
Specifications – Invitation to Tender VT/2006/003

Impact assessment of EU basic requirements on measures to promote the integration of persons excluded from the labour market - VT/2006/003

1. TITLE OF THE CONTRACT

Impact assessment of EU basic requirements on measures to promote the integration of persons excluded from the labour market - VT/2006/003

2. BACKGROUND

The **alleviation of poverty and the fight against social exclusion** are major concerns of the European Union and of its Member States. The Amsterdam and Nice Treaties specified the conditions and instruments enabling the EU to supplement the actions of the Member States in this field in accordance with the principle of subsidiarity. Within the framework of the new Lisbon strategy, and of the strategy of sustainable development adopted in Gothenburg, the EU has engaged in giving a significant contribution to the eradication of poverty by 2010.

With the new start of the Lisbon strategy focusing on growth and jobs, the Employment guidelines¹ – as part of the integrated guidelines package for 2005-2008 – address the problem of the **integration of those furthest from the labour market** by encouraging Member States to provide work incentives to reinforce preventive and active labour market measures including early identification of needs, job search assistance, guidance and training as part of personalised action plans, provision of social services necessary to support the labour market inclusion of disadvantaged people and contribute to social and territorial cohesion and to the eradication of poverty (Integrated guideline No 19). Therefore, to make the goal of 70% employment rate a reality for the European Union it is vital that people outside the labour force, as well as the long-term unemployed, disadvantaged people, etc. (re)-enter the labour market.

On the other hand, the Joint Report on Social Protection and Social Inclusion (2005) has highlighted seven key policy priorities for tackling poverty and social exclusion across the Union. Priority 2 aims at ensuring that **sustainable social protection schemes are adequate and accessible to all**, and that benefits aimed at those who are able to work provide effective work incentives as well as enough security to allow people to adapt to change. At the same time, the 2006 Joint Report on Social Protection and Social Inclusion highlights that minimum social assistance levels are already, in many Member States, below the at-risk-of-poverty line and, from a social inclusion perspective, the scope for attaching conditions to them needs to be carefully monitored. The growing emphasis on benefit

¹ See "Guidelines for the employment policies of the Member States (2005-2008)", OJ L 205 of 6.8.2005, p. 21

conditionality is not, to date, accompanied by systematic monitoring of its impact on the most marginalised groups.

In this context, one of the priorities of the Community Action Programme to Combat Social Exclusion (2002-2006) is the carrying out of thematic policy-oriented research studies focussing on areas where the National Action Plans for Social Inclusion (NAPs/inc.) have revealed a greater need for European analysis and exchange.

Further information on the Social Inclusion Process can be obtained from the Europa Internet site, where all the documents are accessible at the following address:

http://europa.eu.int/comm/employment_social/social_inclusion/index_en.htm

3. SPECIFIC CONTEXT

In 1992, the Council adopted two recommendations (92/441/EEC of 24 June 1992, and 92/442/EEC of 27 July 1992) proposing as a common objective the **establishment of a minimum level of guaranteed income (MI)**, and principles and guidelines by means of which this objective could be reached. In this way, Member States were invited to establish a basic right to sufficient resources and social assistance provisions in their social protection systems. In 1999, the Commission submitted a report on the implementation of these two recommendations (COM/98/774) aimed at: (i) evaluating the role of the minimum income arrangements in the social protection systems as instruments of the poverty alleviation; (ii) analysing the contribution of these arrangements to allow the social and economic reintegration; and (iii) providing common criteria concerning sufficient resources and social assistance provisions in the social protection systems. In 2000, the Nice Council adopted common objectives for the implementation of the open method of coordination in the field of social inclusion, and integrated the objectives stated in the 1992 recommendations. The Nice objectives, however, did not prescribe concrete guidelines or criteria for the implementation of minimum income (MI) schemes.

The Commission has recently issued a Communication² on the **active inclusion of the people furthest from the labour market**. The communication has two goals. Firstly, to review the progress achieved in the context of an enlarged Union towards the aim of fostering labour market access for those who are excluded. Secondly, based upon this review, to launch a public consultation on possible guidelines for action at EU-level, with a view to promoting the active inclusion of people furthest from the labour market. By so doing, this communication responds to the new Social Agenda for the period 2005-2010, which confirmed that the Commission would launch a Community Initiative on minimum income schemes and the integration of people excluded from the labour market, after due Impact Assessment procedures have been observed.

