

ANNEX 1

STUDY SPECIFICATIONS

SPECIFICATIONS

To Invitation to Tender ENV.D.3/SER/2010/0086r

Technical assistance to prepare the Commission report on the operation of REACH¹

**These specifications follow the publication of
- the call for expression of interest notice in OJEU 2008 / S 231 of 27/11/2008**

- PART 1: TECHNICAL DESCRIPTION
- PART 2: ADMINISTRATIVE DETAILS
- PART 3: ASSESSMENT AND AWARD OF A CONTRACT

- Annex 1: Administrative information form
- Annex 2: Financial offer template
- Annex 3: Legal entity and financial identification forms
- Annex 4: Declaration of the candidate's eligibility regarding exclusion criteria
- Annex 5: Acknowledgement form
- Annex 6: Check list

¹ Regulation (EC) No 1907/2006 of 18 December 2006 (OJ L396 of 30 December 2006)

PART 1: TECHNICAL DESCRIPTION

1. Background

Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC entered into force on 1 June 2007.

Further background information on REACH may be found at:

http://ec.europa.eu/environment/chemicals/reach/reach_intro.htm

http://ec.europa.eu/enterprise/sectors/chemicals/reach/index_en.htm

http://www.echa.europa.eu/reach_en.asp

Article 117 of REACH "Reporting" describes the reporting obligations of Member States, the Agency (ECHA) and the Commission.

Article 117(4) obliges the Commission to publish a general report on the experience acquired with the operation of REACH, including

- The information received from **Member States** (Article 117 paragraph 1)
 - on the operation of REACH in their respective territories, including sections on evaluation and enforcement as described in Article 127.The Member States have submitted their first report by 1 June 2010.
- The information received from **ECHA** (Article 117 paragraph 2).
 - on the operation of REACH including information on the joint submission of information in accordance with Article 11 and an overview of the explanations given for submitting information separately
 - on the status of implementation and use of non-animal test methods and testing strategies used to generate information on intrinsic properties and for risk assessment (Article 117 paragraph 3).ECHA is obliged to submit this information in its first report by 1 June 2011.
- Information about the amount and distribution of funding made available by the Commission for the development and evaluation of alternative test methods.

The Commission shall publish its first report by 1 June 2012.

2. Objectives

The objective of the contract is to provide scientific and technical support to the first general report of the Commission due by 1 June 2012. The Commission's report will include the information received from reporting of MS and of ECHA and inputs from the Commission on experience acquired with the operation of REACH.

3. Content / Description of the tasks

The Contractor will have the following tasks:

Task 1 – Development of a work plan and of a technical structure for the Commission's General report

The work of the contractor is expected to analyze in detail the reporting obligations of the Commission and to develop a reporting template which is easy to read and informative and takes into consideration the inputs from the different sources as described above.

The contractor will need to organize the work on the basis of staggered information.

The contractor is expected to contribute to the "Commissions general report" as set out in Art. 117 (4). He should deliver input to the Commission report by analyzing, summarizing and displaying results and key messages of the MS reports and ECHA reporting and by presenting those findings also in charts and statistics.

Task 2 – Analysis of the Member States' Reports

The Member States submitted to the Commission by 1 June 2010 their first reports under REACH. The reporting has been done for the sake of efficiency and comparability via an electronic questionnaire, IPM. IPM (Interactive Policy Making) is an internet-based software package aimed at the creation, launch and analysis of online questionnaires. IPM includes a form viewer for the collection and analysis of the replies.

The reporting covered 10 themes: Information was requested on:

- composition and organisation of the Competent Authority
- co-operation and communication with other MS, the agency and the Commission
- operation and public perception of the National Helpdesk and public information
- promotion of the development, evaluation and use of alternative testing

- participation in the different bodies of REACH
- evaluation activities and draft decisions prepared
- preparation of and contribution to Annex XV dossiers
- the effectiveness of REACH on the protection of health and environment and the effects of REACH on innovation and competitiveness
- individual comments (e.g. possibility to raise problems with implementation, language etc)

In total each MS had to answer some 230 questions.

