

Specifications attached to the
Open invitation to tender n° TAXUD/2012/AO-02
for the provision of evaluation and impact assessment-related services

1. BACKGROUND, SCOPE AND OBJECTIVES OF THIS CALL FOR TENDERS

A call for tenders is launched by the European Commission for the signature of a framework contract for the provision of evaluation and impact assessment related services to DG TAXUD.

This framework contract is intended to provide DG Taxation and Customs Union with a facility to carry out activities related to evaluation as well as impact assessment within the areas of its competence. This contract is intended to complement all other existing contractual facilities already available to the Commission services (including other framework contracts for the provision of evaluation services and pre-selected lists of experts).

The objective of the individual assignments under this framework contract will be to provide the Commission with timely and high-quality deliverables to feed into the evaluation or preparation of its policies.

Very good skills in the area of evaluation and impact assessment and a good knowledge of methods and tools used in the European Commission are considered indispensable for the performance of this contract.

2. NATURE OF THE CONTRACT AND AWARDING AUTHORITY

The tender for an estimated budget value of EUR 4,000,000 will be awarded to a single contractor by the European Commission, hereinafter referred to as 'The Commission'.

The framework contract can be used to carry out evaluations and to help carry out projects relating to evaluation and impact assessments, as well as any specific tasks contributing to such exercises (e.g. data collection, cost-benefit analysis, assessment of administrative burden, etc.).

Assignments under this framework contract are not determined in advance, but will depend on the needs of the Commission. The number, the volume and the duration of the specific tasks might therefore vary. This will require the contractor to be able to mobilise the necessary resources at relatively short notice.

3. LEGAL BASIS FOR ESTABLISHING THE CONTRACT

In the area of evaluation, the Financial Regulation requires the European Commission to regularly carry out evaluations of its programmes and activities occasioning budget expenditure. Moreover, evaluation requirements may be imbedded directly in the specific legal acts or result from the political decisions within the framework of smart regulation. The coordination and management of all evaluations are ensured by the individual Directorates General of the Commission through the establishment of an evaluation function.

Detailed information and useful links concerning the evaluation principles, standards, methodologies and evaluation activities of the Commission can be found on the following website:

http://ec.europa.eu/dgs/secretariat_general/evaluation/index_en.htm.

In the area of impact assessment, following the Göteborg European Council in June 2001 and the Laeken European Council in December 2001, the Commission made commitments to implement the better regulation principles. Impact Assessment constitutes a concrete action of the Better Regulation Action Plan and of the European Sustainable Development Strategy.¹ Detailed information on Impact Assessment can be also found on the following website:

http://ec.europa.eu/governance/impact/key_docs/key_docs_en.htm

4. SPECIFICATIONS FOR THIS CALL FOR TENDERS

4.1. TASKS

Tasks will typically consist of specific activities designed to contribute to a given evaluation project or impact assessment exercise of the Commission. These tasks will be outlined in the terms of reference provided by the responsible Commission service assigning the task. A steering group consisting of Commission officials from several services will monitor the execution of the specific contracts.

An evaluation is broadly understood as "judgement of interventions according to their results, impacts, and the needs they aim to satisfy"². In the European Commission, evaluations are based on the Financial Regulation (articles 27, 28 and 33) and its Implementing Rules (articles 21, 22 and 23), which requires all programmes and activities involving significant spending to be evaluated. Furthermore, in the Communication on Evaluation (SEC(2007)213), the Commission establishes that all Commission activities addressed to external parties have to be periodically evaluated. This commitment is further strengthened in the most recent Communication on Smart Regulation (COM(2010) 543), where the Commission commits to a further reinforced role of evaluations, which extends now also to evaluate the body of existing legislation to ensure that it delivers the intended benefits. The results of evaluations will then serve as a basis for impact assessments, should a revision of legislation be envisaged.

¹ Communication from the Commission "Towards a Global Partnership for Sustainable Development" (COM(2002) 82 final – 13.02.2002); Communication from the Commission "Action plan "Simplifying and improving the regulatory environment" COM(2002)278 final – 05.06.2002).

² Glossary of the White Paper on Reform (Annex 3), available at: [http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52000DC0200\(01\):EN:HTML](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52000DC0200(01):EN:HTML).

