
Specifications – VT/2010/042

Service contract for the provision of technical support in the field of co-ordination of social security

1. TITLE OF THE CONTRACT

Service contract for the provision of technical support in the field of co-ordination of social security.

2. BACKGROUND

One of the fundamental rights under the EU Treaty is the right of free movement of workers, as incorporated in Art. 45 TFEU (ex Art. 39 EC). In order to ensure that this right can be effectuated, the worker's social security rights must be guaranteed when moving from one Member State to the other.

However, under Community law, there is no unified European social security system. Each Member State is responsible for its own social security system. Therefore, Community rules have been put in place to provide for the coordination of these national social security systems. Until 1 May 2010, these rules were laid down in Regulation 1408/71 and the implementing Regulation 574/72. On that date, these Regulations have been replaced by the new Regulation 883/2004 and its Implementing Regulation 987/2009. The new Regulations aim at simplifying and modernising the system of coordination of the national social security schemes.

The provisions in both the old and new Regulations establish common rules and principles which have to be observed when applying national law. In doing so, it is ensured that the application of the different national legislations does not adversely affect persons exercising their right to free movement within the European Union.

In order to ensure an effective application of the Regulations by the Member States, national social security institutions need to exchange with each other information on the person concerned, such as his insurance history records, certificates concerning health care or certificates which show that a worker is posted to work in another Member State.

Under the old regulations, this information was exchanged by means of standardized forms (commonly known as "E" forms) and mainly exchanged on a paper basis. Certain Member States exchanged certain information electronically. This is mainly the case in the field of pensions and sickness. Under the new Regulations, all Member States are required to exchange this information electronically by the use of a common secure network.

2.1. *Electronic Exchange of information between national administrations*

Under the new Regulations, one of the main innovations is the establishment of a common secure electronic network for the data exchange between the national administrations, which is called the **Electronic Exchange of Social Security Information** (hereinafter: EESSI). Member States will be required, after the end of a transitional period of two years, to exchange their data by the use of this electronic system.

Once implemented, the exchange of data through the EESSI system will allow for more efficient, rapid and correct information exchanges between social security institutions for the implementation of the coordination rules in comparison to today's paper based data exchange. For the citizens, the automated data exchanges will lead to an essential improvement of the services provided under the Regulations, as the electrification of the data exchange will accelerate and make more accurate and timely the actual payment of social security benefits.

The EESSI Project has been identified as a **Project of Common Interest of the European Union under the IDABC Programme of the European Commission**¹. A feasibility study on the possibilities to establish such a European architecture for this complex coordination of social security was published on 1 April 2006.

¹ This programme aims at supporting the creation of a European information society by promoting the development of pan-European eGovernment services across a range of EU policies in line with, amongst others, the overarching objectives of the Lisbon Strategy.

The Feasibility study was issued in 2007. In 2008, DG EMPL published an open call for tender for the EESSI system (VT/2008/019)². Currently, the system is in the process of being developed by an external contractor in close cooperation with the European Commission and will be delivered by the end of 2010. The system will consist of a central application (Coordination Node) to be hosted in the Commission's Data Centre (including the EESSI Directory), and an application (Reference Implementation) to be deployed in the national administrations of the Member States.

The Regulations provide for a transitional period of two years, which will start when the new Regulations become applicable. During this period, Member States will need to make the necessary preparations to be able to exchange their data through the EESSI system. They will need to identify and develop their own technical access points, adapt where necessary their national applications and their business processes in order to be able to connect to the EESSI system, as well as to train their staff in the use of this new system. After 1 May 2012, the data exchange shall only be carried out by electronic means.

Another important development in the last few years is the exploration of possibilities of creating an electronic version of the European Health Insurance Card (EHIC). Member States started to issue EHICs to their citizens in June 2004. The EHIC replaces the E-forms needed to receive necessary medical care in case of a temporary stay in another Member State. At the end of 2008, there were already 180 million EHICs or PRCs (Provisional Replacement Certificate) in circulation. Almost 36% of the European citizens had an EHIC at the end of 2008, which can be considered as a major success. The elektronification of the EHIC is the third stage in this process.