The Contractor is expected to analyze in detail the IT based MS reporting and the answers given by MS. He should summarize the answers in order to allow first conclusions on the operation of REACH and present the results obtained from MS Reporting in an easy to read and understandable way including the use of tables and graphs.

The contractor should analyze areas where REACH is working as expected and identify areas where the workings of REACH could be improved. Weaknesses and strengths should be analyzed at national level (e.g. resources allocated to REACH) as well as at EU level (e.g. under legal provisions). The purpose is to contribute to the determination of priorities for further work under REACH, possibly necessary improvements of the legal provisions, including the review in 2019.

The contractor should critically review the existing reporting format including difficulties of Member States to answer certain questions with a view to increasing its clarity and usability for the next reporting period.

The work on this task should start immediately after the kick-off meeting as the reports submitted by Member States are available.

Task 3 – Analysis of the Agency Report

The Chemical Agency ECHA will submit to the Commission information on:

- the operation of REACH. The report will include information on the joint submission of data of a substance which is intended to be manufactured by one or more manufacturers and/ or imported by one or more importers as set out in Article 11 and an overview of the explanations given for submitting information separately. The report will include factual/statistical data with ECHA assessment on the operation of REACH and a qualitative assessment part where the aim is to collect the most important findings on practical operation of REACH from ECHA's perspective.
- the status of implementation and use of non-animal test methods and testing strategies used to generate information on intrinsic properties and for risk assessment purposes.

- In its report ECHA will assess the operation of the different elements under REACH (registration, data sharing, dissemination, dossier evaluation, substance evaluation, authorisation and restrictions) as well as the assistance through guidance and helpdesk, the operation of ECHA bodies (Committees and Forum) and of the Agency itself.

ECHA is obliged to submit this information in its first report by 1 June 2011.

The Agency might deliver parts of its report IT-based i.e. via an IT tool that will be used to generate some of the data ECHA will report on. The main parts will be presented in a regular reporting format.

The contractor is expected to analyze the report of ECHA and the key messages given by ECHA including the supporting statistics and to present the information gathered in a concise way including the use of tables and graphs allowing comparison.

The contractor should analyze and present areas where the operation of REACH is working smoothly and present areas which pose difficulties and need to be improved. In the case of submitting information separately (instead of the encouraged joint submission by multiple registrants) the reasons behind this behaviour should be analyzed and presented and, if possible, ideas for improvement described. As regards the status of implementation and use of non-animal test methods the analysis should include the analysis of progress made in this area, comparison of use of animal testing versus non-animal testing and possibly observable trends towards non-animal testing.

The work on this task can be started by 1 June 2011.

Task 4 – Synthesis of available information on the operation of REACH

The contractor is expected to compare, analyse and synthesise the information and results received from the MS reporting and the ECHA report. He also shall take into account any other information from the Commission on the experience acquired with the operation of REACH.

Meetings

During the performance of this assignment, the contractor will need to attend one kick-off meeting and three progress meetings in Brussels to discuss the progress made on the analysis of the MS Reporting and the ECHA Reporting.

In addition, monthly teleconferences will be organised in order to discuss the progress of the assignment and any emerging issues.

In the **kick-off meeting**, which should take place **within 2 weeks from the signature** of the contract, the contractor will present and discuss with the Commission his approach to performing the tasks set out in the contract and his first ideas on task 1 (work plan and reporting template).

In the **first progress meeting**, which will take place approximately **3 months after signature** of the contract, the Contractor will present the final approach towards task 1 and first analysis and interim findings on task 2 (MS Reporting). The interim findings on the MS reporting should include first key messages. The contractor will document his approach and findings in a first progress report.

The **second progress meeting** will take place approximately **8 months after signature** of the contract (i.e. ca 3 months after submission of the ECHA reporting). The contractor will present the final results on task 2 (MS reporting) and first findings on task 3 (ECHA reporting). He will present those findings also in a second progress report.

The **third progress meeting** will be scheduled approximately **12 months after signature** of the contract (end 2011). The contractor will present at this stage the final results on task 3 (ECHA reporting) and results achieved so far on Task 4 (Synthesis of available information on the operation of REACH). The contractor shall at this stage also present the structure of the draft final report. The draft final report shall cover the findings and key messages from the MS and the ECHA reporting including tables and diagrams allowing comparison as well as the overall synthesis of available information on the operation of REACH as described under task 4.