An impact assessment is required for all major Commission proposals included in the Commission's Annual Legislative Work Programme, as well as for any other proposal that is likely to have significant impact. An Impact Assessment is defined as a "set of logical steps which structure the preparation of policy proposals"³ and is broadly understood as the identification of "the likely positive and negative impacts of proposed policy actions, enabling informed political judgements to be made about the proposal and identify tradeoffs in achieving competing objectives"⁴. As a rule of thumb, an initiative that is thought to require an impact assessment should be supported by an evaluation of the existing policy framework or its relevant elements

4.2. POLICY AREAS

The policy areas to be covered relate to the key responsibilities and activities of the Directorate General Taxation and Customs Union. The non-exhaustive list below serves as an indication for the responsibilities and activities to be covered:

1. Taxation, including:

- (a) financing programmes and all the related eligible activities/actions, as well as the IT tools for the implementation of the programmes ,
- (b) taxation IT systems and IT operations,
- (c) direct taxation (e.g. company taxation, savings taxation, taxation of individuals, payroll taxes and social security contributions),
- (d) indirect taxation (e.g. VAT and other turnover taxes, taxation in the financial sector, environmental taxes, energy and transport taxation, excise duties on alcohol, alcoholic beverages and manufactured tobacco),
- (e) horizontal aspects of taxation (e.g. administrative cooperation, tax governance, administrative burden and compliance cost, tax treaties, special tax regimes, tax fraud and avoidance, tax havens, national enforcement legislation, implementation of general principles of international taxation and the EU tax law, including jurisprudence by the CJEU, development of new concepts and policies),

2. Customs Union and customs policy, including:

- (a) financing programmes,
- (b) customs IT systems and IT operations,
- (c) safety and security (fight against infringing intellectual property rights),
- (d) risk management framework,
- (e) Union Customs Code (UCC),
- (f) main processes of the Customs Union related to export, import, transit, customs valuation and rules of origin,
- (g) electronic customs,

³ See Commission Guidelines on Impact Assessment (SEC(2005) 791 – 15.06.2005).

⁴ See Communication from the Commission on Impact Assessment (COM(2002) 276 final – 5.06.2002).

- (h) Business Process Modelling,
- (i) tariff matters [Combined nomenclature and classification measures, tariff suspensions and tariff quotas, duty relief, Integrated Community Tariff (TARIC)],
- (j) horizontal customs aspects (e.g. uniform application of customs legislation and application of international customs standards and principles, international cooperation in the customs field, administrative burden and compliance cost, administrative cooperation, development of new concepts and policies),

3. Other policy areas, such as:

- International aspects of Taxation and Customs (e.g. contribution to the achievement of the European Neighbourhood Policy's objectives, contribution to EU trade and development policies).

Detailed information on the activities of DG Taxation and Customs Union can be found on the following website: http://ec.europa.eu/taxation_customs/index_en.htm.

The evaluation and impact assessment services required might concern issues that cover more than one of these domains and do not fit naturally under the direct responsibility of one of the operational units of the DG (e.g. policy strategies, effectiveness of delivery mechanisms used in interventions across policy areas or other cross-cutting themes, coherence and co-ordination between activities).

4.3. GEOGRAPHICAL COVERAGE

Assessment of the means by which the tenderer intends to ensure full and consistent coverage of the 27 Member States, plus Croatia, the candidate countries and the potential candidates of the European Union, and the different linguistic regimes existing in all these countries.

4.4. WORKING METHODS

The tenderer shall describe how the work organisation, the availability of mixed and versatile teams, and the methods and tools available can offer value to evaluations and impact assessments performed by the Commission.

The tenderer shall provide an overview of the tools and methods available, including a documentation of their main characteristics, with an appreciation of the extent to which they need to be adapted for the purpose of this contract as well as their readiness, at the time of submission of the offer, for immediate implementation of requests related to the current Commission Work Programme.

Furthermore, the contractor should describe any data sources already available which are relevant to the policy areas listed in 4.2 of this document.

The completion of the following document is compulsory and is an integral part of the tender evaluation process:

The specific description of the work organisation; the methodology and sourcing of information; the proposed composition of the mixed and versatile teams to carry out the hypothetical case study described in annex VIII, including work scheduling and timing for the task.

Tenderers have to show the adequacy of systems put in place for ensuring a regular training and up-to-date knowledge in evaluation and impact assessment techniques and tools of the tenderer's potential team as well as arrangements for ensuring quality control of the services delivered.

