CALL FOR TENDERS

N° MOVE/B2/2014-670

TENDER SPECIFICATIONS

for a service contract regarding technical support for the deployment of ERTMS along the core network corridors
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1 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
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 or 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_entites_en.cfm](http://ec.europa.eu/budget/contracts_grants/info_contracts/legal_entities/legal_entites_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_contrasts/index_en.cfm

2 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 some specific contracts under the framework contract is 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.

2.1.1 **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 € 1 000 000

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, 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.

2.1.2 **Technical and professional capacity criteria and evidence**

a. **Criteria relating to tenderers**

Tenderers (in case of a joint tender the combined capacity of all tenderers and identified subcontractors) must comply with the following criteria:

- The tenderer must prove experience in the field of ERTMS technical expertise with at least 3 years of experience in this field.

- The tenderer must prove experience in the field of programme management with at least 3 projects delivered in this field.

- The tenderer must prove experience in the field of economic expertise for transport with at least 3 projects delivered in this field.

- The tenderer must prove experience of working in English, French and German with at least 1 project delivered in the last three years showing the necessary language coverage.

- The tenderer must prove capacity to draft reports in English.

- The tenderer must prove experience of working in at least 9 EU Member States with at least 3 projects covering at least 3 EU Member States delivered in the last three years, the combination of which must show the necessary coverage.
- The tenderer must prove experience in coordination, negotiations, communication, data collection, statistical analyses and drafting reports and recommendations.

b. Criteria relating to the team delivering the service:

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

One Senior Manager: At least 10 years' experience in management, including overseeing project delivery, quality control of delivered service, client orientation and conflict resolution experience in project of a similar size (at least € 1 000 000) and covering at least 5 Member States, with experience in management of team of at least 5 people.

One Project manager: at least one member of the team shall be certified in Project Management (e.g. PMI, PRINCE2 or equivalent) and shall have at least 10 years of experience in project management.

One economics and financial engineer: At least one expert with at least 5 years' professional experience in the field of economics and financial engineering for transport (e.g. CBA, business cases).

At least 3 technical experts in the team must have experience in direct involvement in ERTMS/ETCS projects and in following activities or processes: test definitions, analysis of test results, authorisation to place in service of ERTMS subsystems, CCS TSI conformity assessment and verification, common safety method for risk assessment.

All experts: Relevant higher education degree and at least 3 years' professional experience in the field of transport.

Organisation of meetings: collectively the team should have knowledge of the preparation and organisation of high level international meetings with proven experience of at least 4 events in the last three years.

Language quality check: at least 1 member of the team should have native-level language skills in English or equivalent, as guaranteed by a certificate or past relevant experience. All members of the team should have a good command of English. At least one member of the team should have good command of French and another of German.

Drafting skills: collectively the team should have very good communication and drafting skills in English.

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.

1) Quality and effectiveness of the methodology (60 points).

This criterion will assess how the tenderer plans to address the specifications and services requested by the Commission and whether the proposed methodology is sound and reliable in terms of delivering the expected results. It will also assess the relevance of the tender vis-à-vis the objectives described in the call for tender.

2) Organisation of the work and consistency between the different items of the tender (20 points)

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.

Attention will be paid to the allocation of time and resources for the task related to detailed technical follow-up of ERTMS projects and technical assistance, in particular the analysis of test results, the authorisation to place in service of ERTMS subsystems and conformity assessment with CCS TSI.

The tender should also explain how to manage possible conflicts of interests (coordinating/analysing projects for which the contractor/experts might also be involved).

4) Quality control measures (20 points)

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.

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

3 TECHNICAL SPECIFICATIONS

3.1 General background

The ERTMS\(^2\) initiative was to create a single Europe-wide standard for train control and command systems to enhance cross-border interoperability and therefore contribute to completing the Single European Rail Area, improving the competitive position of rail transport and stimulating the single market of signalling equipment.

In 1996 the Council agreed by unanimity that ERTMS should be a key part of European rail interoperability (Council Directive 96/48 on the interoperability of the trans-European high-speed rail system). Subsequent decisions have deepened Member States’ commitment to ERTMS.

The ERTMS standard is one of the European railway technical standards and is prescribed in a Technical Specification for Interoperability ("CCS TSI", Commission Decision 2012/88/EU, adopted under Directive 2008/57/EC\(^3\))\(^4\). Member States agreed in 2009 to deploy ERTMS (including GSM-R) on 6 key rail freight corridors with completion dates for either 2015 or 2020:

- by 2015, 10,000 km are due to be completed.

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\(^2\) European Rail Traffic Management System


- by 2020 a total of 25,000 km are due to be completed.

19 Member States are involved in these corridors. This European Deployment Plan (EDP) is mandatory following the adoption of Commission Decision 2009/561/EC, now replaced by the CCS TSI mentioned above.