It is expected that the contractor will produce and deliver to the Commission the **minutes of all progress meetings and teleconferences within 1 week of the meetings having taken place**. These minutes will document all discussion points, agreed actions and clearly state the results of the meeting and all decisions taken.

Work programme

The contractor should include in his offer a work programme for the assignment in line with task 1 and the timelines given. This will be discussed with the Commission steering group during the kick-off meeting. The implementation of the work programme will be tracked and discussed during progress meetings and teleconferences.

4. Experience required of the Contractor

- The core team of the contractor is expected to have the following qualifications which should be documented by CVs of the Contractor's team members and a list of relevant publications and projects:
- Very good understanding of the European Communities working methods for implementing chemicals legislation and excellent knowledge of the REACH Regulation, including its objectives, the main REACH processes and implementation tasks.
- Knowledge of Community reporting requirements.
- Experience in analyzing reporting under EU environmental legislation would be an advantage.
- Experience in managing electronic reporting

- Experience in communicating information
- Interest and expertise in scientific, health, environmental and socio-economic questions concerning the implementation of REACH Regulation
- Excellent English drafting skills

5. Deliverables

The Contractor will be required to elaborate the following deliverables:

- One **report** reflecting the outcomes of the **kick-off meeting**, detailing the proposed approach to the study and including an updated work programme
 - Deadline: 2 weeks after the kick-off meeting;
- **First progress report** presenting the final approach towards task 1 (work plan) as well as a first analysis and interim findings on task 2 (MS Reporting)
 - Deadline: 4 months after signature of contract;
- **Second progress report** containing the final results of task 2 (MS Reporting) as well as first findings on task 3 (ECHA Reporting)
 - Deadline: 9 months after signature of contract;
- **Draft Final report** containing all deliverables as set out under tasks 1 to 4.
 - Deadline: 13 months after signature of contract;
- **The Final report** taking into account comments made by the Commission on the draft Final report.
 - Deadline: 15 months after signature of contract.

All reports and meeting minutes have to be drawn up in English, and the contractor has to be able to communicate in English.

6. Duration of the tasks

The tasks should be completed within **15** months of the signature of the contract. The execution of the tasks may not start before the contract has been signed.

7. Place of performance

The place of performance of the tasks shall be the contractor's premises or any other place indicated in the tender, with the exception of the Commission's premises.

8. Confidentiality

The contractor undertakes to treat in the strictest confidence and not make use of the divulge to third parties any information or documents which are linked to the performance of the Contract. The Contractor shall continue to be bound by this undertaking after completion of the tasks.

The contractor shall obtain from each member of his staff, board and directors an undertaking that they will respect the confidentiality of any information which is linked, directly or indirectly,

to execution of the tasks and that they will not divulge to third parties or use for their own benefit or that of a third party any document or information not available publicly, even after completion of the tasks.

PART 2: ADMINISTRATIVE DETAILS

1. General terms and conditions for the submission of tenders

- Submission of a tender implies that the Contractor accepts all the terms and conditions set out in these specifications (including the annexes) and waives all other terms of business.
- Submission of a tender binds the Contractor to whom the contract is awarded during performance of the contract.
- Changes to tenders will be accepted only if they are submitted on or before the final date set for the submission of tenders.
- Expenses incurred in respect of the preparation and presentation of tenders cannot be refunded.
- No information of any kind will be given on the state of progress with regard to the evaluation of tenders.
- Once the Commission has accepted the tender, it shall become the property of the Commission and the Commission shall treat it confidentially.
- The protocol on the Privileges and Immunities or, where appropriate, the Vienna Convention of 24 April 1963 on Consular Relations shall apply to this invitation to tender.

2. No obligation to award the Contract

- Fulfilment of adjudication or invitation to tender procedure shall not involve the Commission in any obligation 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 liable in the event of its deciding not to award the contract.