4.5. SPECIFIC CONTRACTS

The tenderer subscribes to the urgent character of some of the specific requests to be carried out under this framework contract and will do all in its powers to accommodate the needs of the Commission in such circumstances.

The offers for specific service requests and the reports should be presented in a clear and structured format. In all cases, the tenderer shall supply an electronic version.

Offers for specific service requests must contain:

- (a) a justification for the choice of the team composition and attribution of the tasks;
- (b) the composition of the team that performs the work, in particular the number of staff deployed and the professional level of each staff member;
- (c) a description of the steps taken to achieve the goal;
- (d) a detailed work plan, containing the attribution of tasks to the members of the team, the time schedule for the work performed with setting of intermediate deadlines for relevant parts of the work;
- (e) information on data collection, including justification of the data sources used;
- (f) a description on how the quality control system is organised for the particular study;
- (g) a breakdown of the elements described under the previous bullet points for each individual work package as defined by the Commission in the request.

Unless otherwise specified in the specific service requests, ***reports must contain:***

- (a) an executive summary presenting the main findings and overarching conclusions, that can be published independent of the report;
- (b) an introductory part setting out the origins of the request and the main problems, as well as the limits of the methodology;
- (c) a body containing setting out in detail the work performed;
- (d) a conclusion setting out the main findings and recommendations the composition of the team that performs the work, in particular the number of staff deployed and the professional level of each staff member;
- (e) an annex setting out the underlying methodology.

All services are to be provided in English.

Procedure for Specific Contracts

Commission services carrying out evaluation or impact assessment work on the policy domains outlined in section 4.2 can propose works to be carried out by the Contractors under this Framework Contract:

Specific requests for services will be issued and specific contracts will be signed for each assignment in compliance with the provisions of the Framework Contract.

(a) Request for Services

The Commission will send the Contractor a request for services by e-mail. The request will set out the specific terms of the tasks to be performed (including: starting date and duration of the assignment, taking into account deadlines for the submission of the offer and the time required by the Contractor to mobilise the experts).

(b) Offer by the Contractor

Within 5 working days from the date of sending of the request for services by e-mail, the contractor shall express in written form, by e-mail, their availability to carry out the services required.

(c) Unless specified differently, within 15 working days from the date of sending of the request for services by e-mail, the Contractor will provide a written offer for the required tasks. This will include: a) an outline of the proposed methodology; b) a work plan; c) a budget breakdown as well as the total price for rendering the requested services; d) the CVs of the proposed team of experts.

(d) Task Assignment

The Commission service responsible for the assignment will have up to 15 calendar days in which to evaluate, accept or reject the offer. During this period the Contractor may not alter his offer. The validity of the offer is 3 months.

(e) Specific Contract

The specific contract will be signed for formal agreement on the specifications of the assignment, proposed team, value, conditions of payment, work plan and timetable. It will be drawn up in accordance with the model shown in Annex II (Specimen Framework Contract) of the technical specifications.

Changes or additions to the team initially proposed must be notified to the Commission in writing. The Commission will have the right to object to any changes of members of the team from those initially agreed. The Commission reserves the right to request detailed time sheets for the members of the team working on a specific contract.

Results to be Achieved

The specific results to be achieved will be defined by specific requests for services for each individual evaluation or impact assessment-related assignment. These will however always include the timely submission of high-quality deliverables in line with the specifications defined in the requests for services for each individual assignment.

Indicative Methodology

The exact methodology will be defined at the level of each individual assignment. It would however typically include the following phases:

- a) inception phase (to conduct initial research and analysis, provide definition and description of the methodology to be used, work plan and scale of activities to be undertaken);
- b) field work phase (to collect relevant data and set out initial findings);
- c) reporting phase (to process and analyse data collected, provide main findings, conclusions and recommendations from the work and deliver the final report).

Technical Reports and Deliverables

Each specific contract will specify in its terms of reference which are the questions, outputs (reports, etc.) and other services to be provided. Generally, the following reports are expected from the consultants:

- a) Inception report, detailing the approach and first working assumptions;
- b) Draft final report;
- c) Revised draft final report; including an executive summary of the main findings, and
- d) Final report, including an executive summary of the main findings as well as its translations of it into German and French, conclusions and recommendations.

In addition, each specific contract may establish other reports and studies to be delivered.