The Commission services have recently issued a working document on the state of play of the European deployment plan of ERTMS. Despite the provision of significant EU funding, deployment on corridors is behind schedule and results in an uncoordinated and patchy deployment. There is evidence that delays are not beyond Member States’ control and that all appropriate measures are not taken to minimise these delays. The ERTMS coordinator hold meetings with the Member States concerned and is now expecting from them revised plans for deployment and justifications for the delays. Delays of one Member State jeopardise the completion of corridors and investments made by other Member States on the same corridor. The Commission considers that a greater effort needs to be made to ensure that deadlines previously agreed are respected. Additionally, the contribution of INEA to the working document on the state of play indicates that there is a very low absorption rate of EU funds. A lot of projects are delayed or even cancelled. Furthermore, frequent deviations from the standard have been identified in projects. This phenomenon is likely to undermine the interoperability objectives of ERTMS.

The Trans-European transport network (TEN-T) policy is a vital part of the EU's common transport policy. It is the policy framework for the development of transport infrastructure with a view to allowing the smooth functioning of the internal market and for ensuring economic, social and territorial cohesion and improved accessibility across the EU. End 2013, new TEN-T Guidelines (the Regulation No 1315/2013) were adopted. The new TEN-T guidelines define a multimodal core network which should be developed until 2030 by the Member States together with the EU and other relevant stakeholders such as the infrastructure managers, regions, etc. The Regulation also provides for the setting up of nine core network corridors. The core network corridors should be in line with the rail freight corridors set up in accordance with Regulation (EU) No 913/2010 of the European Parliament and of the Council as well as the European Deployment Plan for the European Rail Traffic Management System (ERTMS) provided for in Commission Decision 2009/561/EC.

ERTMS is one of the infrastructure requirements and one of the priorities for railway infrastructure development (cf. Article 12, Article 13, Article 39). The TEN-T Regulation No 1315/2013 requires the deployment of ERTMS on TEN-T core and comprehensive networks by years 2030 and 2050, respectively.

This priority is also confirmed by the fact that part of the €26 billion allocated to the development of the TEN-T via the Connecting Europe Facility (CEF) will be used to support the implementation of the ERTMS via grants. For ground equipment, the co-funding rates for projects on the TEN-T Core Network or on the comprehensive network for principal routes of rail freight corridors (defined by the Regulation No 913/2010) not included in the Core Network can go up to 50 % of the eligible costs. Additionally, the

5 http://ec.europa.eu/transport/modes/rail/interoperability/ertms/edp_map_en.htm
6 http://inea.ec.europa.eu/
CEF can provide up to 50% for on-board components of ERTMS. In order to ensure greater effectiveness of TEN-T policy implementation in Cohesion Member States under the forthcoming financial framework, within the €26 billion allocated to the CEF €11,305 billion is earmarked from the Cohesion Fund to support transport infrastructure projects on the TEN-T in Cohesion Member States. It is important to note the more favourable financial support conditions of this envelope (up to 85% co-funding). This rate will apply to both trackside and on-board equipment.

The Commission's Communication of January 2014 clearly identifies ERTMS as one the CEF funding priorities. Relatedly, the CEF Multi-Annual Work Programme provides for the deployment of ERTMS with a view to improving and enhancing interoperability, especially alongside the 9 core network corridors.

The investment required for the deployment of ERTMS on the TEN-T core and comprehensive networks - a precondition for the completion of TEN-T network and the achievement of safe and interoperable European railway area - is an issue for interlocutors in the current climate of budget constraint.

The following picture gives an idea of the expected ERTMS deployment (indicative purpose) on the core network by 2030.

![ERTMS Deployment Map](image)

### 3.2 General and specific objectives

In light of the above, it clearly appears that ERTMS deployment and the removal of interoperability bottlenecks require greater coordination and expertise directly focused on this specific EU project. Moreover, technical assistance/guidance on budget and business aspects and knowledge sharing are also necessary.

Trackside installation of ERTMS on the corridor are/will be realised in a number of separate projects, and all projects are/will be carried out under national responsibility. There are significant risks that individual systems will not be interoperable if they are implemented with national-oriented approaches. Risks are of technical, operational, organisational, financial nature and they need to be analysed in sufficient detail in order to be managed.
This is the reason why the Commission has decided to launch a Program Support Action under the first Connecting Europe Facility work programme:\footnote{http://ec.europa.eu/transport/themes/infrastructure/ten-t-guidelines/project-funding/cef_en.htm}

![Diagram](image)

The main operational objective is to ensure an efficient, synchronised and timely implementation of the ERTMS project for each core network corridor and to ensure the consistency with the other parts of the network, both trackside and on board trains.

### 3.3 Tasks

The tasks can be group in 3 categories of technical assistance:

1. Deployment programme management, coordination, cooperation, information: tasks 1, 2, 3, 4, 5
2. Technical assistance: task 6
3. Economic assistance: task 7

#### 3.3.1 Task 1 – Deployment program management - Overall management

The activity covers an overall management of this programme support action, including financial management, preparation of reports on the progress of activities carried out. There will be a senior coordinator who will be in direct contact with DG MOVE, ERA and INEA.

