

EUROPEAN COMMISSION
EMPLOYMENT, SOCIAL AFFAIRS & EQUAL OPPORTUNITIES DG

PUBLIC INVITATION TO TENDER

TENDER SPECIFICATIONS VT/2006/048

VC/2006/0565

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

1. CONTEXT

The Technical Commission on Data Processing¹ made up of government representatives of Member States (25 European Union Member States plus Iceland, Liechtenstein, Norway and Switzerland) supports the implementation of Community Regulations 1408/71² and 574/72 in the field of co-ordination of social security. These regulations protect the rights of persons moving within Member States by ensuring that these persons and their families do not lose any of their entitlements to social security, for instance that they do not lose out on family benefits when they work in one Member State and live in another or have to pay social insurance contributions in more than one Member State. In order to achieve this, Member State social security institutions have to exchange information such as insurance history records, certificates concerning health care, or certificates on posting of workers. This information is exchanged by means of standardised forms (commonly known as 'E' forms) and is mainly exchanged on a paper basis.

The new Regulation 883/2004 simplifies and modernises Regulation 1408/71 and the new implementing proposal for Regulation 883/2004 achieves this aim through electronic exchange of information. As such, the role of the Technical Commission is crucial in driving this work forward. The Technical Commission is specifically tasked

¹ The development and use of data-processing services for the exchange of information required the creation of a Technical Commission in 1998 with specific responsibilities in the field of data-processing, under the aegis of and attached to the Administrative Commission. The Administrative Commission (CASSTM) 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.

² Regulation (EC) 1408/71 and its implementing Regulation (EC) 574/72 currently apply. Regulation (EC) 883/04 is the new modernised and simplified regulation that will replace Regulation (EC) 1408/71 and come into effect once its implementing proposal COM(2006)16 completes its passage through Council and European Parliament and is adopted as the new implementing regulation – negotiations were opened by the Austrian Presidency in January 2006.

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;
- (d) ensure the management of Community pilot projects using data-processing services and, for the Community part, operational systems using data-processing services.

Member States shall be required to exchange electronically because the new implementing proposal for Regulation 883/2004 makes electronic exchange the norm rather than the exception. Moreover, electronic exchange is vital to modernisation as the existing paper based exchanges involving E forms (95 x 20 languages = 1900 forms) are neither as effective nor as efficient as those utilising modern IT based processes and which are now the norm in national social security applications. Neither do they guarantee the accuracy of the complex flow of information between social security institutions of the Member States.

2. BACKGROUND

The Technical Commission on Data Processing was created³ in 1998 to assist the social security institutions to utilise telematics in social security when applying the co-ordination regulations with a view to:

- improving the standard of service to migrant workers by simplifying and accelerating administrative procedures for the acquisition of rights and the award and payment of social security benefits;
- enabling an improved implementation of social security legislation;
- reducing administrative costs for the competent institutions

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'**) were run with the aim to replace E-forms paper exchange by electronic exchanges in these sectors. The commonly agreed rules for the exchange-system were the use of the EDIFACT standard and more recently XML (in

³ By virtue of Article 117c (1) of Regulation 574/72 and Decision 169 of 11.6.1998 (OJ L195, 11.7.1998) of the Administrative Commission on Social Security for Migrant Workers (CA.SS.TM.)

particular the standard ebXML) for the codification of the standardised information on E-forms and IP based TESTA network for the electronic transfer of data.

Moreover there is unanimous agreement of all Member States to the Technical Commission Action Plan 2004 – 2008 which provides for the

- standardisation of electronic data exchanges; and
- financial costs of infrastructure at EU level to be borne by the European Commission.

This Plan of Action is integrated as a **Project of Common Interest of the European Union**, into the **IDABC⁴ Programme** run by Directorate General Enterprise, which 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.