Specific Timetable

The specific timetable of each specific contract will be detailed in request for services for the individual assignment.

Availability of the contractor

The Contractor will be considered unable to deliver a specific task under the following circumstances:

- If no offer is received from the Contractor within the time specified.
- If the offer is rejected for failure to comply with the specific terms defined in the request for services or with the Framework Contract.
- If the Contractor contacted declares himself as unable to identify the necessary experts.
- In case of conflict of interest involving the Contractor contacted or one of the experts proposed (in the case of a consortium, this condition applies for all its members).

4.6. SERVICE QUALITY

The tenderer shall provide assurance regarding the quality of all information supplied to the Commission by applying a quality control system. In addition, the tenderer must provide assurance that all information supplied to the Commission is accurate and up-to-date. To this effect, the tenderer has to describe the quality control system applied in detail in the offer.

A quality assessment for the assignments implemented under this framework contract may be established by the Commission. Such a quality assessment is based on a grid provided by the Commission at the start of the specific contract (see Annex X). Quality assessments may be made public, and forwarded to the concerned contractors for information. The information obtained from these exercises will be one of the key elements when taking into account a possible extension of the contract.

5. DURATION

The duration of the framework contract shall be of a maximum period of 4 years from its date of signature. The framework contract shall have an initial duration of 2 years. It may be renewed only with the expressed written agreement of the parties before the framework contract ends. Only two renewals for a period of 1 year each shall be possible. Each specific contract made under this framework contract shall have its own specific duration.

6. PRICES

Tenders will specify a price per man-day for the four categories of experts described in the Annex VI (Identification form for staff). The price per man-day is unique per category of experts and includes all types of overheads.

Based on the prices per man-day provided for in Annex VI, the tenderer will determine a unique price for the evaluation and impact assessment-related services for an estimated number of 12 studies of 250 man-days on average. This unique price will constitute the upper ceiling for prices charged under any specific contract concluded under this framework contract. The total price for the services is defined as the price per man-day times the average number of man-days per study times the number of studies planned for the total duration of the contract.

Prices for access to external databases owned by third parties should not be included in the price per man-day as described in the previous paragraph. Such prices will be the subject of separate reimbursement of costs incurred provided that the expenses are directly linked to the services requested under a specific contract concluded under the framework contract and duly justified by invoices issued by the third-party granting access to the database.

A provision for access to external databases for a value of EUR 300,000 is also to be included in the financial offer.

Prices must be quoted in EUR using, when needed, the conversion rates published in the C series of the Official Journal of the European Union on the day when the notice of invitation to tender was published.

Prices should be quoted free of all duties, taxes and other charges, including VAT, as the Union is exempt from such charges under Articles 3 and 4 of the Protocol on the privileges and immunities of the European Union; if any, the amount of VAT should be shown separately.

The total price must cover all expenditure incurred in the performance of the contract including any necessary travel and subsistence costs. The labour cost for each category of staff engaged in the project must be specified. The daily rate for labour of each member of staff and the total number of days each member of staff will contribute to the work should be provided.

7. DEPOSITS AND GUARANTEES REQUIRED

The contractor may be requested to provide the Commission with a guarantee equal to the amount of any advance obtained.

8. TENDERS FROM CONSORTIA

Contractors or suppliers must specify and quantify the role, qualifications and experience of each member of the consortium. A prime contractor must be designated.

In case of consortia, the criteria have to be met by the consortia as a whole. Nevertheless, criteria 10.A.I, II, III a) and III b) have to be met by each member of the consortium.

9. SUB-CONTRACTING

- Sub-contracting is permitted for each of the specific contracts to be carried out under this Framework Contract, provided that the value of the services to be sub-contracted does not exceed 50% of the value of the given specific contract.
- All subcontracting must be approved by the Contracting Authority, either by accepting the Contractor's offer, or, if proposed by the Contractor after contract signature, by prior written approval, being requested and granted.

For any given specific contract the tenderer must indicate clearly which parts of the work will be sub-contracted, the price of such work, and the identity and qualifications of all sub-contractor staff.

10. EXCLUSION AND SELECTION CRITERIA

The Commission reserves its right not to select an offer, which does not conform to the conditions explained in the present document and its annexes.