2.2. Role of the Technical Commission on Data Processing under Regulations 1408/71 and 574/72

The Technical Commission on Data Processing made up of representatives of Member States (25 EU Member States, plus Iceland, Liechtenstein, Norway and Switzerland) has played an important role in the implementation of Regulations 1408/71 and 574/72. The Technical Commission was created in 1998 under the aegis of and attached to the Administrative Commission³. Under the old Regulations it was specifically entrusted with the task to **assist the social security institutions to use telematics in social security when applying the coordination regulations**.

Since the early 1990's the Telematics in Social Security Programme (TESS) has been running and a number of pilot projects have been carried out with financial support from the Interchange of Data between Administrations Programme (IDA). Three parallel pilots (**two in the pensions sector – 'Build 3+' and 'Build 4' - and one in the healthcare sector – 'Build 5'**) are now implemented by certain Member States and replace E-forms paper exchange by electronic exchanges in these sectors in these Member States. These projects will in the next years be replaced by EESSI.

Also the elektronification of the EHIC is part of the deliberations and reports in/by the Technical Commission. In recent years, a number of guiding principles have been agreed for the development of an electronic version of the EHIC. Lately, technical specifications have been elaborated with the support of the CEN (Centre Européen de Normalisation, based in Brussels). The Administrative Commission, with the assistance of the Technical Commission, is now in the process of discussing possibilities for the actual development and deployment of an electronic version of the EHIC.

2.3. Role of the Technical Commission on Data Processing under Regulations 883/2004 and 987/2009

Under the new Regulations, the tasks of the Technical Commission mirror to a certain extent its tasks under the old Regulations. Under Regulation 883/2004, it will be specifically tasked to propose to the Administrative Commission common architecture rules for the operation of data-processing services, in particular on security and the use of standards. It shall deliver reports and reasoned opinions before decisions are taken by the Administrative Commission. To this end the Technical Commission has to:

- (a) gather together the relevant technical documents and undertake the studies and other work required to accomplish its tasks;
- (b) submit to the Administrative Commission the reports and reasoned opinions ;
- (c) carry out all other tasks and studies on matters referred to it by the Administrative Commission;

² DG EMPL published an Open Call for Tender VT/2008/019 on 10 June 2008 for the EESSI Project. The contract was signed on 28 November 2008 with the contract award notice published in the Official Journal on 20 December 2008.

³ The Administrative Commission (CA.SS.TM) consists of a government representative from each Member State, charged in particular with dealing with all administrative questions or questions of interpretation arising from the provisions of the Regulations coordinating social security, and with promoting cooperation between the Member States.

In addition, under the new Regulations it is specifically stated that the Technical Commission has a specific responsibility with regard to the management of Community projects using data processing services. Article 73 of Regulation 883/2004 explicitly states that the Technical Commission “shall ensure the management of Community pilot projects using data-processing services and, for the Community part, operational systems using data-processing services”.

Because of its specialized knowledge about and practical experiences with data processing, it is needless to say that the Technical Commission plays a vital role in the management of the EESSI project and other projects using data-processing services, such as the electronication of the EHIC. In its Work Programme 2009-2012, which was unanimously adopted by the Member States, the Technical Commission is considered as a key player in the successful development and implementation and operation of the EESSI project in the following years. This is specifically elaborated in the tasks described in this Work Programme:

- assisting the Administrative Commission in ensuring a smooth transition for the Member States with the entry into force of the new Regulations (envisaged 1 May 2010)
- providing support to the national administrations in the setting up of the European architecture by end 2010 to allow for electronic data exchange between Member States (EESSI)
- assisting Member States in their preparations for data exchange by electronic means by the end of the transitional period (envisaged 30 April 2012)
- deliver reports and reasoned opinions concerning other developments in the field of data processing services in the context of an effective application of the Regulations (e.g. electronic EHIC)

Also in the following years, the Technical Commission will monitor closely the integration process of the EESSI system within the Member States. It will provide an important forum for the Member States to exchange best practices and experiences (in particular the six pilot countries which have volunteered to perform the first tests and dress rehearsals of the different components of the EESSI system that is currently under development). It will also report to the project team in DG EMPL on problems and questions the Member States have in the development of their national applications and the implementation and operation of the system.

An important aspect in the success of such a complex integration project is that Member States have a common understanding about the system. Certain questions may therefore require clear steering from the Technical Commission in particular with regard to the implementation and operation of the common part of the data processing services and the interoperability with the national parts which are developed by the Member States.