² COM(2006)44 final, "Concerning a consultation on action at EU level to promote the active inclusion of the people furthest from the labour market".

http://europa.eu.int/comm/employment_social/consultation_en.html

Member States, with the active support of the European Union through Council recommendations, the Open Method of Coordination on social inclusion, the European Employment Strategy and the European Social Fund, have made progress both in extending basic assistance mechanisms and in promoting the access of the most vulnerable to the labour market. Nevertheless, the persistence of large numbers of people at risk of poverty and excluded from the labour market represents an inescapable challenge to the objective of social cohesion enshrined in the EU Treaty.

Despite the diversity of situations and policies across the EU, therefore, action at European level, for instance in the form of common principles, basic requirements or other means of strengthening the 1992 Recommendations³ and the 1999 Implementation Report⁴, might add value to efforts by Member States by providing guidance as well as a common analytical framework against which individual achievements and policy instruments can be compared and assessed.

4. SUBJECT OF THE CONTRACT

The core issue raised in the above-mentioned communication concerns the need to progressively implement a comprehensive policy mix combining adequate **income support, active labour market policies** and **access to basic services**, so as to encourage a more effective integration of people excluded from the labour market. Such an approach may be termed *active inclusion*. As stated in the aforementioned communication on active inclusion, the main challenge is to ensure that social protection policies effectively contribute to mobilising people who are capable of working while achieving the wider objective of providing a decent living standard to those who are and will remain outside the labour market.

To respond to this issue the Commission's services wish to contract with a team of trans-national European academic experts to produce a study to assess the impact of possible community action aimed at setting up common minimum rules and guiding principles at EU level concerning minimum income (MI) support schemes, active labour market policies and conditions of access to basic services which could facilitate the active inclusion of those excluded from the labour market. The study shall consider the "Commission Guidelines for Impact assessments" available on the Europa web site at the following address:

http://europa.eu.int/comm/secretariat_general/impact/key_en.htm

The study should provide an impact evaluation of each different policy option, as defined at point 6.XII, taking into account the outcome of the consultation by determining:

- (i) who will be affected;
- (ii) how policies will be re-oriented;

³ 92/441/EEC of 24 June 1992 (<http://europa.eu.int/eur-lex/lex/LexUriServ/LexUriServ.do?uri=CELEX:31992H0441:EN:HTML>), and 92/442/EEC of 27 July 1992 (<http://europa.eu.int/eur-lex/lex/LexUriServ/LexUriServ.do?uri=CELEX:31992H0442:EN:HTML>)

⁴ COM/98/774

- (iii) what would be the budgetary impact, for public administrations, business and households;
- (iv) how much will the risk of poverty be reduced;
- (v) how to minimise work disincentive effects; and
- (vi) the cost-effectiveness of the MI in bringing people back to the labour market when combined with access to basic services and active labour market policies.

The study would conclude by proposing a multi-criteria comparison between merits and weaknesses of each policy options.

5. 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 2004/018/EC, are not covered by this Agreement.

In practice, the participation of applicants from third countries that have concluded a bilateral or multilateral agreement with the Communities in the area of public contracts must be allowed, under the conditions provided for in that agreement. Bids submitted by applicants from third countries that have not concluded such an agreement may be accepted, but may also be rejected.

6. TASKS TO BE CARRIED OUT BY THE CONTRACTOR

In permanent contact and co-operation with the Commission's Services, the successful tenderer will carry out the following tasks:

- I. Provide a typology of the different minimum income schemes across EU Member States.
- II. Given the several definitions of minimum income used in the EU Member States and the difficulties that it may cause for comparative analysis, provide an operational definition of and guiding principles for minimum income support schemes for the EU as a whole.
- III. Analyse the gaps in the data on the degree of coverage of income support policies in EU Member States, in order to improve available information or suggest new relevant data by means of surveys or by other appropriate tools.

- IV. Provide a typology of financial incentives to work for welfare recipients of working age.
- V. Provide a typology of non financial incentives to work and social activation measures for welfare recipients of working age.
- VI. Analyse the gaps in the data on the degree of incentives to work and social activation measures in EU Member States in order to improve available information or suggest new relevant data by means of surveys or by other appropriate tools.
- VII. Provide theoretical and empirical evidence on the contribution of **minimum income support schemes** in combination with **activation policies** and **access to basic services** to bring people back to the labour market in the EU Member States. Analyse the cost effectiveness of such programmes.
- VIII. Analyse the extent to which individuals are obtaining neither employment nor the national minimum income protection. Analyse the reasons why the existing minimum income schemes are not effective enough to lift people out of poverty risk.
- IX. Use the existing relevant data for the analysis of the social protection situation of individuals and provide empirical evidence on whether the setting of basic requirements across the EU, in terms of minimum income schemes, active labour market policies and access to basic services, could reduce the risk of poverty.
- X. Provide estimates of the budgetary impact of this setting of basic requirements, including distributive aspects of such costs (and benefits).
- XI. Discuss how Member States might re-orient their respective social assistance and active labour market policies as a result of the set up of basic requirements and provide estimates of the budgetary impact of such policy re-orientation.
- XII. Provide criteria of advantages/disadvantages to help the Commission decide on the most preferred policy option to be followed. Basic policy options might be, among others, the following:
 - a. no EU action;
 - b. a Council recommendation redefining the criteria and guidelines put forward in the 1992 recommendation;
 - c. strengthening and deepening the open method of coordination on this area of social inclusion;
 - d. launching a framework directive to set up basic requirements; and