A. EXCLUSION CRITERIA

I. Any candidate may be excluded from participation who:

- (a) is bankrupt or being wound up, is having its affairs administered by the courts, has entered into an arrangement with creditors, has suspended business activities, is the subject of proceedings concerning those matters, and is in any analogous situation arising from a similar procedure provided for in national legislation or regulations;
- (b) has been convicted of an offence concerning his professional conduct by a judgement which has the force of *res judicata*;
- (c) has been guilty of grave professional misconduct proven by any means which the contracting authorities can justify;
- (d) has not fulfilled obligations relating to the payment of social security contributions and the payment of taxes in accordance with the legal provisions of the country in which it is established, with those of the country of the contracting authority and those of the country where the contract is to be carried out;
- (e) has 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 of the Union's financial interests;
- (f) is the subject of an administrative penalty for being guilty of misrepresentation in supplying the information required by the contracting authority as a condition of participation in the procurement procedure or failing to supply an information, or being declared to be in serious breach of his obligation under a contract covered by the budget.

Proof must be provided by:

Filling in a declaration signed by an authorized officer who certifies that none of the above is the case (see annex VII: Declaration of honour with respect to the Exclusion Criteria).

The Commission reserves its right to request from the winning tenderer:

- For situations described in (a), (b) and (e); production of a recent extract from the judicial record is required or, failing that, a recent equivalent document issued by a judicial or administrative authority in the country of origin or provenance showing that those requirements are satisfied. Where the tenderer is a legal person and the national legislation of the country in which the tenderer is established does not allow the provision of such documents for legal persons, the documents should be provided for natural persons, such as the company directors or any person with powers of representation, decision making or control in relation to the Tenderer.
- For the situation described in point (d) above: recent certificates or letters issued by the competent authorities of the State concerned. These documents must provide evidence covering all taxes and social security contributions for which the tenderer is liable, including for example, VAT, income tax (natural persons only), company tax (legal persons only) and social security contributions.

- For any of the situations (a), (b), (d) or (e) where any document described in the two paragraphs above is not issued in the country concerned: 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.

II. Proof of registration in a professional or trade register must be provided by means of a declaration or certificates prescribed in the country of establishment of the service provider.

III. Proof of the service provider's financial and economic standing must be furnished by the following:

- (a) evidence of relevant professional risk and/or third party indemnity insurance;
- (b) a copy of the service provider's balance sheets or extracts from balance sheets for at least the last three years for which accounts have been closed, where publication of the balance sheets is required under the company law of the country in which the service provider is established; and
- (c) a statement of the undertaking's overall turnover and the turnover relating to the provision of the services to which this contract relates for the previous three financial years.

B. SELECTION CRITERIA

I. Evidence of the service provider's technical and professional capacities and previous experience in the field

Tenderers must demonstrate that they have the human resources needed to provide the services required:

1. Technical and professional capacity of economic operators shall be evaluated and verified in accordance with paragraphs 2 to 6 (below). Such capacity shall be assessed with regard in particular to their know-how, efficiency, experience and reliability.
2. Evidence of the technical and professional capacity of economic operators may, depending on the nature, quantity or scale and purpose of the services to be provided, be furnished on the basis of the following documents:
 - (a) the educational and professional qualifications of the service provider or contractor and/or those of the firm's managerial staff and, in particular, those of the person or persons responsible for providing the services;

- (b) a list of the principal services provided in the past 5 years, with the sums, dates and recipients, public or private;
 - (c) a description of the measures employed to ensure the quality of services, and a description of the firm's study and research facilities;
 - (d) a statement of the average annual manpower and the number of managerial staff of the service provider in the last three years;
 - (e) an indication of the proportion of the contract which the service provider may intend to subcontract. Subcontracting must not exceed 50% of the value of the given specific contract. The reasons for reverting to subcontracting as well as the nature and the scope of the subcontracted services must be clearly stated in the offer.
3. Tenderers have to prove their ability, skills, experience and competence in the following fields of:

- (a) Tenderers must possess a good knowledge and experience of European Union public policy in general, and more specifically of taxation and customs policies listed in section 4.2 of this document, as demonstrated by specific relevant work undertaken, within the last five years.
- (b) the proposed experts must have a very good knowledge of evaluation and impact assessment theory, methodology, techniques and tools. They should also demonstrate experience in evaluating public programmes, interventions and policies, in particular those covering a number of countries and/or managed at the EU level.