3. Subcontractors

Subcontracting is permitted subject to the following conditions:

The subcontractor is the sole responsibility of the main contractor;

- Tenderers must indicate in their offers the amount of the contract (if any) that they intend to subcontract to third parties, as well as the identity and availability of the potential subcontractor(s). The contractor will not subcontract to third parties not identified in the offer as potential subcontractors without prior written authorisation from the Commission;
- the contractor shall not cause the contract to be performed in fact by third parties;
- even where the Commission authorises the contractor to subcontract to third parties, the contractor shall nonetheless remain bound by his obligations to the Commission under the contract;
- the contractor shall ensure that the subcontract does not affect rights and guarantees to which the Commission is entitled by virtue of the contract.

Where the total amount envisaged for subcontracting is above 30% of the total contract value, evidence of the potential subcontractor(s) ability to perform the tasks entrusted to him/them shall be included in the offer. Such evidence is the same as that also required from the contractor, as described and identified, in Part 3, point 2 below.

Where the total amount envisaged for subcontracting is above 50% of the total contract value, the potential subcontractor(s) must also, *if and when requested*, present evidence of compliance with the exclusion criteria (as required from the potential contractor) as described in Part 3, point.1 below.

Tenderers should note that the Commission will consider intended subcontracting below 30% of the contract value as an indication that the potential contractor has the resources to complete the tasks under the contract, as well as a factor potentially enhancing the proposed team organisation. Therefore this point will be taken into account in the assessment of the award criterion “project management and availability.”

4. Payments

This contract will be paid on a lump sum basis.

A pre-financing payment of 30% will be paid upon signature of the contract.

A final payment of 70% will be paid upon acceptance by the Commission of the final report.

The Commission reserves the right to waive the pre-financing payment if applicable, or to request a financial guarantee should it be deemed necessary.

The Commission is exempt from all taxes and dues, including value added tax, pursuant to the provisions of Articles 3 and 4 of the Protocol on the Privileges and Immunities of the European Union with regard to its financial contribution under the contract.

5. Content of the tender

All tenders must be presented in three sections:

5.1. Financial proposal

- A financial proposal duly dated and signed by the person authorized to sign on behalf of the organization. The price must be quoted in euro using the template in annex 2, including for the countries which do not form part of the euro zone. For the tenderers of the countries which do not form part of the euro zone, the amount of the offer cannot be revised because of exchange rate movements. The choice of exchange rate belongs to the tenderer, who assumes the risks or opportunities associated with these exchange rate movements.
- The price must be a fixed amount, inclusive all expenses.
- The price will not be subject to revision.
- For guidance purposes, the maximum budget allocation to this contract is fixed at € **120,000** (*one hundred and twenty thousand Euro*)

- The price quotation must be signed by the tenderer or his duly authorised representative.
- The price must be quoted free of all duties, taxes and other charges, including VAT, as the European Union is exempt from such charges under Articles 3 and 4 of the Protocol (n° 7) on the Privileges and Immunities of the European Union (OJEU C 83 of 30 March 2010). Exemption is granted to the Commission by the governments of the Member States, either through refunds upon presentation of documentary evidence or by direct exemption. For those countries where national legislation provides an exemption by means of a reimbursement, the amount of VAT is to be shown separately. In case of doubts about the applicable VAT system, it is the tenderer's responsibility to contact his national authorities to clarify the way in which the European Union is exempt from VAT.
- The offer shall remain valid for a period of 6 months, as from the deadline for submission of offer.

5.2. Administrative proposal

- An administrative information form containing information on the full name of the organization, legal status, address, person to contact, person authorized to sign on behalf of the organization, telephone number, and facsimile number. The form must be duly dated, signed and stamped by the person authorized to sign on behalf of the company (see annex 1).
- Legal entity and financial identification forms (see annex 3), proof of enrolment (certificates) in one of the professional or trade registers, in country of establishment;
- If the tenderer is a natural person; she/he will be required to provide proof of her/his status as a self-employed person. To this end she/he must supply details of her/his social security cover and situation with regards to VAT regulation.
- A declaration of the candidate's eligibility; certifying that he/she is not in one of the situations listed in articles 93 and 94 of the Financial Regulation of the European Communities (Official Journal L 390 of 30/12/2006) (see annex 4).
- Documents relating to the selection criteria (see part 3, point 2.1. Financial and Economic capacity).
- The service provider's educational and professional qualifications and those of the firm's managerial staff and, in particular, those of the person or persons responsible for providing the services (curriculum vitae presented on the EU standard form which can be downloaded from the following address –
- <http://europass.cedefop.europa.eu/europass/home/vernav/Europasss+Documents/Europass+CV/navigate.action> together with a consolidated overview of CVs in an excel table (see part3, point 2.2 Technical and professional capacity).
- A list, preferably in English or French of the principal studies, services contracts, consultancy work, surveys, publications or other work previously carried out during the past three years, indicating the name of the client and stating which, if any, were done for the European Commission.