The objective of this task is to provide management services to enable the contracting entity to control, direct and oversee the implementation of this contract.

**Deliverables:**

- Strategic Action Plan (SAP)
Its role is dual: on one side it describes the project management system applied to the preparation, planning and implementation of the project up to its final completion and on the other it provides, during the implementation phase, decision-makers with all relevant information and analysis in order to take informed decisions whenever deviations from the SAP are encountered, as well as assessing the impact of such decisions over the remaining implementation period.

The Beneficiary shall submit to the Commission, within 90 calendar days following the entry into force of the contract, a Strategic Action Plan (SAP) that will form the basis for monitoring and controlling progress throughout the implementation period of the contract. The SAP shall provide an analysis and information at least on the following:

(a) Interim and final targets based on time, cost and technical criteria. Important targets shall be classified and marked as milestones;

(b) Description of the control procedures, processes, including all environmental measures with a clear indication of lines of authority and the internal and external reporting mechanisms;

(c) Identification of risks, risk analysis, risk management plan and a quality assurance plan;

(d) Milestones, in order to identify progress on (and deviations from) the planned implementation;

(e) Possible sources of future problems;

(f) A schedule based on an appropriate project management form showing clearly the Critical Path deriving from the project management method used for planning and implementation of the Contract, which shall include all activities or work packages and shall identify the milestones, including the start-up and end events. It shall demonstrate the basis for the calculation of the overall estimated duration and shall form the basis for any future time re-planning. GANTT charts may be used;

(g) Key performance rates, in particular for critical activities and on the corresponding resources allocated for meeting the target rates and dates;

(h) The contract management standards on which the SAP is based;

(i) Information about all planned communication and publicity on the contract;

The SAP shall be accompanied by a description of the management and control systems to be carried out for the monitoring and controlling the implementation of the contract. It shall include all audit plans as well as an evaluation upon completion of the contract.

The Commission may provide comments, which may include a request for additional information to be included in the SAP, within 60 calendar days following the receipt of the SAP. If required, the contractor shall submit the revised SAP within 15 days.

The draft SAP shall be provided one week before the kick-off meeting.

The draft updated SAP for the next year shall be provided one year after the first draft SAP at the latest.

- Monthly reports, giving information to DG MOVE, ERA and INEA, about ongoing and completed activities defined in the SAP.
• A final report about the completion of the activities defined in the SAP to be submitted two months before the period of duration of the tasks. The final report shall include an overview of all activities performed during the contract. It should explain how the objectives of the tender have been met.

• Minutes of the programme management meetings

This task entails a close dialogue and cooperation with DG MOVE, ERA and INEA: the need of regular direct meetings at the premises of DG MOVE, ERA, INEA (4 quarterly physical meetings/year of 2 hours each) or through teleconference/videoconference (8 meetings).

3.3.2 Task 2 - cooperation and coordination

The contractor shall identify key areas and topics where reinforced cooperation and or ad hoc initiatives fostering it are most beneficial, and set up a "deployment management" team to facilitate the cooperation among the stakeholders required to implement projects along the 9 core network corridors: (indicative list)

- the Infrastructure Managers, incl. PRIME
- the railway undertakings,
- the vehicle owners,
- the rail freight corridor management/executive boards,
- the manufacturers,
- the Member States, transport and finance ministries, National Safety Authorities, national railway regulators, e.g. through national contact points,
- the railway sector representative bodies: EIM, CER, ERFA, UNIFE,…,
- transport economists and financiers
- The EU bodies: EC(MOVE, REGIO,…), ERA, INEA, , EIB, Jaspers,…,
- …

The contractor shall also provide the secretariat (organisation of maximum 4 one-day meetings/year, agenda, minutes, etc.) of the group which will be set-up in 2015 and will be in charge of following-up the ERTMS deployment.

Deliverables:

- General stakeholders map, including a description of roles and responsibilities
- Real Stakeholders overview per ETCS corridor including roles, responsibilities and contact details
- Monthly planning of meetings, including the main objectives and agendas
- Meetings with stakeholders in Brussels, in ERA meeting rooms (in Lille or in Valenciennes), on sites or in capitals
- Minutes, conclusions and actions identified in the meetings, and actions follow-up
3.3.3 Task 3 – Information and communication

The contractor should:

- gather all necessary information on ERTMS and on the deployment of ERTMS and make a detailed proposal on how to make it available online, as a one-stop-shop for information
- build a "ERTMS knowledge base" in English, providing factual (and easy to understand) information which can be made available to entities who want to launch ERTMS projects. It shall include feedback/lessons learnt from projects
- organise information sessions and workshops in Member States and in Brussels on all matters covered by this program support contract
- propose a communication plan and perform communication activities including presentations, brochures, articles, papers, quarterly newsletters\(^9\), usage of new media, etc.

