if the economic operator is a legal person)

full official name:

official legal form:

full official address:

VAT registration number:

➢ declares that [the above-mentioned legal person][he][she] is not in one of the following situations:

a) is bankrupt or being wound up, is having its affairs administered by the courts, has entered into an arrangement with creditors, has suspended business activities, is the subject of proceedings concerning those matters, or is in any analogous situation arising from a similar procedure provided for in national legislation or regulations;

b) has been convicted of an offence concerning professional conduct by a judgment of a competent authority of a Member State which has the force of res judicata;

c) has been guilty of grave professional misconduct proven by any means which the contracting authorities can justify including by decisions of the European Investment Bank and international organisations;

d) is not in compliance with 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 performed;

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

f) is a subject of an administrative penalty for being guilty of misrepresentation in supplying the information required by the contracting authority as a condition of participation in a procurement procedure or failing to supply this information, or having been declared to be in serious breach of its obligations under contracts covered by the Union's budget.
(Only for legal persons other than Member States and local authorities, otherwise delete) declares that the natural persons with power of representation, decision-making or control\textsuperscript{10} over the above-mentioned legal entity are not in the situations referred to in b) and e) above;

declares that the above-mentioned legal person\textsuperscript{[he][she]}:

g) has 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 affinity, family, emotional life or any other shared interest;
h) 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) has not granted and will not grant, has not sought and will not seek, has not attempted and will not attempt to obtain, and has 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 award of the contract;
j) provided accurate, sincere and complete information to the contracting authority within the context of this procurement procedure;

acknowledges that the above-mentioned legal person\textsuperscript{[he][she]} may be subject to administrative and financial penalties\textsuperscript{11} if any of the declarations or information provided prove to be false.

In case of award of contract, the following evidence shall be provided upon request and within the time limit set by the contracting authority:

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.

If the tenderer is a legal person, information on the natural persons with power of representation, decision making or control over the legal person shall be provided only upon request by the contracting authority.

\textsuperscript{10} This covers the company directors, members of the management or supervisory bodies, and cases where one natural person holds a majority of shares.

\textsuperscript{11} As provided for in Article 109 of the Financial Regulation (EU, Euratom) 966/2012 and Article 145 of the Rules of Application of the Financial Regulation
ANNEX 3

POWER OF ATTORNEY

mandating one of the partners in a joint tender as lead partner and lead contractor

The undersigned:

— Signatory (Name, Function, Company, Registered address, VAT Number)

having the legal capacity required to act on behalf of his/her company,

HEREBY AGREES TO THE FOLLOWING:

1) To submit a tender as a partner in the group of partners constituted by Company 1, Company 2, Company N, and led by Company X, in accordance with the conditions specified in the tender specifications and the terms specified in the tender to which this power of attorney is attached.

2) If the European Commission awards the Contract to the group of partners constituted by Company 1, Company 2, Company N, and led by Company X on the basis of the joint tender to which this power of attorney is attached, all the partners shall be co-signatories of the Contract in accordance with the following conditions:

(a) All partners shall be jointly and severally liable towards the European Commission for the performance of the Contract.

(b) All partners shall comply with the terms and conditions of the Contract and ensure the proper delivery of their respective share of the services and/or supplies subject to the Contract.

1) Payments by the European Commission related to the services and/or supplies subject to the Contract shall be made through the lead partner's bank account: [Provide details on bank, address, account number].

2) The partners grant to the lead partner all the necessary powers to act on their behalf in the submission of the tender and conclusion of the Contract, including:

(a) The lead partner shall submit the tender on behalf of the group of partners.

(b) The lead partner shall sign any contractual documents — including the Contract, and Amendments thereto — and issue any invoices related to the Services on behalf of the group of partners.

(c) The lead partner shall act as a single contact point with the European Commission in the delivery of the services and/or supplies subject to the Contract. It shall co-ordinate the delivery of the services and/or supplies by the group of partners to the European Commission, and shall see to a proper administration of the Contract.

Any modification to the present power of attorney shall be subject to the European Commission’s express approval. This power of attorney shall expire when all the contractual obligations of the group of partners towards the European Commission for the delivery of the services and/or supplies subject to the Contract have ceased to exist. The parties cannot terminate it before that date without the Commission’s consent.

Signed in ……………………… on [dd/mm/yyyy]

Place and date:

Name (in capital letters), function, company and signature:

To be filled in and signed by each of the partners in a joint tender, except the lead partner;