Other options and/or their refinement will be agreed with the Steering Committee. The definition of policy options must take into account the outcome of the public consultation launched with COM(2006) 44 together with their political and budgetary feasibility.

7. PROFESSIONAL QUALIFICATIONS REQUIRED

See Annex IV of the contract, experts' CVs and point 12.2 on professional capacity required.

TIME SCHEDULE AND REPORTING

7.1. Time Schedule

See Article I.2 of the contract

The contract will cover twelve (12) months.

It is envisaged it will begin in the last quarter of 2006.

The period of execution of the tasks may be extended only with the express written agreement of the parties before such period elapses.

7.2. Reporting

All written material should be submitted in English, except the summaries that must be submitted in English, French and German.

- **Month 1**

By the end of the first month, the contractor will agree with the Steering Committee the methodology and the plan of work to be applied to the contract.

- **Month 3**

At the end of this quarter, the successful tenderer will provide the Commission with a ***progress report*** on the latest developments of the study and first results about:

- (i) operational definition, guiding principles, and methodological approach;
- (ii) preliminary identification of existing theoretical and empirical evidence;

The Steering Committee will review the Progress Report with a view to making any necessary amendments to the approach and the methodology as well as to analyse the data quality. In particular, it will have to approve the main definition of the options to be further submitted to screening.

- **Month 6**

An ***Interim Report*** will be submitted to the Commission on the last day of Month 6 at the latest.

Contents: the Interim Report should contain a first draft of the following elements:

- (iii) Provide any additional data required to help the Commission in properly assessing the effectiveness of "active inclusion" policies – as defined in section 4 - to help integrate people excluded from the labour market in EU Member States; a final refinement of the policy options, as agreed with the Steering Committee, should be presented.
 - (iv) Provide the first judgement elements for the impact evaluation in terms of both policy options and how will it affect the stakeholders.
 - (v) Contain a description of the work undertaken at the date of the report.
- **Month 9**
At the end of this quarter, the contractor will provide the Commission with a pre-final Report, which will contain an update and a much more thorough analysis of those elements already presented in the Interim Report.
 - **Month 12**
A **Final Report** will be submitted to the Commission (6 copies) on the last day of Month 12 at the latest.

Contents: the Final Study and a Final Activity Report, that will describe all work carried out during and the results obtained from the implementation of the contract. It will also contain a summary of the main findings (10-15 pages) and an executive summary (2-3 pages) both in English, French **and** German.

All reports should be submitted in paper (6 copies) and electronic versions.

8. PAYMENTS AND STANDARD CONTRACT

According to Article I.4. of the draft contract

"Payments under the Contract shall be made in accordance with Article II.4 [of the contract]. Payments shall be executed only if the Contractor has fulfilled all his contractual obligations by the date on which the invoice is submitted. Payment requests may not be made if payments for previous periods have not been executed as a result of default of negligence on the part of the Contractor.

I.4.1. Pre-financing

Following signature of the Contract by the last contracting party, within 30 days of the receipt by the Commission of a request for pre-financing with a relevant invoice, a pre-financing payment equal to 30% of the total amount referred to in Article I.3.1 [of the contract] shall be made.

I.4.2. Interim payment

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

- *the Interim technical report in accordance with the instructions laid down in Annex I [of the contract].,*
 - *the relevant invoices,*
- provided the report has been approved by the Commission.*

The Commission shall have 45 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 40% of the total amount referred to in Article I.3.1 [of the draft contract], shall be made.

I.4.3. Payment of the balance

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

- the final technical report in accordance with the instructions laid down in Annex I [of the contract],*
- the relevant invoices,*

provided the report has been approved by the Commission.

The Commission shall have 45 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.

I.4.4. Performance guarantee

Not applicable."

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 Communities 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.

The **maximum** amount available (including contingencies) for this contract is **€ 300,000**.

Tenderers should note that any bids exceeding this limit will not be considered. The total price is Part A+ Part B.