3. SUBJECT OF THE CONTRACT

In the European Commission, DG Employment, Social Affairs and Equal Opportunities (hereinafter: DG EMPL) is entrusted with the task of ensuring the correct application of the Community rules in the field of social security coordination. One important aspect in this work is the setting up of the EESSI system to facilitate the communication between the national administrations in the Member States in the application of the new Regulations in this field.

The contract to be awarded concerns the provision of services comprising of support and administrative assistance to unit E3 of DG EMPL, which is tasked with the monitoring of the Community legislation in this field and with the management of the EESSI project.

The contract to be awarded consist more specifically of the following tasks:

- (a) Providing support and assistance in the coordination of the work of the Technical Commission
- (b) Providing business- and technical related expertise in the field of social security coordination and in particular in support of the EESSI project. The technical development of the EESSI system is currently carried out by an external contractor. The deliverables of this contractor is audited and tested by the DG EMPL Project team which acts under the responsibility of Unit E3. The contractor under this call for tender will be asked to assist Unit E3 in the identification and translation of the business needs of the national administrations into technical solutions (“bridge between business and IT aspects”) and to provide technical expertise in the field of business modeling.
- (c) Organisation of training sessions, administrative management of the trainings and preparation of training materials and tools (in English) to national administrations in the Member States, which shall assist them in their preparations for the implementation, management and operation of EESSI.
- (d) Providing general (administrative) support to Unit E-3 in the context of EESSI

The contractor will have to work in close collaboration with the Secretariat of the Technical Commission on Data Processing (provided by Unit E3 of DG EMPL⁴) and the DG EMPL Project team that is entrusted with the technical development and deployment of the EESSI project. As the task description has a strong link with the EESSI project, the contractor shall become knowledgeable about the business and technical aspects of the EESSI project (on the basis of the available project documentation)⁵.

The activities will be carried out in Brussels under the direct control, supervision and responsibility of Unit E3 of Directorate General Employment, Social Affairs & Equal Opportunities.

4. PARTICIPATION

Please note that:

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

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

5. TASKS TO BE CARRIED OUT BY THE CONTRACTOR

Services under the contract, to be conducted in close cooperation with the Commission services, will include:

Task 1: Providing assistance in the coordination of the work of the Technical Commission on data processing

- Providing support in the preparation of the work programme and of the agendas of the meetings with the Secretariat of the Technical Commission.
- Drafting of notes that will be presented on behalf of the Secretariat during the meetings of the Technical Commission and the Administrative Commission. These notes will focus mainly on the articulation between business and IT aspects of data processing services for the application of the Regulations in the field of social security coordination and in particular EESSI (Maximum of 8-10 per year with an average length of 4-6 pages).
- Providing assistance in assessing the contributions and requests of Member States on issues discussed in meetings of the Technical Commission and the Administrative Commission concerning the articulation between business and IT aspects of data processing services with the aim of determining possible follow-up actions.
- Attending meetings including the participation in around 2-day plenary meetings (4 times a year, so eight days per year in total) of the Technical Commission on Data Processing and the Administrative Commission and other meetings of Working Parties of the Technical and Administrative Commission and of the Task Force on Electronic Data Exchange, which operates under the auspices of the Administrative Commission (maximum of six days per year in total). All these meetings take place in Brussels, but it is within the prerogative of the Member State holding the Presidency of the European Union to hold an ad hoc meeting in their capital.
- Attending preparatory meetings of the meetings of the Technical Commission and the Task Force, organized by the Secretariat of the Technical Commission in Brussels (equivalent to maximum of 4 days per year).
- Providing assistance to the Secretariat of the Technical Commission on the follow-up of the meetings: drafting of minutes of the meetings.

Task 2: Providing general support on EESSI and monitoring other technical developments in the field of social security coordination

⁴ Pursuant to Article 71 of Regulation 883/2004.

⁵ The technical documentation can be made available upon request.