5.3. Technical proposal

- A contract proposal with the methodology to fulfil the requirements mentioned in Part 1, point 3. The tender should give indications on the theoretical background used, the

methodology used in the work that will be undertaken and on its appropriateness for this purpose, in conformity with the guidelines included in the approach. It should also give indications on the data to be used and their reliability.

Establish the tenderer's identity

The tenderer should detail the competence, experience and the means at his disposal which would allow the tasks foreseen in the contract to be carried out.

A list of previous work carried out over the past 3 years must be included.

If sub-contracting is envisaged, please clearly indicate which tasks are concerned, the % that this represents of the total value of the offer, and the name and address of the sub-contractor(s), if known at this stage.

Implementation of the contract

Describe the methodology to be applied to carry out each of the tasks foreseen in the contract.

Managing the contract

The tenderer's availability during the period of the execution of the tasks must be clearly demonstrated, and explain how the project will be managed.

PART 3: ASSESSMENT AND AWARD OF A CONTRACT

The assessment will be based on each tenderers bid.

All the information will be assessed in the light of the criteria set out in these specifications. The procedure for the award of the contract will concern only admissible bids and it will be carried out in three successive phases.

The first step is to check that the tenderers are not excluded in any way from taking part in the tender procedure (completed Annex 4). All tenderers participating in this restricted call for tender have been selected from the database of interested tenderers created as a result of the Call for Expression of Interest published on 27 November 2008 in OJ S231-306406. Although they have already demonstrated compliance for the exclusion criteria they should however complete the annex 4 declaration to confirm that they are still compliant at the time of the call for tender. The second step is to check the tenderer's capacity (financial and technical) to perform the contract. The final step is to assess the quality of the offers against the award criteria for each offer that has passed the exclusion and selection phase.

In the case of sub-contracting, the exclusion, selection and award criteria may be applied to the sub-contractor(s). The bid must clearly identify the sub-contractors and document their willingness to accept the tasks and thus acceptance of the terms and conditions set out in Part 2.1. Tenderers must inform the subcontractors that Article II.17 of the standard service contract will be applied to them. Once the contract has been signed, Article II.13 of the above mentioned service contract shall govern subcontractors.

1. Exclusion criteria

Proposed sub-contractors must declare on their honour that they are not in one of the situations referred to in articles 93 and 94 a) of the Financial Regulation. They or their representatives must therefore fill in and sign the form in Annex 4 to these specifications. Hereby agreeing to submit to the Commission, **if requested to do so**, those certificates or documents demonstrating that the tenderer is not in any of the situations described under points (a), (b), (d) and (e) below:

These articles are as follows:

Article 93:

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 judgment 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 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 judgment which has the force of *res judicata* for fraud, corruption, involvement in a criminal organisation or any other illegal activity detrimental to the Union's financial interests;
- (f) they are currently subject to an administrative penalty referred to in [Article 96\(1\)](#).

Article 94

A contract shall not be awarded to candidates or tenderers who, during the procurement procedure for this contract:

- (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;

(c) find themselves in one of the situations of exclusion, referred to in [Article 93\(1\)](#), for this procurement procedure.

2. Selection criteria

Given that a company's economic and financial situation can change very rapidly, tenderers are invited to submit up to date documents if more than 6 months has elapsed since the date of their application and the date of the launch of the call for tender.

Where there is sub-contracting proposed and the volume is greater than 30%, only the tenders fulfilling all the selection criteria will be examined in the light of the award criteria. The selection criteria are set out below

2.1. Financial and economic capacity to be shown by means of the following:

- financial statements for the last two financial years;
- OR
- declaration concerning the sales turnover related to the field associated with the invitation to tender during the last three financial years;
- OR
- other substantiating documents if the candidate or tenderer cannot, for valid reasons, provide those indicated above.