A tender for a **feasibility study** was published on 1 April 2006 whereby the contracted party is required to propose three or more alternative architectural solutions providing a cost and benefit analysis that would be best suited for this complex coordination of social security. It is essential to consolidate what has been learnt from the previous TESS experience, to take into account the further advancement in technology in this field and to see what kind of architectures will best suit electronic exchange in the 21st century ensuring, amongst other things, cost effectiveness and reliability.

Another noteworthy development is that since 2002, the Administrative Commission (CA.SS.TM) is working on a European Health Insurance Card (EHIC)⁵ with a view to replace the paper E forms needed in case of temporary stay in another Member State (i.e the well known E111). During the first phase, 3 CA.SS.TM Decisions have been adopted which define the framework and the Technical Specifications for an eye-readable EHIC.

The project is currently in its second phase which includes a gradual deployment of the **EHIC** - between June 2004 and December 2005 - in all the 29 countries noted above. It is expected that by the end of this year there will be around 80, 000 000 EHIC in the pockets of the European citizens.

A third phase – **the electrification of EHIC** – commonly known as **eEHIC** is currently under preparation by the Technical Commission. A number of guiding principles have already been agreed upon and the technical architecture for this phase – called eEHIC – is under discussion. Several additional principles and a deployment strategy still needs to be discussed and the technical specifications are to be elaborated with the support of the CEN (Centre Européen de Normalisation, based in Brussels).

⁴ Interoperable Delivery of pan-European eGovernment services to public Administrations, Businesses and Citizens.

⁵ More is available at www.europa.eu.int/comm/employment_social/healthcard/index_en.htm

3. PURPOSE OF THE CONTRACT

The contract to be awarded concerns the provision of services comprising of technical support and assistance, back-up and expertise to the Secretariat of the Technical Commission in the field of co-ordination of social security with the aim of assisting the Commission in co-ordinating the work of the Technical Commission, current social security projects (as detailed in the background and the tasks to be performed) and assisting in the identification and development of possible future projects to deliver the ultimate objective which is to ensure timely delivery of the tasks⁶ laid to the Technical Commission. The contractor will have to work in very close collaboration with the Secretariat of the Technical Commission on Data Processing (provided by Unit E3⁷) and 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. The contractor must provide timely ongoing oral and written liaison services which facilitate the co-ordination of the work of the various Member States in the area of electronic exchange of information and other ongoing projects. The contractor must provide clear oral and written reasoned technical opinions which facilitate and progress the work of the Technical Commission on Data Processing in particular assist the Technical Commission with their technical submissions and proposals, delivery of reports and reasoned opinions to the Administrative Commission before decisions are taken by the Administrative Commission.⁸

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.

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

⁶ The key task laid to the Technical Commission is to affect the changeover from paper to electronic exchange of information by 2009 guaranteeing efficient and appropriate protection of the social security rights of citizens who are mobile in a European Union of 25 and Iceland, Liechtenstein, Norway and Switzerland.

⁷ Pursuant to Article 80 of Regulation 1408/71 and Article 71 of Regulation 883/2004.

⁸ Pursuant to Title VI a of Regulation 574/72 and Article 72(d) of Regulation 883/2004.

submitted by applicants from third countries that have not concluded such an agreement may be accepted, but may also be rejected.

5. TASKS TO BE PERFORMED BY THE CONTRACTOR

The following indicate the main tasks to be performed by the contractor in close co-operation with the Commission services:

a) Project Management including:

- Monitoring and evaluation of ongoing projects as detailed in the background, namely two in the pensions sector – 'Build 3+' and 'Build 4' - and one in the healthcare sector – 'Build 5', the recent feasibility study, EHIC and eEHIC;
- Analysis (both qualitative and statistical) of the results of the ongoing projects;
- For the project in the health care field, management and support of an intranet operated on the TESTA II network financed by DG Enterprise's Interchange of Data between Administrations (IDA II) programme;
- Management and support of a European Database (Code List Database: CLD) containing the list of all European Social Security Institutions and the portal for information on social security for citizens who are mobile (COWEBS)
- Identification of common problems encountered in the implementation of the projects and proposals for solutions to overcome the difficulties;
- Analysing current business flows and processes in the Member States for identifying functional requirements for project evaluation or evolution;
- Development of written proposals (maximum 2 per year) for possible future pilot projects;
- Liaison with Member States and with the Secretariat of the Technical Commission;
- Preparing written contributions (statistical and descriptive) to progress reports on the projects (four summary reports of approximately 3-4 pages and two more detailed reports of approximately 6-10 pages per year);

b) Attend Meetings including:

- Participating in around 2-day plenary meetings (eight per year) of the Technical Commission on Data Processing and the Administrative Commission and other meetings (between six and eight) of the AdHoC Working Parties of the Technical and Administrative Commission, in

particular making oral presentations to the members on progress in the projects. 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 AdHoc meeting in their capital.

- Participating in meetings of the Secretariat of the Technical Commission and internal Commission Meetings of DG Employment Unit E3 in Brussels, often at short notice and upon request of the Project Officer (between 3 and 4 meetings a month)

c) Support of the Member States delegations

- Animation of a competency centre dedicated to XML (information to the Member States on the enhancement in XML standard, development and maintenance of UML models/XML messages, maintenance of the messages used, being the first level help desk for all technical questions related to the exchanges.
- Messages are developed following both an MDA approach and the ebXML framework. Develop and maintain tools to support the MDA approach, e.g. generation of XML Schema, Excel spreadsheets, various documentation, etc.
- Being the first level help desk for all matters related to the whole programme by email and phone. Questions may be on every aspect of the programme, from technical questions (e.g. problems with the connection to the network) to information questions (e.g. where to find the CASSTM Notes of the Technical Commission on Data Processing).
- Operation and maintenance of a web site (maintained with an XML-based CMS) dedicated to the users which contains all technical information related to the projects (minutes meeting, User Manuals, discussion forum, decision repository, etc.). In terms of information: create new content, edit/update existing content in accordance with the decisions taken and the new developments achieved, review submitted content, upload content, ensure consistency and easy access to content. For the layout, develop and maintain XSL style sheets to ensure consistency of the style and make the site evolve. Management of users, discussions, etc.

d) Support of the Unit E3 of DG EMPL:

- Assessing the technical impact of the draft implementing regulation in preparation⁹ and vice versa, assessing the legal impact of the technology projects in preparation and elaborating the practical consequences of the appropriate draft legal and technical texts;

⁹ The Commission's implementing proposal COM(2006)16 of 31 January 2006 for Regulation 883/2004 (for more see 'Context'

- Liaising with external organisations which have been identified as useful for the successful deployment of projects (i.e. CEN (Centre Européen de Normalisation, based in Brussels) as well as some associations either representing the users - pension organisations, health care providers - or active in the field of eGov and eHealth)
 - Preparing technical position papers, and technical strategy notes.. Preparing the technical content of the CASSTM Notes submitted by the Secretariat to the Technical Commission and the Administrative Commission.
- e) **Animation of technical user and other ad hoc meetings** including:
- organising around half/full-day meetings in Brussels (up to ten a year);
 - preparing agendas for the meetings;
 - chairing the meetings;
 - preparing minutes of the meetings;
 - liaison with Member States and with the Secretariat of the Technical Commission.
- f) **Administration of Internet Information tool of the DG Empl Unit E/3**
- Administration of European Portal on information on social security for citizens who are mobile (COWEBS) using a CMS. Execute the change requests initiated by the Commission and the COWEBS Editorial Board.
 - Administration of the European Database (Code List Database: CLD) containing the list of all European Social Security Institutions. Provide assistance to the Member States for the upload of information; prepare the functional specification of new CLD generation.
- g) **Research technical and technological developments** including:
- keeping abreast of developments in emerging technologies, in particular, following the work of various European groups on standardisation and all other technical aspects of potential relevance to the Technical Commission on Data Processing and/or the TESS projects (e.g. various projects involved in XML development, UML modelling and semantic standardization within the European Commission and in standard bodies, security, smartcard related technologies, interoperability etc);
- h) **Follow Developments in European Programmes**
- follow technical aspects of certain European Programmes and initiatives of potential relevance to the Technical Commission on Data Processing and/or the TESS projects (e.g. IDA II, e-Europe, projects from the 6th and