The tenderer shall provide a table with information on previous works conducted by the members of its team. Members of the team shall have proven records in evaluation and/or in impact assessment-related projects;

- (c) the tenderers must provide the outline of the hypothetical study as mentioned in Section 4.4 and described in annex VIII;
- (d) Tenderers must possess the necessary experience in planning and conducting interviews or surveys, as demonstrated by specific relevant work undertaken, in particular, within the last three years.
- (e) Given the vast geographical scope of the individual projects, the ability to speak and write in more than one of the Union's official languages, and in particular in English, German and French, must be covered in the proposed team of experts;
- (f) the proposed experts must have very good drafting and communication skills;

(g) tenderer should provide 3 client reference contacts of entities other than the Commission that are making use of services similar to the service requirements of this call for tenders and a description of the evaluation and/or impact assessment-related projects performed for these clients. The references and contact data provided must be relevant to the services in question and they can be consulted and used by the Commission.

4. Availability of human resources. Tenderers must include in their tenders the following information:

(a) The following categories of experts are defined:

Category I: Highly qualified member of personnel, having assumed important responsibilities in his/her profession and possessing proven management/supervisory, specialist, conceptual and creativity skills as regards professional practice. He/she must have at least 7 years professional experience of which at least 5 must be related to evaluation and/or impact assessment and the type of tasks to be performed.

Category II: Qualified member of personnel having received a high-level training in his/her profession possessing good specialist, conceptual and creativity skills as regards professional practice. He/she must have at least 4 years professional experience of which at least 2 must be related to evaluation and/or impact assessment and the type of tasks to be performed.

Category III: Junior member of personnel, newcomer to the profession but with a training related to evaluation and/or impact assessment and the type of tasks to be performed.

(b) the summary table attached in Annex VI (identification form for staff) detailing the experts made available for the work and the fees charged: this involves the experience level in evaluation and/or impact assessment and policy areas as described under point 4.2 of this document. Prices should be split according to the level of expertise;

(c) a curriculum vitae of each of the experts listed in Annex VI specifying:

i. academic qualifications and professional background;

ii. expertise and experience relevant to the subject of this call for tenders, indicating dates, place of work and recipients of the work (in particular those services implemented on behalf of the tenderer);

- (d) description of the roles in the proposed team of experts – the tenderer must clearly indicate the composition, breakdown of responsibilities and tasks of the proposed team. The tenderer must demonstrate and provide assurance that the team to conduct a specific task will consist of at least two experts each having at least five years of professional experience in evaluation and/or impact assessment-related services;
 - (e) a team leader must be appointed and it is required that the team leader possesses experience in project management. The tenderer must provide information on other work the team leader has done for the Commission, or similar work for other public or private organisations and/or institution.
 - (f) The contractor should show that he is able to run at least 3 projects in parallel, assuming a realistic distribution of assignments. Each of the three simultaneous projects must have, at a minimum, a team leader (Cat. I), senior (Cat. II) and junior experts (Cat. III), a quality assurance expert (Cat. I or II). However, a given expert can participate in two or more assignments in parallel, provided that their expertise is in line with the specific project specifications and the quality and time schedule of each of the assignments is not compromised.
5. Describe the technical equipment and material available to the tenderer for the provision of the services and work to be performed under the present invitation to tender, compatibility of the tenderer's software with the Commission's operating system and standard software (MS-Word for texts; MS-Excel for tables and figures; STATA for statistics).
6. An economic operator may, where appropriate and for a particular contract, rely on the capacities of other entities, regardless of the legal nature of the links which it has with them. It must in that case prove to the contracting authority that it will have at its disposal the resources necessary for performance of the contract, for example by producing an undertaking on the part of those entities to place those resources at its disposal.

II. Declaration of Confidentiality and no Conflict of Interest

The tenderer is required to sign a Declaration of honour on confidentiality and absence of conflict of interest (see Annex I) which must be included in the offer.

In case of consortia, each member of the consortia is required to sign this declaration.

Tenders that do not meet the above requirements will not be taken into consideration for evaluation.

11. AWARD CRITERIA

The award of contracts will be made to the economically most advantageous tender: the bid offering the best value for money will be identified as presenting the best quality/price ratio, provided the minimum number of points on technical quality is achieved.