- Providing support in identifying and translating business needs of the Member States in the EESSI project in technical solutions
- Participating in meetings with Unit E3, DG EMPL, related to the technical aspects of the coordination of social security (maximum 12-15 per year, equivalent to a maximum of 6 days per year) and drafting of minutes of these meetings
- Production of reflection papers on technical developments that can be regarded as useful for ongoing and possible future projects in the field of social security coordination (maximum 2 per year, maximum 8-10 pages).
- Monitoring of technical developments in European program and initiatives that are of potential relevance for the practical implementation of the Community system of coordination of social security schemes, such as the developments in the field of smart card related technologies, standardization, E-government and EHealth. This also includes liaising with external organizations that can be regarded as useful for the successful deployment of projects in the field of social security coordination.

Task 3: Providing expertise on business modeling

- Providing technical expertise in the field of business modeling for the development and maintenance of the business model exploitation tools. These tools are used in the context of the EESSI project for the exchange of information between national administrations in this system.⁶

Task 4: Organisation of trainings and development of self-learning tools for the national administrations with a view to a successful implementation of EESSI within the Member States

- Preparation of a training program on the implementation of EESSI by the Member States in close collaboration with Unit E3 and the technical team that operates under the supervision of E3. This training program will follow on and builds on the training provided by Siemens Services and Solutions, which is currently developing the EESSI system
- Taking care of the organisation of training sessions for the national administrations. The training sessions as such will comprise a maximum of 20 one-day training sessions. The training sessions will in principle be organised in Brussels and possibly 2 to 3 other locations in the EU. The number of participants for each training session is maximum 30 persons. The physical training facilities and the technical infrastructure will be organized by the European Commission. The contractor will be responsible for the organization of the training sessions and the administrative management of the trainings. The language of the trainings and training materials will be English.
- Providing assistance and expertise to the EESSI project team in converting the technical documentation on the EESSI system into training materials and training tools for the national administrations in the Member States. In particular, the tenderer shall provide assistance and expertise in the development of e-learning modules which shall facilitate the national administrations in becoming acquainted with the use, operation and management of the EESSI system.

6. PROFESSIONAL QUALIFICATIONS REQUIRED

For more details of the knowledge and experience required see point 12 'selection criteria'. See Annex IV of the model contract regarding CVs and classification of experts.

Additional requirements:

In order to carry out these tasks effectively a team of experts is required, including a person with a minimum of 5 years of professional experience in the international project management field in the public sector, a person with a minimum of 3 years of expertise in providing training and training materials in the IT business and a person with a minimum of 3 years of expertise in business modeling. Further details about the requested profile of the experts are listed under section 12, Selection Criteria.

⁶ The business model in the EESSI system is a set of electronic files that encode a) the structure of messages and b) conversation patterns which prescribe the EESSI communication.

7. TIME SCHEDULE AND REPORTING

See Article I.2. of the contract.

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

Work may not start until after the signature of the contract, which is estimated to be signed in November 2010. The period of performance will be 12 calendar months from the date of contract signature.

The initial contract may be renewed 3 times for a period of 12 calendar months each only with the express written agreement of the parties before payment of the balance. Renewal does not imply any modification or deferment of existing obligations.

A. Meetings

The persons in charge of tasks 1 and 2 shall:

- participate in 2-day plenary meetings of the Technical Commission on Data Processing and the Administrative Commission (4 times a year, so eight days per year in total)
- Participate in meetings of the Working Parties of the Administrative Commission and Technical Commission and of the Task Force on Electronic Data Exchange (maximum of six days per year in total)
- Participate in preparatory meetings for these Committee meetings organised by the Secretariat (equivalent to a maximum of four days per year)
- Participate in internal meetings of DG Employment, Unit E-3 (maximum 12-15 per year, equivalent to a maximum of 6 days per year)

All these meetings take place in Brussels, but it is within the prerogative of the Member State holding the Presidency of the European Union to hold an ad hoc meeting in their capital.

The persons in charge of task 4 shall:

- Organise 20 one-day training sessions, of which at least 10 training sessions shall be organised in the first six months after the start of the contract period.

B. Reporting:

The persons in charge of the task 1 shall:

- Produce in the context of the meetings of the Technical Commission and Administrative Commission notes that focus on the articulation between the business and IT-aspects of data processing services under the Regulations 883/2004 and 987/2009 (maximum of 8-10 notes per year, maximum 4-6 pages).

The persons in charge of task 2 shall:

- Produce reflection papers on technical developments and initiatives that that can be regarded as useful for ongoing and possible future projects in the field of social security coordination (maximum 2 per year, maximum of 8-10 pages).