7th Framework Programme, EU Recommendations for interoperability in eHealth, etc);

i) Information/awareness-raising or training including:

- Provide where necessary in Brussels, upto four 1 day sessions per year on such themes as security; message formatting (XML, ebXML, REST, Ontology, etc); telecommunications (TCP/IP, Internet, Intranet, web-based technologies, etc); smartcard technologies; e-link initiatives; interoperability etc.
- Train as required and if necessary upto two 1 day sessions per year representatives of Member States on the national level content in the European Portal on information on social security for citizens who are mobile (COWEBS) and on the Code List Database.

j) Support for the integration of new project participants including:

- Assist the new Member States to join the electronic exchanges in providing them with personalised and accurate information and support.
- Provision of ad hoc support and guidance to individual Member States wishing to join a project.

k) Write, prepare and maintain documentation:

- Maintenance of TESS products and documentation (e.g. Glossary of terms, TESS User Manual, Implementation Guidelines for Decisions 117,118, 130 & 158, XML messages, coding schemes, EHIC technical specifications, eEHIC architecture framework and technical specifications, CLD specifications and code lists);
- Maintain and develop models for the technical exchanges, following an MDA approach.
- Maintain the user documentation for the European Portal on information on social security for citizens who are mobile (COWEBS)

6. EXPERTISE REQUIRED

In order to carry these tasks out effectively a highly qualified expert is required with a minimum of 5 years professional experience in the international project management field in the public sector. 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.

7. ESTIMATED TIME SCHEDULE AND REPORTING

Work may not start until after the signature of the contract by both parties, which it is estimated, would be end December 2006.

The work is essentially of a repetitive nature (follow-up of projects, liaison with Member States and the Secretariat of the Technical Commission on Data Processing, preparation of progress reports etc) for which an initial contract of one year, could be envisaged renewable on the same terms for a further three one year periods after the first year if the results are approved.

Each renewal would be confirmed by a new contract of the same type as the initial contract. The period of performance of each possible renewal will not exceed a maximum of 12 calendar months. For each renewal, the Commission will inform the Contractor in writing (by registered mail) of its proposal for renewal at least three calendar months before the end of the period of performance of the running contract. No verbal agreement on possible renewals can be binding on the contracting parties.

REPORTING

In addition to regular (every two weeks) informal, oral reporting to the DG Employment, Social Affairs and Equal Opportunities project manager on potential problems, ideas, and developments the Contracted Party shall produce one written **Interim Report 6 months after the official start of the contract**, assessing overall progress towards the achievement of the key tasks, and a **Final Report** within one month after the end of the contract period. The Final Report will provide a concise overview of the work undertaken during the course of the entire year. It will provide details of all tasks carried out, deliverables produced, results achieved and recommendations for the future. All reporting must be done in English.

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

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

- the interim progress report that is to be submitted within 6 months after the official start of the contract (see point "Reporting" above),
- 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 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 within thirteen (13) months after the official start 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 Art. 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. PRICE

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.

The format given in Annex III "Breakdown of prices" of the attached blank, draft contract **MUST** be followed and include:

■ ***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;
- Other direct costs (to be specified).

■ ***Part B: Reimbursable expenses***

- Not applicable

The total price = Part A, but not to exceed 200.000 € in total.

10. COMPOSITION OF PARTNERSHIP OR CONSORTIUM

If a partnership or consortium is envisaged, their composition should be specified and the criteria listed under point 12 should be detailed to individual members of the partnership. In addition, one of the consortium members will be designated as lead Contractor, and will ensure the full responsibility towards the Commission as regards both the tender and the future contract – if awarded to them.