2.2. Technical and professional competence:

- Experience as evidenced by the qualifications, both educational and professional, of the service provider or contractor and those of the firm's managerial staff and, in particular those of the person or persons responsible for carrying out the service/work. Curriculum vitae must be provided.
- A reference list of relevant previous projects over the past 3 years must be provided, indicating the sums involved, dates, recipients, public or private.

2.3. Authorisation to perform the contract

- A tenderer must prove that he is authorised to perform the contract under national law, as evidenced by inclusion in a trade or professional register, or a sworn declaration or certificate, membership of a specific organisation, express authorisation or entry in the VAT register.

2.4. Access to the market

- A tenderer must indicate in which State they have their headquarters or domicile and to present the supporting evidence normally acceptable under their own law.

3. Award criteria

Further to the price quoted for the contract, the following award criteria will be applied:

Award criteria 1 – Understanding (max points 30)

this criterion is used to assess whether candidates have taken into consideration all of the aspects of the tasks required, such as they appear above, as well as of the contents of the proposed end product.

Award criteria 2 – Methodology (max points 40)

the degree to which the methodology shows the capacity to resolve the questions underlying in the tender in a realistic and well-structured way, as well as whether the methods proposed are suited to the needs set out by the Commission in the tender specifications.

Award criteria 3 – Project management and availability (max points 30)

offers will be assessed as regards the quality of the team organisation, the time attributed to each team member and the availability of resources for the completion of the contractual tasks, which should be clearly outlined in the tender.

Since assessment of the tenders will be based on the quality of the proposed services, tenders should elaborate on all points addressed by these specifications in order to score as many points as possible. The mere repetition of mandatory requirements set out in these specifications, without going into details or without giving any added value, will only result in a very low score. In addition, if certain essential points of these specifications are not expressly covered by the tender, the Commission may decide to give a zero mark for the relevant qualitative award criteria.

4. Points

A points system to evaluate the award criteria relating to the technical value of the offers will be applied.

A maximum of 30 points will be attributed to criterion 1, a maximum of 40 points will be attributed to criterion 2, and a maximum of 30 points will be attributed to criterion 3. In addition a minimum threshold will be set up under this system of points:

- Technical sufficiency levels: Selected companies will have to score a minimum of 18, 24 and 18 points under criteria 1, 2 and 3 respectively, with a minimum total of 65 points.

5. Budget

The budget is a maximum of €120,000 excluding VAT (including fees, travel and all other costs).

The Commission is exempt from all taxes and dues, including value added tax, pursuant to the provisions of Articles 3 and 4 of the Protocol on the Privileges and Immunities of the European Union with regard to its financial contribution under the contract.

The price quoted must be a firm, non-revisable price and must be quoted in euro.

Having examined the tenders from a technical point of view, the evaluation committee will proceed considering which is the economically most advantageous offer taking into account **only those tenders that have obtained at least 65 out of the 100 points that are available for the technical quality of the bid**. The evaluation committee will then proceed with the financial comparison of the tenders retained for further consideration according to the ranking procedure below.

6. Ranking of the tenders and award of the contract

The bid offering the best value for money will be chosen, provided that the minimum number of points cited above is achieved. Best value for money will be calculated as follows:

- All bids that do not reach the stated technical sufficiency levels for each individual award criteria will not be considered for contract award.
- All bids that have passed the individual levels and score 65 or higher are deemed to be technically sufficient. Then the price is divided by the total number of points awarded to obtain the price-quality ratio. The award of the contract will be made in accordance with the lowest ratio.

The Commission reserves the right not to select any tender if the amounts tendered exceed the budget envisaged for this project

7. Information for tenderers

After the award decision has been taken, the Commission will inform tenderers including the grounds for any decision not to award a contract or to recommence the procedure.