Deliverables:

- A communication plan
- Dedicated online information one-stop-shop in English. This website should be easy to integrate/transfer to Europa/ERA/INEA website
- Depending on the communication plan: general presentations, brochures, press pack… in all EU languages, quarterly newsletters in EN, FR, DE
- 40 one-day information sessions in EN, FR, DE in Member States

3.3.4 Task 4 – to build a consolidated deployment programme and maintain it

On the basis of the European Deployment Plan set out in Commission Decision 2012/88/EU, of the TEN-T regulation 1315/2013, of the CEF regulation 1316/2013 and its work programmes, of the corridors and ERTMS workplans, of the Core Network Corridor studies, of rail freight corridors implementation plans, of the notified reports from Member States, and on the basis of a detailed consultation of stakeholders, the contractor shall analyse the technical aspects of the deployment and draft a detailed Deployment Programme for the Core Network Corridors (with the final completion date of 2030). The contractor shall afterwards maintain the deployment programme.

The Deployment Program shall:

- provide a comprehensive and structured work plan of all activities necessary to implement ERTMS on the core network corridors (e.g. GANTT Chart);
- facilitate the coordination of the above mentioned activities in order to be able to realise them in individual (existing/future) projects;
- identify the preparatory contracts that are necessary, if any;

\(^9\) See on [http://ec.europa.eu/transport/modes/rail/interoperability/ertms/newsletter_en.htm](http://ec.europa.eu/transport/modes/rail/interoperability/ertms/newsletter_en.htm) what was done in the past
• address the technical aspects of the deployment along corridors;
• identify the associated risks and mitigation contracts;
• Identify and address cross-border critical issues (operational part, technical part, transition from one country to another, authorisation and national rules, etc…)

The tender shall describe how this deployment program should be prepared.

**Deliverables:**

• Deployment Programme for the Core network Corridors (defined in the TEN-T Regulation 1315/2013\(^\text{10}\))

3.3.5 **Task 5 – to facilitate and monitor the implementation of the Deployment Programme and to report on it**

To facilitate the deployment of ERTMS along the core network corridors, it is important to monitor the implementation of the Deployment Programme.

The tender shall explain how to facilitate and monitor the implementation of the Deployment Programme.

The contractor shall dedicate resources to ensure an efficient, synchronised, TSI-compliant and timely implementation. When deviation/delays vis-à-vis the deployment programme are identified, they should be reported, and the contractor should propose adequate measures to remedy the problem, and take contracts when/where appropriate and when approved.

**Deliverables:**

• Monitoring action plan
• Report and map giving an overview of the state of play of the ERTMS deployment; moreover, the report should include details of the (type of) trains operating with ERTMS on them, ETCS levels, baselines, list of restrictions or conditions of use, etc. The report should be based on documents obtained from the projects: authorisations, certificates of verification of subsystems, safety reports, etc. The TENTec information system\(^\text{11}\) should be used as much as possible.

• Proposed mitigation measures in case of delays


3.3.6 Task 6– Detailed technical follow-up of ERTMS projects and technical assistance

The goal of this task is to carry out detailed follow-up during the life cycle of projects, in particular for EU funded projects and therefore to obtain technical expertise to follow up a number of major projects for the deployment of the on-board and trackside part of the European Rail Traffic Management System along the European core network corridors. It will help ensuring the compliance with the European legislation and in particular, but not only, with the CCS TSI. The projects for which technical assistance will be provided include projects in the framework of the TEN-T 2007-2013 multi-annual programme, the CEF programme and ESIF programme.

From year 2008 and until end of 2012 the European Commission was in charge of the contracting and managing railway experts for the follow up of ERTMS on TEN projects. In 2013 the European Commission has delegated to ERA this task that will continue during year 2015. The contractor will have to take over these activities at the end of 2015 (most probably November 2015). Since the contractor will have to follow-up all EU-funded ERTMS projects, the contractor will start directly after the entry into force of the contract with the technical follow-up of projects co-funded from Regional and cohesion Funds and launched in the previous programming period or in the current one.

The contractors will cooperate with ERA, the system authority, with the aim to help ensuring that ERTMS projects are in compliance with the essential requirements set out in the CCS TSI and indeed contribute to the progressive deployment of a single harmonized system.

CCS-TSI-compliant projects

The contractor is responsible for obtaining the relevant information and on identifying any deviation from the TSI CCS and any deviation from the description and aim of the projects. The contracted company will liaise with the project managers, but also with national safety authorities or other relevant stakeholders, to arrange any needed meetings or other means in order to obtain the proper information and deliverables considering the status of the project. The information and documents obtained has to be analysed to better ensure the achievement of the goals of the projects and that technical solutions implemented and all defined deliverables within the project are consistent with the Technical Specifications for Interoperability relating to control-command and signalling (TSI CCS). Any deviation or potential interoperable risk from the CCS TSI or from the projects should be reported to ERA and documented with technical details following the ERA templates for reporting. The work includes analysing operational scenarios, documents needed for the authorisation, certificates and findings from notified conformity assessment bodies, analysing risk assessment safety reports.