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, but not the reimbursable expenses referred to below.

- Direct costs include
 - Travel expenses (A minimum of 3 meetings with the Commission services in Brussels should be included)
 - Reporting expenses;
 - Translation expenses;
 - Documentation;
 - Any unavoidable expenses necessary to the achievement of the Contract

Part B: Reimbursable expenses

- Contingencies, if any (maximum 3 % of part A)

Total price= Part A + Part B

10. COMPOSITION OF A PARTNERSHIP OR CONSORTIUM

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

11. EXCLUSION CRITERIA AND SUPPORTING DOCUMENTS

Governed by Article 93 of the Financial Regulation

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. Following another procurement procedure or grant award procedure financed by the Community budget, they have been declared to be in serious breach of contract for failure to comply with their contractual obligations.

Applicants or tenderers must certify that they are not in any of the situations listed above.

Article 134 of the Implementation Arrangements – Supporting documents:

1. The contracting authority shall accept, as satisfactory evidence that the candidate or tenderer is not in one of the situations described in points (a), (b) or (e) of Article 93 of the Financial Regulations, production of a recent extract from the judicial record or, failing that, a recent equivalent document issued by a judicial or administrative authority in the country of origin or provenance showing that these requirements are met.
2. The contracting authority shall accept, as satisfactory evidence that the candidate or tenderer is not in the situation described in point (d) of Article 93 of the Financial Regulations, a recent certificate issued by the competent authority of the State concerned (with a certified translation into English or French)

Where no such document or certificate is 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.

3. Depending on the national legislation of the country in which the tenderer or applicant is established, the documents referred to in paragraphs 1 and 2 above shall relate to legal entities and/or physical persons, including, where considered necessary by the awarding authority, company directors or any person with powers of representation, decision-making or control in relation to the tendered.

Article 94 of the Financial Regulation:

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

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

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

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

A written self-declaration by the candidate that he is not in the situation described by article 93 § 1. a), b), d) and e) (see above) will not be accepted by DG Employment.

12. SELECTION CRITERIA

The candidates will be selected on the basis of their financial and economic capacity and their technical capacity

12.1. **Economic and financial capacity** to carry tasks set out in the tender specification must be demonstrated as follows:

- Full set of audited financial statements and accounts -balance sheet and profit and loss account for the past two years. This certificate must be provided by each member of the consortium;
- the tenderer (or consortium) must provide proof of turnover in the last financial year at least equivalent to 100% of the proposed price of the contract;

12.2. **Professional and technical capacity**

Project manager(s) and senior researchers should have:

- a minimum of ten years experience and expertise in, as well as in-depth knowledge of, the nature and causes of exclusion of people from the labour market; i.e., an extensive knowledge of research and literature in relation to poverty and social exclusion, minimum income guarantee schemes and social assistance, access to basic services and EU social policies in general and, particularly, in the field of the effectiveness of activation and make work pay policies in removing barriers to enter the labour market and in integrating people excluded from the labour market.
- A good knowledge and experience of quantitative policy analysis and regulatory impact assessment methods.
- Proven track record in the field of trans-national policy analysis, particularly in relation to poverty, social exclusion, minimum income guarantee schemes, and activation policies to re-integrate people into the labour market.

The tenderer should have:

- Track record demonstrating its experience in carrying out similar assignments;
- Human resources (in-house experts and network) suitable and available to efficiently carry out the assignment.

13. AWARD CRITERIA

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

1. Quality and consistency of the tender (50%):

- Degree of understanding of the nature of the assignment, its context and results to be achieved (**maximum 25%**);
- Knowledge and use of existing research in the fields covered by the expertise as well as available data to complement background information (**maximum 25%**).

2. Technical value of the bid and proposed methodological approach (50%):

- Quality and appropriateness of the strategy proposed for the implementation of the research. Type of analysis that will be developed, including interpretation of quantitative and qualitative information according to the proposed strategy (**maximum 30%**).
- Work plan and work organisation, including actions proposed to supplement the sources of information available, coordination in the team, consistency with the budget (**maximum 20%**).

3. Price

It should be noted that the contract will *not* be awarded to a tenderer who receives less than 70% on the Award Criteria.

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

14. CONTENT AND PRESENTATION OF THE BID

14.1. Content of the bid

The bid must include:

- all information and documents necessary to enable the Commission to appraise the bid on the basis of the exclusion, selection and award criteria (see points 11, 12 and 13 above);
- a bank ID form duly completed and signed by the bank;
- a "legal entity" form duly completed;
- the price (the financial offer must be signed);
- 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

14.2. Presentation of the bid

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, 12 and 13 above).