The persons in charge of the task 4 shall:

- Within two months after start of the contractual period, produce a **proposal for a training program in the context of EESSI**.

The tenderer shall:

- Produce, no later than 6 months after the signature of the contract, an **Interim Report** assessing overall progress towards the achievement of the work programme together with a time-planning for the remaining actions to be carried out by the end of the contractual period.
- The **Final Report** will be delivered at the latest 12 months after the start of the contractual period. It will provide a concise overview of the work carried out during the course of the entire contract period, as well as any comments, suggestions or recommendations judged useful or necessary by the contractor. It shall provide details of all tasks carried out, deliverables produced and results achieved.

All reporting must be done in English and delivered both on paper and electronically.

Overview of the deliverables and time schedule

All tasks	Reporting on the execution of tasks
T0 + 6 months	Interim Report assessing overall progress towards the achievement of the work programme together with a time-planning for the remaining actions to be carried out by the end of the contractual period.
T0 + 12 months	Final report
Task 1	Assistance in the work of the Technical Commission on data processing
T0 + 12 months	Notes that focus on the articulation between the business and IT-aspects of data processing services under the Regulations 883/2004 and 987/2009 (maximum of 8-10 notes per year, maximum 4-6 pages).
Task 2	Providing general support on EESSI and monitoring other technical developments in the field of social security coordination
T0 + 6 months	Reflection paper on technical developments and initiatives that that can be regarded as useful for ongoing and possible future projects in the field of social security coordination
T0 + 12 months	Reflection paper on technical developments and initiatives that that can be regarded as useful for ongoing and possible future projects in the field of social security coordination
Task 4	Organisation of trainings and development of self-learning tools for the national administrations with a view to a successful implementation of EESSI within the Member States
T0 + 2 months	Proposal for a training program in the context of EESSI.
T0 + 6 months	E-learning modules and documentation covering the content of the trainings organised during first 6 months of the contract. The training materials shall be prepared prior to the actual training sessions, organised during this period
T0 + 12 months	E-learning modules and documentation covering the content of the trainings organised during second 6 months of the contract. The training materials shall be prepared prior to the actual training sessions, organised during this period

T0 = date of signature

8. PAYMENTS AND STANDARD CONTRACT

See articles I.3., I.4, II.4 and II.5 of the draft contract.

Payments will be made according to the following schedule:

Interim payment

Request for interim payment by the Contractor shall be admissible if accompanied by:

- an interim report in accordance with the instructions laid down in Annex I of the model contract ;
- the relevant invoices

Provided the report has been approved by the Commission.

The Commission shall have 60 days from receipt to approve or reject the report, and the Contractor shall have 30 days in which to submit additional information or a new report.

Within 30 days of the date on which the report is approved by the Commission, an interim payment corresponding to the relevant invoices, up to maximum 50% of the total amount referred to in Article I.3.1 of the contract shall be made.

Payment of the balance

The request for payment of the balance of the Contractor shall be admissible if accompanied by:

- the final report in accordance with the instructions laid down in Annex I of the draft contract;
- the relevant invoices

Provided the report has been approved by the Commission.

The Commission shall have 60 days from receipt to approve or reject the report, and the Contractor shall have 30 days in which to submit additional information or a new report.

Within 30 days of the date on which the report is approved by the Commission, payment of the balance of the total amount referred to in Article I.3.1 of the contract shall be made.

In drawing up the bid, the tenderer should take into account the provisions of the standard contract comprising the "General terms and conditions applicable to service contracts".

9 PRICES

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

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

■ Part A: Professional fees and direct costs

- Fees, expressed as the number of person/days multiplied by the unit price per working day for each expert proposed. The unit price should cover the experts' fees and administrative expenditure;
- Travel expenses;
- Subsistence expenses of the Contractor and his staff (covering the expenditure incurred by experts on short-term trips outside their usual place of work)
- Expenses for the shipment of equipment or unaccompanied luggage, directly connected with performance of the tasks specified in Article I.1 of this Contract
- Other direct costs (to be specified)

■ Part B: Reimbursable expenses N.A.

The total price sought ought not to exceed € 200.000 per year.