The contractor should deliver a planning of meetings with project managers and should inform ERA 2 weeks in advance of having a meeting with the project managers.

Assistance to the (existing and future) projects

The contractor will also help projects to understand ERTMS requirements and the European legislation by contributing on targeted dissemination of different topics, as for example, the authorisation to place in service of subsystems, the use of accredited laboratories, guidelines on the engineering of ERTMS, Baselines compatibility, operational scenarios, etc.
The contractor could, on request, support project managers in giving advice when preparing a call for tender (e.g. clause on software update, interoperability conformity assessment certificate, etc).

There will be a presentation at the kick off meeting about the main different topics that the contractor might need to clarify, and also will introduce some examples of the expected analysis from the contracted company.

The task shall include the following services and activities that shall be more detailed in the tenders:

- **Attend meetings.** There will be a minimum of 2 meetings/year at ERA premises (Lille or Valenciennes). The contractor will be in charge of the meeting minutes to be approved by ERA.

- **The contractor is responsible for contacting the project managers.** The contractor is responsible for obtaining the relevant information and deliverables, depending on the description and status of the projects. The contracted company is also responsible on identifying if there is lack of information required for the project or if the information is not sufficient and shall report this issue to ERA. The contractor shall analyse the obtained information and the sets of deliverables received from ERA to verify compliance with the TSI CCS and also with the objectives of the projects. All the analysis results and formulation of proposals for possible mitigation measures to address risks related to the objectives of the projects, milestones, interoperability or planning shall be included in the project reports following ERA template. The minutes of the meeting with the beneficiaries should be delivered to ERA at least before the next 5 working days after the meeting.

- **Monthly update of the risk analysis of the activities contracted.**

- **Monthly update of the planning of meetings with beneficiaries.** Minutes of the meeting with beneficiaries.

- **Monthly update of projects report following ERA template.**

- **Monthly update of project data following the ERA form.**

- **Reporting to the ERA (project reports).** In addition to the monthly update of all project reports, the contractor shall update specific reports when sets of documents are delivered to ERA by the beneficiaries. These specific updates of a project report shall be delivered after 10 working days of the delivery of documents from ERA. All project reports shall follow ERA template. A yearly report summarizing the main findings and lessons learnt should be send to ERA.

- **Collections and confirmation from the beneficiary of generic data from projects following ERA template or any other relevant information from projects specifically requested by ERA.** ERA templates for collection of data from projects or for reporting can only be modified with the agreement of ERA.

- **All communications with ERA, outputs and deliverables shall be made in English.** Many of the deliverables and documents from the projects might be in a different European language than English. Searching, selecting, reading, indexing, analysing those documents and attending to some meetings has to be performed in these
languages. Conference call meetings shall be held with ERA representatives every 2 weeks to inform about the main findings and the pending activities. A brief summary of the conference call decisions should be sent to ERA.

3.3.7 Task 7 – Provision of economic expertise

The goal of this task is to examine the economic aspects of the ERTMS, providing sound economic analysis and advice both at the macro (ERTMS as key component of the European railways connectivity) and micro (individual projects building up the system) levels.

The work under this task will take into account and support the deliverables foreseen in the tasks above.

MACRO LEVEL

At macro level, the provision of economic assistance will contribute to an indicative financial plan supporting the Deployment Programme and the establishment of business cases for ERTMS deployment. The analysis shall cover both individual corridors and their consolidation at EU level.

Financial plan of ERTMS deployment

The financial plan will include the high level monitoring of the overall progress and financial implementation aspects of the ERTMS deployment programme, including consolidating the necessary data and presenting general and comparative statistics, including statistics on number of vehicles and infrastructure sections equipped, scale of investments (actual and planned), cost ratios and KPIs etc. Such an analysis should be based on assessment of individual projects as identified in the section below on micro level assessment and use methods such as the program evaluation and review technique (PERT). It has to be based on a realistic estimation of expenditures, both investment and operational costs and account for the time value of financial flows.