The bids will be assessed according to the following criteria:

- The technical quality of the services offered in the light of the tender specifications
- The price for the Commission

1. *The technical quality* of the services offered in the light of the tender specifications (maximum 100 points):

- i). Clarity and coherence of the offer in line with the requirements of Section 4 of this document, including understanding the policy and geographical coverage aspects of the tender. (*maximum 20 points*).
- ii). Adequacy of the mechanisms for ensuring quality of service, rapid response and timely availability of the specific expertise required for covering the different services to be implemented under the contract including overall contract management and work organisation (*maximum 30 points*).
- iii). Relevance, quality and depth of the methodologies and multi-disciplinary approaches proposed for performing the tasks described in the technical specifications as well as in the hypothetical case study outlined in Annex VIII. (*maximum 50 points*).

The quality of the offers will be evaluated by the degree to which they fulfil the requirements specified for the work and supply adequate solutions to the tasks to be implemented as regards the technical specifications and the hypothetical case study. The marks in brackets indicate the importance given to each criterion. The maximum overall mark is 100.

Selected companies will have to score at least 50% for each technical quality criterion. An overall score of 65 marks or more is also required.

2. *Price assessment*

The basis for the price assessment is the total fee, defined as the fee per man-day times the average number of man-days per study times the number of studies planned for the total duration of the contract.

Offers for which the technical quality assessment score is less than 65 marks or offers for which less than half the points are scored on an individual criterion will not be considered for the price assessment and for the award of the contract.

3. *Quality (70%)/price (30%) ratio*

The offer presenting the best value for money will be identified in the following way:

- i). the offer with the best technical score will receive a ***technical quality indicator*** of 100 points. The remaining offers will receive lower technical quality indicators in proportion to their technical scores;
- ii). the offer found to be the cheapest (and with a sufficient technical quality score (i.e. at least 65 marks and at least half the marks on each technical criterion) will receive a ***price indicator*** of 100 points. The remaining offers will receive lower price indicators in proportion to their prices;
- iii). a weighting of 70% shall be attributed to the quality criterion and a weighting of 30% shall be attributed to the price criterion. The highest result will indicate the offer presenting the best value for money

12. RESULTS

The copyright of the services undertaken under this framework contract will reside with the Commission. The Commission services will be responsible for deciding the possible dissemination of the studies and analysis performed under this contract. In the execution of specific studies under this framework contract, the tenderer may be asked to supply the calculation files containing the data used. In that case, they should be presented in an interpretable and readable format. The tenderer should be able to make the calculations available to the Commission at any time.

13. LIQUIDATED DAMAGES

Article II.12 of the framework contract defines the conditions under which liquidated damages are applied.

14. PAYMENTS ARRANGEMENTS

Payments referring to specific contracts shall be made provided that the services to be offered by the contractor have been certified by the Commission in accordance with the conditions laid down in each relevant specific contract.

15. ADMINISTRATIVE INFORMATION

The tenderer will produce the following documents and information (also to be completed for each member in case of a consortium):

- legal form of tenderer; articles of association of the company,
- date of registration,
- country of registration,
- name, capacity, title and function of the legal representative who will sign the contract on behalf of the company,
- financial details (see also Annex V: to be completed and signed by the Bank and/or by the tenderer representatives):
 - document to be completed and signed by the tenderer, who must attach a bank document indicating the bank account,
 - document to be signed also by a banking establishment in the absence of a bank statement providing identification,
- VAT number,
- names and functions of those responsible as contacts for technical aspects of the contract,
- telephone and fax numbers and e-mail addresses.

The tenderer shall also include the information mentioned hereafter, duly completed and signed, in order to permit tenders to be assessed by means of the criteria for the contract award:

a) Annex I: Declaration of honour with respect to confidentiality and absence of conflict of interest.

b) Annex VI: Legal Entity form

c) Annex VI: Identification form for staff.

The tenderer may include any other information that he deems important in support to their capacity to implement the work. This additional information will be enclosed as annex to the tender.

ANNEXES

- Annex I: Declaration of honour with respect to confidentiality and absence of conflict of interest**
- Annex II: Specimen framework contract**
- Annex III: Specimen specific contract**
- Annex IV: Legal Entity form**
- Annex V: Financial identification form**
- Annex VI: Identification form for staff**
- Annex VII: Declaration of honour with respect to the Exclusion Criteria**
- Annex VIII: Hypothetical study on the Energy Tax Directive**
- Annex IX: Comments table**
- Annex X: DG TAXUD's Quality Assessment Form for Final Evaluation Reports**