11. EXCLUSION CRITERIA AND SUPPORTING DOCUMENTS

Article 93 of the Financial Regulations

1. 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.

2. Applicants or tenderers must certify that they are not in any of the situations listed in paragraph 1 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.

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 tenderer.

Article 94 of the Financial Regulations

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

a) Economic and financial capacity to carry out the tasks set out in the tender specifications must be demonstrated as follows:

- The tenderer is required to demonstrate his sound financial status by presenting his annual accounts for the last three years for which accounts have been closed, where publication of the balance sheet is required under the company law of the country in which the economic operator is established;

Where national company law does not require the publication of the balance sheet, appropriate statements from banks or evidence of professional risk indemnity insurance.

- the tenderer must provide interim accounts for the period preceding that in which this contract notice was published.

Please note that in the case of tenders from consortium, the above mentioned documents must be provided by each member of the consortium.

b) Technical capacity:

- **Professional experience (at least five years) in the international project management** field (public sector) including monitoring, evaluation and statistical analysis as well as liaison and support with former experience in supporting international (public) secretariats;
- **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;
- **Professional experience in standardisation activities** and the use of the relevant standards for implementing IT systems;

- **Excellent command of oral and written English**, and in particular the ability to draft contributions to progress 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;
- **Technical experience in implementing EDI services on the basis TCP/IP technologies**;
- **Technical experience in implementing EDI services, Web Services, ebXML and REST architecture on the basis of either EDIFACT or XML technologies**;
- **Technical knowledge in modelling field and the use of MDA**. Ability to prepare and maintain tools to support the work;
- **Technical knowledge in smart card related technology (in particular for what concerns their usage in identification management)**.
- **Technical knowledge in XML CMS, XSLT and XQuery development**.

Tenderers will be required to provide a **list of the main works** carried out over the past 5 years in relation to the subject of the call, as well as detailed **curriculum vitae** of the persons proposed to demonstrate relevant technical competence and professional capacity.

13. AWARD CRITERIA

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

1. Quality of the tender

This will be assessed through the understanding of the context and the nature of the tasks to be carried out and the results to be achieved as expressed in the Invitation to Tender while taking also into account the formal presentation and written quality of the tender **(40%)**

- formal presentation and written quality of the tender (5%)

- context of the services to be provided: the tenderer should clearly demonstrate understanding of the context and background and identify the main issues to be addressed according to the overall purpose and aim of the work, in particular of the

Secretariat of the Technical Commission, both for the ongoing work and for the future development of this work (20%)

- results to be achieved: the tenderer should clearly define and describe the short term results to be achieved in the first contractual period, as well as describe the medium-term developments that should be undertaken in later contract periods (15%)

2. Quality of the methodology proposed

This will be assessed through the methodology and work strategy proposed and will be the basis for the evaluation of this point. **(60%)**

- Strategy to carry out the tasks: the tenderer should explain how the different facets of the ongoing and future work will be integrated and fit into the overall approach. The clarity and efficiency of the work plan will allow for the evaluation of this criterion. (10%)

- Quality and rigour of the methodology proposed: the tenderer should describe how the work will be carried out, i.e. the various steps envisaged, e.g for the required data collection, information processing and analysis of the current Commission electronic tools, work flows and document storage envisaged, with (password protected) online access for national correspondents and Commission representatives. The proposed approach will provide a basis for evaluation. (20%)

- Organisation of work and operational feasibility: the tenderer should 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 national correspondents and the appropriate Commission services. The clarity, coherence and feasibility of the work plan with escalation routes would be elements for evaluating this criterion. (10%)

- Technical assistance: the tenderer should describe clearly how it will ensure assistance to the Commission amongst other things in replying to external questions on e.g the Code List Database and describe how it will give technical assistance to help maintain and improve the COWEBs internet portal. The proposed approach will provide a basis for evaluation. (20%)

Please note that the contract will not be awarded to any bid that receives less than 70 % of the award criteria. The total points will then be divided by the price, with the highest-scoring bid being chosen.