Business cases for ERTMS and impacts on EU economy

Business cases for ERTMS per corridor and for Europe in general will be developed based on the financial plan (as described above), while considering direct, indirect and induced impacts of ERTMS deployment to the rail sector, manufacturing industry and the European economy at large. Work shall be coordinated with the outcomes of the deployment programme. Some core elements of business case analysis are listed below:

- direct project costs and benefits - over short, medium and long term;

- any social impacts including requirements for professional qualifications and training requirements;

- changes in environmental impacts and external costs/benefits linked to ERTMS, comparisons with other transport modes, as appropriate;
- impacts related to the long term competitiveness of the European railway sector, vis-à-vis (a) other modes in Europe and (b) rail operations and manufacturing industry in 3rd counties;

- needs for further research and innovation projects to support ERTMS development and deployment;

- aspects related to governance structures of national rail systems and presence of effective competition in rail market, to the extent these impact the cooperation between infrastructure managers and operators and the incentives for investment and deployment of ERTMS;

- intercontract with other EU and national policies, e.g. Shift2Rail, national transport development plans, infrastructure developments in pipeline etc;

- potential costs of delayed and/or uncoordinated ERTMS deployment, e.g. by using scenario analysis.

MICRO LEVEL

At micro level, the provision of economic assistance will examine and support the economic viability of individual projects, in particular those linked to nine core network corridors, providing advice, as appropriate, in an horizontal manner to project's promoters. More concretely:

- Systematic collection and analysis of actual and forecasted project costs of ERTMS deployment on-board and that of the trackside equipment: identification of core factors leading to discrepancies between budgeted and actual amounts;

- Collect data for a set of Key Performance Indicators (KPI), on the basis of works already carried out by DG MOVE and the stakeholders (e.g. PRIME), that can be used as background reference for ERTMS projects promoters for quality assurance, performance and financial benchmarking and promotion.

- Developing methodology (including cost-benefit analysis) and general guidance material for budgeting ERTMS projects.

- As a follow-up of the other program support contract to be launched by the Commission in autumn 2014, (i.e. study to develop tailor-made solutions for the use of innovative financing to support the deployment of ERTMS, in particular along the core network corridors )

- develop general guidance on establishing financing schemes for ERTMS projects

- advise project managers on tailor-made solutions for specific projects, including use of innovative financial instruments.
HORIZONTAL REQUIREMENTS

For the both, micro and macro level, any activity will consider different segments of the rail market services (passengers, freight, long distance vs short distance, dedicated lines, types of service, etc) as well as upstream and downstream markets as appropriate.

Data, assumptions, cost estimates, time projections, etc. of the models need to be based on solid and transparent economic research. They need to be presented and discussed with relevant stakeholders. The work shall involve, as appropriate, cooperation with ERA, Commission, corridor coordinators and project managers. Where relevant, Eurostat, international organisations (like the OECD, International Transport Forum) and other organisations with relevant involvement in the European railways sector need to be consulted. For that purposes, a permanent forum of discussion of transport economists and financiers with relevant expertise in the railways sectors, high level officials from the Member States Administrations (finance and transport ministries), as well as relevant actors from the sectors (infrastructure managers, railway operators, equipment suppliers) could be considered.

In order to capitalise effectively on economic expertise and analysis, it is important to proactively promote and disseminate the results. Therefore, the provision of economic expertise will include also the organisation of workshops on matters related to the economics and financing of ERTMS as well as in the preparation and publication of economic papers examining the expected costs and benefits from the ERTMS, contributing to the visibility of the project and attracting interest of relevant actors.

**Deliverables**

- Financial plan of ERTMS deployment, linked to the Deployment Programme for the Core network as defined under Task 4 and to the monitoring action plan as defined under Task 5
- Business case for ERTMS and impacts on EU economy
- Methodology for the cost benefit analysis and budgeting guidelines of ERTMS projects
- Guidelines for establishing financing schemes for ERTMS projects
- Database containing project costs and core data necessary for calculating KPIs, including definitions
- Ad hoc advise to project managers on financial issues
- Meetings of the transport economists and financiers', preferably every 6 months
- Workshops and promotion materials related to the economics and financing of ERTMS

**3.3.8 Duration, deliverables, payment schedule, deadlines, kick-off and final report meeting**

The duration of the tasks shall not exceed 72 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.