10. GROUPINGS OF ECONOMIC OPERATORS OR CONSORTIA

Tenders can be submitted by groupings of service providers/suppliers who will not be required to adopt a particular legal form prior to the contract being awarded, but the consortium selected may be required to assume a given legal form when it has been awarded the contract if this change is necessary for proper performance of the contract⁷. However, a grouping of economic operators must nominate one party to be responsible for the receipt and processing of payments for members of the grouping, for managing the service administration, and for coordination. The documents required and listed in the following points 11 and 12 must be supplied by every member of the grouping.

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

11. EXCLUSION CRITERIA AND SUPPORTING DOCUMENTS

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

Those articles are as follows :

"Article 93 :

⁷ These entities can take the form of an entity with or without legal personality but offering sufficient protection of the Commission's contractual interests (depending on the Member State concerned, this may be, for example, a consortium or a temporary association).

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

Applicants or tenderers shall be excluded if:

- a) they are bankrupt or being wound up, are having their affairs administered by the courts, have entered into an arrangement with creditors, have suspended business activities, are the subject of proceedings concerning those matters, or are in any analogous situation arising from a similar procedure provided for in national legislation or regulations;*
- b) they have been convicted of an offence concerning their professional conduct by a judgement which has the force of res judicata;*
- c) they have been guilty of grave professional misconduct proven by any means which the contracting authority can justify;*
- d) they have not fulfilled their obligations relating to the payment of social security contributions or the payment of taxes in accordance with the legal provisions of the country in which they are established or with those of the country of the contracting authority or those of the country where the contract is to be performed;*
- e) they have been the subject of a judgement which has the force of res judicata for fraud, corruption, involvement in a criminal organisation or any other illegal activity detrimental to the Communities' financial interests;*
- f) they are currently subject to an administrative penalty referred to in Article 96(1)⁸.*

(...)

Article 94 :

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

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

2) The tenderer to whom the contract is to be awarded shall provide, within a time limit defined by the contracting

authority and preceding the signature of the contract, the evidence referred to in Article 134 of the

implementing Rules, confirming the declaration referred to in point 1 above.

Article 134 of the Implementing Rules – Evidence

§3. The contracting authority shall accept as satisfactory evidence that the candidate or tenderer to whom the contract is to be awarded is not in one of the situations described in point (a), (b) or (e) of Article 93(1) of the Financial Regulation, a recent extract from the judicial record or, failing that, an equivalent document recently issued by a judicial or administrative authority in the country of origin or provenance showing that those requirements are satisfied. The contracting authority shall accept, as satisfactory evidence that the candidate or tenderer is not in the situation described in point (d) of Article 93(1) of the Financial Regulation, a recent certificate issued by the competent authority of the State concerned.

Where the document or certificate is not issued in the country concerned, it may be replaced by a sworn or, failing that, a solemn statement made by the interested party before a judicial or administrative authority, a notary or a qualified professional body in his country of origin or provenance.

§4. Depending on the national legislation of the country in which the candidate or tenderer is established, the documents referred to in paragraph 3 shall relate to legal persons and/or natural persons including, where considered necessary by the contracting authority, company directors or any person with powers of representation, decision-making or control in relation to the candidate or tenderer.

See Annex I (which may be used as a checklist) for the supporting documents accepted by the European Commission to be provided by applicants, tenderers or tenderers to who the contract will be awarded.

⁸ "Article 96(1): The contracting authority may impose administrative or financial penalties on the following:

- (a) candidates or tenderers in the cases referred to in point (b) of Article 94;
- (b) contractors who have been declared to be in serious breach of their obligations under contracts covered by the budget.

(...)"

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

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

12. *SELECTION CRITERIA*

The selection of offers will be carried out in accordance with the following criteria:

a) economic and financial capacity

Sound financial and legal position of the tenderers:

Tenderers will be required to demonstrate their financial status by presenting their balance sheets and their profit and loss statements for the last two years for which the accounts have been closed, including total turnover and turnover relating to services similar to those covered by this call for tenders for the past two financial years.