ANNEX 1 - ADMINISTRATIVE INFORMATION FORM

Organisation or individual:

NAME:

ADRESS:

HEADQUARTERS:

PERSON AUTHORISED TO SIGN CONTRACT:

Name and position:

PERSON FOR ROUTINE CONTACT:

Name and position:

Telephone and fax number:

Signature of Contractor

ANNEX 2 - FINANCIAL OFFER TEMPLATE

(FOR GUIDANCE PURPOSES ONLY)

PRICE AND ESTIMATED BUDGET BREAKDOWN

Calculation of the costs

Name	Staff on payroll		Other statute	Time in %	Total / year	TOTAL
	Gross salary	Social charges				
...						
... etc.						
Staff costs						
Infrastructure						
Overhead costs including office material and consumables						
Office Equipment						
Travel/Missions						
Sub-contracting						
Company x						
Company y						
Company z						
Other						
TOTAL COSTS in EURO					€	

Signature of Contractor

.....

Date

.....

ANNEX 3 - LEGAL ENTITY AND FINANCIAL IDENTIFICATION FORMS

These forms can be downloaded from

http://ec.europa.eu/budget/execution/legal_entities_en.htm (legal entity form)

http://ec.europa.eu/budget/library/execution/financial_identification/fich_sign_ba_gb_en.pdf
(financial identification form)

ANNEX 4

DECLARATION ON EXCLUSION CRITERIA AND ABSENCE OF CONFLICT OF INTERESTS

Name of the organisation/individual:

Legal address:

Registration number:

VAT number:

Name of the signatory of this form:

Position:

- representative legally authorised to represent the tenderer vis-à-vis third parties and acting on behalf of the aforementioned company or organisation [*please tick box if applicable*]

hereby certifies that [*please tick one of the two boxes*]

- they
- the company or organisation that they represent:
- a) are/is not bankrupt or being wound up, is not having their affairs administered by the court, has not entered into an arrangement with creditors, has not suspended business activities, is not the subject of proceedings concerning those matters, or is not in any analogous situation arising from a similar procedure provided for in national legislation or regulations;
 - b) have/has not been convicted of an offence concerning their professional conduct by a judgement which has the force of *res judicata*;
 - c) have/has not been found guilty of grave professional misconduct proven by any means which the Commission can justify;
 - d) have/has 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 those of the country of the contracting authority or those of the country where the contract is to be performed;
 - e) have/has not 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 Union's financial interests;
 - f) are/is not currently subject to an administrative penalty referred to in [Article 96\(1\)](#).

In addition, the undersigned declares on their honour:

- g) that on the date of submission of the tender, they, the company or organisation they represent and the staff proposed for this tender are not subject to a conflict of interests in the context of this invitation to tender; the undersigned undertakes to inform the Commission without delay of any change to this situation after the date of submission of the tender;
- h) that the information provided to the Commission within the context of this invitation to tender is accurate, sincere and complete;
- i) **that, if requested, they will provide the evidence required under point 1, part III of the Specifications.**
- j) **that there have been no changes to their situation with regard to exclusion and selection criteria which was the basis for their inclusion in the list of potential tenderers following the call for expression of interest published in Nov 2008.**

Full name:

Date

Signature:

ANNEX 5



EUROPEAN COMMISSION
DIRECTORATES-GENERAL
ENVIRONMENT AND CLIMATE ACTION
SRD - Shared Resources Directorate
SRD.2 - Finance

(Please fill in your address)

ACKNOWLEDGEMENT OF YOUR TENDER

Our reference: ENV.D.3/SER/2010/0086r

Your reference:

We wish to confirm the receipt and opening of your offer¹. Your offer will now be evaluated by the Commission and its experts. You will be informed of the result in due course.

We thank you for your interest.

MarketsTeam
SRD.2

¹ Your personal contact data has been recorded in a database used by the Markets Team of unit SRD.2 for the administrative management of offers. The Commission is bound by Regulation 45/2001 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies. For more information, and to exercise your rights to access and eventually correct data concerning you, please don't hesitate to contact us.

ANNEX 6

CHECK LIST

1. Administrative information form filled in
2. Financial offer duly signed
3. Legal entity and financial identification forms completed and signed
4. Declaration of the candidate's eligibility regarding exclusion criteria, completed, signed and dated
5. Acknowledgement form with candidate's address
6. Technical bid
7. Possible annexes
8. Tender properly labelled and packaged (pages 1-2 on Invitation to tender)