**Deliverables**

<table>
<thead>
<tr>
<th>Deliverable</th>
<th>Time</th>
</tr>
</thead>
<tbody>
<tr>
<td>Draft Strategic Action Plan (year=0)</td>
<td>One week before the kick-off meeting</td>
</tr>
<tr>
<td>Strategic Action Plan (SAP)</td>
<td>As agreed with DG MOVE, ERA and INEA at the kick-off meeting</td>
</tr>
<tr>
<td>draft yearly updated SAP (year = n)</td>
<td>One year after the first draft SAP</td>
</tr>
<tr>
<td>Monthly progress reports, giving information to DG MOVE, ERA and INEA, about ongoing and completed activities defined in the SAP.</td>
<td>Monthly</td>
</tr>
<tr>
<td>Yearly progress report</td>
<td>Yearly</td>
</tr>
<tr>
<td>Draft final report</td>
<td>Two months before the end of the period of duration of the tasks</td>
</tr>
<tr>
<td>Minutes of the programme management meetings with DG MOVE, ERA, INEA</td>
<td>One week after the meeting</td>
</tr>
<tr>
<td>Draft general stakeholders map, including a description of roles and responsibilities</td>
<td>One week before the first quarterly meeting</td>
</tr>
<tr>
<td>Updated stakeholder map</td>
<td>One week before each quarterly meeting</td>
</tr>
<tr>
<td>Detailed stakeholders overview per ETCS corridor including roles, responsibilities and contact details</td>
<td>One week before the first quarterly meeting</td>
</tr>
<tr>
<td>Updated stakeholders overview per ETCS corridor including roles, responsibilities and contact details</td>
<td>One week before each quarterly meeting</td>
</tr>
<tr>
<td>Monthly planning of meetings, including the main objectives and agendas</td>
<td>Monthly, together with the monthly progress report</td>
</tr>
<tr>
<td>Secretariat of the group which will be in charge of following-up the ERTMS deployment.</td>
<td>At least 3 one-day meetings/year in Brussels, agenda, minutes</td>
</tr>
<tr>
<td>Meetings with stakeholders in Brussels, in ERA meeting rooms (in Lille or in</td>
<td>As planned</td>
</tr>
<tr>
<td>Activity</td>
<td>Timeline</td>
</tr>
<tr>
<td>-------------------------------------------------------------------------</td>
<td>-----------------------------------------------</td>
</tr>
<tr>
<td>Valenciennes), on sites or in capitals</td>
<td></td>
</tr>
<tr>
<td>Minutes, conclusions and actions identified in the meetings, and actions follow-up</td>
<td>As planned</td>
</tr>
<tr>
<td>Draft communication plan</td>
<td>One week before the first quarterly meeting</td>
</tr>
<tr>
<td>Updated communication plan</td>
<td>One week before each quarterly meeting</td>
</tr>
<tr>
<td>First draft dedicated online information one-stop-shop in English</td>
<td>One week before the first quarterly meeting</td>
</tr>
<tr>
<td>Up-to-date dedicated online information one-stop-shop in English</td>
<td>Continuously</td>
</tr>
<tr>
<td>Actions resulting from the communication plan</td>
<td>As per the agreed communication plan</td>
</tr>
<tr>
<td>40 one-day information sessions in EN, FR, DE in Member States</td>
<td>As per the communication plan</td>
</tr>
<tr>
<td>Skeleton of the deployment programme and of the monitoring action plan</td>
<td>One week before the kick-off meeting</td>
</tr>
<tr>
<td>Draft Deployment Programme and draft monitoring action plan</td>
<td>One week before the first quarterly meeting</td>
</tr>
<tr>
<td>Deployment Programme for the Core network Corridors and monitoring action plan</td>
<td>10 months after the entry into force of the contract at the latest</td>
</tr>
<tr>
<td>Updated Deployment Programme and updated monitoring plan</td>
<td>One week before each quarterly meeting</td>
</tr>
<tr>
<td>Draft report and map giving an overview of the state of play of the ERTMS deployment</td>
<td>12 months after the entry into force of the contract at the latest</td>
</tr>
<tr>
<td>Updated report and map giving an overview of the state of play of the ERTMS deployment</td>
<td>One week before each quarterly meeting</td>
</tr>
<tr>
<td>Technical assistance: project reports</td>
<td>Monthly</td>
</tr>
<tr>
<td>Technical assistance: collection and update of project data</td>
<td>Monthly</td>
</tr>
<tr>
<td>Technical assistance: planning of meetings</td>
<td>Monthly</td>
</tr>
<tr>
<td>Technical assistance: minutes of the meeting</td>
<td>5 working days after the meeting</td>
</tr>
<tr>
<td>Technical assistance: update of the risk analysis</td>
<td>Monthly</td>
</tr>
<tr>
<td>------------------------------------------------</td>
<td>---------</td>
</tr>
<tr>
<td>Technical assistance: update of specific reports when sets of documents are delivered to ERA by the beneficiaries.</td>
<td>10 working days after the delivery of documents from ERA</td>
</tr>
<tr>
<td>Technical assistance: assistance to the (existing and future) projects</td>
<td>On request</td>
</tr>
<tr>
<td>Technical assistance: support to project managers in giving advice when preparing a call for tender</td>
<td>On request</td>
</tr>
<tr>
<td>Technical assistance: Report summarizing the main findings and lessons learnt</td>
<td>Yearly</td>
</tr>
<tr>
<td>Technical assistance: Tele/videoconference call meetings about the main findings and the pending activities.</td>
<td>Every 2 weeks</td>
</tr>
<tr>
<td>Technical assistance: A brief summary of the conference call</td>
<td>Every 2 weeks</td>
</tr>
<tr>
<td>Economic assistance: Financial plan of ERTMS deployment</td>
<td>To be developed/synchronised with the deployment programme</td>
</tr>
<tr>
<td>Economic assistance: Business cases for ERTMS per corridor and for Europe</td>
<td>To be coordinated/synchronised with the deployment programme</td>
</tr>
<tr>
<td>Economic assistance: Systematic collection and analysis of actual and forecasted project costs of ERTMS deployment on-board and that of the trackside equipment: identification of core factors leading to discrepancies between budgeted and actual amounts</td>
<td>One week before each quarterly meeting</td>
</tr>
<tr>
<td>Economic assistance: updated Database containing project costs and core data necessary for calculating KPIs, including definitions.</td>
<td>One week before each quarterly meeting</td>
</tr>
<tr>
<td>Economic assistance: (updated) methodology for budgeting ERTMS projects (including cost-benefit analysis)</td>
<td>To be developed/synchronised with the deployment programme</td>
</tr>
<tr>
<td>Economic assistance: (updated) general guidance material for</td>
<td>To be developed/synchronised with the deployment programme</td>
</tr>
</tbody>
</table>
budgeting ERTMS projects