They must be clear and concise.

They must be signed by the legal representative. Unsigned bids will be rejected.

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

15. VALIDITY OF THE TENDER

Tenders must be valid for up to 8 months after submission

Annex I

Annex I

Exclusion criteria (Article 93(1) FR)	Supporting documents to be provided by applicants, tenderers or bidders (Article 134 IR)	
1. Exclusion from a procurement procedure, Article 93(1) FR : <i>« Candidates or tenderers shall be excluded from participation in a procurement procedure if:</i>		
1.1. (subparagraph a) <ul style="list-style-type: none"> ▪ <i>they are bankrupt or being wound up,</i> ▪ <i>are having their affairs administered by the courts,</i> ▪ <i>have entered into an arrangement with creditors have suspended business activities, are the subject of proceedings concerning those matters,</i> ▪ <i>or are in any analogous situation arising from a similar procedure provided for in national legislation or regulations⁵;</i> 	Recent extract from the judicial record <p style="text-align: center;">or</p> recent equivalent document issued by a judicial or administrative authority in the country of origin or provenance <p style="text-align: center;">or</p> Where no such certificate is issued in the country concerned : sworn or, failing that, a solemn statement made by the interested party before a judicial or administrative authority, a notary or a qualified professional body in his country of origin or provenance	
1.2. (subparagraph b) <i>they have been convicted of an offence concerning their professional conduct by a judgment which has the force of res judicata⁶;</i>	Cf. supporting documents for Article 93(1)(a) FR above	

⁵ See also Article 134(3) IR : Depending on the national legislation of the country in which the tenderer or candidate is established, the documents referred to in paragraphs 1 and 2 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.

⁶ Cf. footnote n° 1.

Exclusion criteria (Article 93(1) FR)	Supporting documents to be provided by applicants, tenderers or bidders (Article 134 IR)	
1.3. (subparagraph c) <i>they have been guilty of grave professional misconduct proven by any means which the contracting authority can justify;</i>	Declaration by the candidate or tenderer that he is not in the situation described	
1.4. (subparagraph d) <i>they have not fulfilled obligations relating to the payment of social security contributions or the payment of taxes in accordance with the legal provisions of the country in which they are established or with those of the country of the contracting authority or those of the country where the contract is to be performed⁷;</i>	Recent certificate issued by the competent authority of the State concerned confirming that the candidate is not in the situation described <p style="text-align: center;">or</p> Where no such certificate is issued in the country concerned : sworn or, failing that, a solemn statement made by the interested party before a judicial or administrative authority, a notary or a qualified professional body in his country of origin or provenance	
1.5. (subparagraph e) <i>they have been the subject of a judgment which has the force of res judicata for fraud, corruption, involvement in a criminal organisation or any other illegal activity detrimental to the Communities' financial interests⁸;</i>	Cf. supporting documents for Article 93(1)(a) FR above	
1.6. (subparagraph f) <i>following another procurement procedure or grant award procedure financed by the Community budget, they have been declared to be in serious breach of contract for failure to comply with their contractual obligations. »</i>	Declaration by the candidate or tenderer that he is not in the situation described	

⁷ Cf. footnote n°1.

⁸ Cf. footnote n° 1.

Exclusion criteria (Article 94 FR)	Supporting documents to be provided by applicants, tenderers or bidders (Article 134 IR)	
2. Exclusion from a procurement or grant award procedure Article 94 FR : « <i>Contracts may not be awarded to candidates or tenderers who, during the procurement procedure:</i>		
2.1. (subparagraph a) <i>are subject to a conflict of interest;</i>	Statement by the applicant, tenderer or bidder confirming the absence of conflict of interests, to be submitted with the application, bid or proposal	–
2.2. (subparagraph b) <i>are guilty of misrepresentation in supplying the information required by the contracting authority as a condition of participation in the contract procedure or fail to supply this information»⁹.</i>	<ul style="list-style-type: none"> – No specific supporting documents to be supplied by the applicant, tenderer or bidder – It is the responsibility of the authorising officer, represented by the evaluation committee, to check that the information submitted is complete¹⁰ and to identify any misrepresentation 	–

⁹ Cf. Article 146(3) of the FR Implementing Rules: « ...the evaluation committee may ask candidates or tenderers to supply additional material or to clarify the supporting documents submitted in connection with the exclusion and selection criteria, within a specified time-limit. » and Article 178(2) of the FR Implementing Rules: « The evaluation committee may ask an applicant to provide additional proof or to clarify the supporting documents establishing financial and operational capacity, within a specified time-limit. »

¹⁰ Cf. footnote n°1