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

b) technical capacity of the tenderer:

Tasks 1 and 2:

- **Excellent command of oral and written English**, and in particular the ability to draft contributions to reports and produce clear explanatory notes and minutes;
- **Excellent interpersonal and oral communication skills** for regular liaison with Member States and the Commission Services and to address meetings of the Technical Commission on Data processing;
- **Knowledge of legal and administrative issues related to the use of information technologies**, in particular in the social security environment and related applications;

Task 1

- **Minimum of 5 years of Professional experience in the international project management field** (public sector) including monitoring, evaluation and statistical analysis ;

Task 3:

- **Professional experience IT system design**, starting from the collection of business needs, definition of business requirements, development of concepts and system architecture, definition of technical specifications, management of project development, testing phase, and moving on into operation and operational support
- **Technical knowledge in business modeling field and the use of Poseidon 5.0**. Ability to prepare and maintain tools to support the work;
- **Minimum 3 years of proven experience in the use of XML, SXML, XQuery and XM;**

Task 4:

- **Excellent command of oral and written English**, and in particular the ability to draft concise and clear training materials and tools and make clear and concise presentations;
- **Excellent interpersonal and oral communication skills** for regular liaison with Member States and the Commission Services and to address meetings of the Technical Commission on Data processing;
- **Professional experience in the organization of training sessions**, in particular in the field of IT-technology

- **Minimum of 3 years of Professional experience in the preparation of training materials and the development of e-learning models.**

Tenderers are required to provide a brief description of their business activities in services of the type that are subject of this invitation to tender.

Means of proof:

- A description of the intended organisation and internal management
- The bidder shall provide details of the persons proposed to demonstrate relevant competence and professional capacity in the services of the type that are subject of this invitation to tender, including their CVs and their qualifications. If the work was undertaken for the European Commission, the candidate must also include the Commission reference number of the contract and the DG/Directorate/Unit for which the contract was performed.
- In the case of tenders from consortia, written confirmation from each member of the consortium that they are ready and willing participate in the work that is subject of the contract should the contracted be awarded to their consortia, and briefly describing their role.

13. AWARD CRITERIA

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

1) Quality criteria: understanding of the context and nature of the project and the tasks to be carried out.

Tenderers will be required to provide information about the managerial staff, the distribution of tasks among the members of the team and a detailed timetable of the activities to be carried out.

- **Work organisation (30%):** quality of the presentation of the organisation of the performance of the tasks. The tenderer must explain how the team of internal and any associated external experts will be organised and coordinated in relation to the tasks, as well as the working methods within the team and with the appropriate Commission services.
- **Approach (30%):** understanding of the nature of the assignment, its context and the results to be achieved.
- **Methodology (40%):** The tenderer shall provide a work plan to explain how the different tasks will be carried out;
 - The tenderer must specify how it will organize the work in relation to the administrative and technical support of the relevant Commission services.
 - The tenderer shall explain how he will organize and prepare for the training sessions in relation to EESSI and the methodologies that he will use in preparation of training materials and documentation (incl. development of e-learning modules). The work plan shall also provide a time planning for the different steps related to the training

These criteria weighted as indicated above will determine the quality of the bids and will be compared with the price in order to determine the proposal that provides the best value for money.

2) Price

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

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

Initiation of a tendering procedure imposes no obligation on the Commission to award the contract. The Commission shall not be liable for any compensation with respect to tenderers whose tenders have not been accepted. Nor shall it be so liable if it decides not to award the contract.

14. CONTENT AND PRESENTATION OF BIDS

Content of bids

Tenders must include:

- all information and documents necessary to enable the Commission to appraise the bid on the basis of the selection and award criteria (see points 12 and 13 above);
- a bank ID form duly completed and signed by the bank;
- a "legal entity" form duly completed;
- the price;
- the detailed CVs of the proposed experts;
- the name and function of the contractor's legal representative (i.e. the person authorised to act on behalf of the contractor in any legal dealings with third parties);
- proof of eligibility: tenderers must indicate the State in which they have their registered office or are established, providing the necessary supporting documents in accordance with their national law.

PRESENTATION OF BIDS

Bids must be submitted in triplicate (i.e. one original and two copies).

They must include all the information required by the Commission (see points 9, 10, 11 and 12 above).

They must be clear and concise.

They must be signed by the legal representative.

They must be submitted in accordance with the specific requirements of the invitation to tender, within the deadlines laid down.

15. VALIDITY OF TENDERS

Tenders must be valid up to 6 months after deadline for submission.