| Economic assistance: (updated) general guidance on establishing financing schemes for ERTMS projects | To be developed/synchronised with the deployment programme |
| Economic assistance: advise project managers on financial issues, on tailor-made solutions for specific projects, including use of innovative financial instruments | On request |
| Economic assistance: meetings of the transport economists and financiers' | Twice a year |
| Economic assistance: workshops and promotion materials related to the economics and financing of ERTMS | As per the communication plan |

**Payment schedule**

<table>
<thead>
<tr>
<th>Document</th>
<th>Timing</th>
<th>Percentage of the amount in Article 1.3.1 of the contract</th>
</tr>
</thead>
<tbody>
<tr>
<td>Approved Strategic Action Plan (SAP)</td>
<td>T0 = agreed at the kick-off meeting</td>
<td></td>
</tr>
<tr>
<td>- First yearly progress report</td>
<td>T0 + 1 year</td>
<td>30%</td>
</tr>
<tr>
<td>- First yearly update of the SAP</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Second yearly progress report</td>
<td>T0 + 2 year</td>
<td>10%</td>
</tr>
<tr>
<td>- Second yearly update of the SAP</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Third yearly progress report</td>
<td>T0 + 3 year</td>
<td>10%</td>
</tr>
<tr>
<td>- Third yearly update of the SAP</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Fourth progress report</td>
<td>T0 + 4 year</td>
<td>10%</td>
</tr>
<tr>
<td>- Fourth yearly update of the SAP</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Fifth progress report</td>
<td>T0 + 5 year</td>
<td>10%</td>
</tr>
<tr>
<td>- Fifth yearly update of the SAP</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Final report</td>
<td>End of the period of duration of the tasks</td>
<td>30%</td>
</tr>
</tbody>
</table>
The yearly progress report shall be accompanied by any other document/deliverable expected in the period covered by the progress report, in accordance with the tender specifications. The contractor shall have 15 days in which to submit additional information or corrections or a new progress report or documents if required by the contracting authority.

A **kick-off meeting** will take place in Brussels, at the latest 21 days following the entry into force of the contract, in order to settle all the details of the work to be undertaken.

The Commission will make observations to the draft **final report** within 60 days of its submission. A **meeting** will be organised in Brussels to discuss the Commission’s observations. The exact date will be agreed upon with the Contractor.

### 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\(^\text{12}\).

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](http://www.w3.org/WAI/intro/2008guidelines) 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](http://ec.europa.eu/ipg/standards/accessibility/index_en.htm)

### 1. 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. Draft Contract

Please see separate document

\(^\text{12}\) 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
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/B2/2014-670

<table>
<thead>
<tr>
<th>Identity</th>
</tr>
</thead>
<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) (^{13})</td>
</tr>
</tbody>
</table>

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

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

\(^{13}\) For natural persons
<p>| | |</p>
<table>
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<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Telephone number:</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Fax number:</strong></td>
<td></td>
</tr>
<tr>
<td><strong>E-mail address:</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Legal Representatives</strong></td>
<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>
<tr>
<td><strong>Declaration by an authorised representative of the organisation</strong></td>
<td></td>
</tr>
<tr>
<td>I, the undersigned, certify that the information given in this tender is correct and that the tender is valid.</td>
<td></td>
</tr>
<tr>
<td><strong>Surname:</strong></td>
<td><strong>Signature:</strong></td>
</tr>
<tr>
<td><strong>First name:</strong></td>
<td></td>
</tr>
</tbody>
</table>

---

14 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

(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.
 declares that [the above-mentioned legal person][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][he][she] may be subject to administrative and financial penalties 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.

---

15 This covers the company directors, members of the management or supervisory bodies, and cases where one natural person holds a majority of shares.

<table>
<thead>
<tr>
<th>Full name</th>
<th>Date</th>
<th>Signature</th>
</tr>
</thead>
</table>
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:

17 To be filled in and signed by each of the partners in a joint tender, except the lead partner;
ANNEX 4

DRAFT CONTRACT

Please see separate document