14. CONTENT AND PRESENTATION OF THE BIDS

CONTENT OF THE BIDS

The tenderer must provide all the information and documents necessary to enable the Commission to conduct an appraisal of the offer on the basis of the selection criteria and the award criteria (see points 12 and 13 above) and taking account of the exclusion criteria listed in point 11 above.

Tenders must be presented in three parts:

- a) **a first part:** containing all administrative information including:
- Date of bid for the provision of services;
 - Name of tenderer, full address, telephone and fax numbers and e-mail address;
 - Legal status
 - All information and documents necessary to enable the Commission to appraise the bid on the basis of the selection criteria (see point 12 above)
 - a "legal entity" form duly completed¹⁰
 - A "Financial identification" form¹¹, duly completed, signed and stamped by the bank;
 - 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.
 - VAT number or proof of exemption
 - Social security number;
 - Certified copies or certificates as required under point 11 'exclusion criteria';
 - Details of the tendering organisation's structure;
- b) **a second part:** concerning the technical content of the bid and including:
- A description of the intended organisation and management of the services and tasks to be carried out;
 - A detailed description of the planned approach and methodology to be used;
 - A work-plan, indicative timetable and detailed description of the services to be provided;
 - Details of the proposed project team and an explanation of the nature and extent of their participation in the project;
 - Description of relevant professional experience with emphasis on the specific fields covered by the invitation to tender;
 - The tenderer must supply specific information covering each of the award criteria listed in point 13;
 - Detailed curriculum vitae and classification of key project team members (see Annex IV 'CV's and classification of experts of the attached blank draft contract)
- c) **a third part:** comprising the financial part of the tender and including:
- Full details of the proposed price presented as described in point 9 above and following the format of Annex III of the attached blank, draft contract;

¹⁰ (form available from [http:// Europe.eu.int/comm./budget/execution/legal_entities_fr.htm](http://Europe.eu.int/comm./budget/execution/legal_entities_fr.htm))

¹¹ (form available from http://europa.eu.int/comm/budget/execution/tiers_fr.htm)

Presentation of the bids:

Bids must be:

- submitted in triplicate (1 original and 2 copies);
- they must contain all the information required above; (see points 9, 10,11,12 and 14)
- they must be clear and concise;
- submitted in one of the official languages of the European Union;
- they must be signed by the tenderer's legal representative; **unsigned bids will be rejected.**
- delivered according to the requirements set out in the letter of invitation to tender and within the deadline.

15. VALIDITY OF TENDERS

Tenders must be valid up to 6 months after submission.

Annex I: Articles 93 and 94 of the Financial Regulation (see point 11-exclusion criteria of the tender specifications)

Annex I

Exclusion criteria (Article 93(1) FR)	Supporting documents to be provided by applicants, tenderers or bidders		
	Procurement (Article 93(2) FR; 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) <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 regulations¹²;</i>	<ul style="list-style-type: none"> – Recent extract from the judicial record or recent equivalent document issued by a judicial or administrative authority in the country of origin or provenance or – 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 judicata¹³;</i>	Cf. supporting documents for Article 93(1)(a) FR above		
Exclusion criteria (Article 93(1) FR)	Supporting documents to be provided by applicants, tenderers or bidders		
	Procurement (Article 93(2) FR; 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</i>	Recent certificate issued by the competent authority of the State concerned confirming that the candidate is not in the situation described		

¹² 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.

¹³ Cf. footnote n° 9.

<i>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 performed¹⁴;</i>	or – 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 interests¹⁵;</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		

¹⁴ Cf. footnote n°9.

¹⁵ Cf. footnote n° 9.

Exclusion criteria (Article 94 FR)	Supporting documents to be provided by applicants, tenderers or bidders		
	Procurement	Grants	
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»¹⁶.</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 complete¹⁷ and to identify any misrepresentation 	–	

¹⁶ 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. »

¹⁷ Cf. footnote n°13

