



EUROPEAN COMMISSION
DIRECTORATE-GENERAL for Energy
Directorate Internal Energy Market

CALL FOR TENDERS

N° ENER/B1/2014-728

Study on comparative review of investment conditions for electricity and
gas Transmission System Operators (TSOs) in the European Union

TENDER SPECIFICATIONS

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1. INFORMATION ON TENDERING

1.1. Participation

Participation in this tender procedure is open on equal terms to all natural and legal persons coming within the scope of the Treaties and to all natural and legal persons in a third country which has a special agreement with the Union in the field of public procurement on the conditions laid down in that agreement. Where the Multilateral Agreement on Government Procurement¹ concluded within the WTO applies, the participation to the call for tenders is also open to nationals of the countries that have ratified this Agreement, on the conditions it lays down.

1.2. Contractual conditions

The tenderer should bear in mind the provisions of the draft contract which specifies the rights and obligations of the contractor, particularly those on payments, performance of the contract, confidentiality, and checks and audits.

1.3. Joint tenders

A joint tender is a situation where a tender is submitted by a group of economic operators (consortium). Joint tenders may include subcontractors in addition to the joint tenderers.

In case of joint tender, all economic operators in a joint tender assume joint and several liability towards the Contracting Authority for the performance of the contract as a whole.

These economic operators shall designate one of them to act as leader with full authority to bind the grouping or the consortium and each of its members. It shall be responsible for the receipt and processing of payments for members of the grouping, for managing the service administration and for coordination. The composition and constitution of the grouping or consortium, and the allocation of the scope of tasks amongst the members, shall not be altered without the prior written consent of the Commission.

The tenderers should indicate in their offer whether the partnership takes the form of:

a) a new or existing legal entity which will sign the contract with the Commission in case of award

or

b) a group of partners not constituting a new legal entity, who via a power of attorney, signed by an authorised representative of each partner (except the lead partner), designate one of the partners as lead partner, and mandate him as lead contractor to sign the contract with the Commission in case of award.

¹ See http://www.wto.org/english/tratop_E/gproc_e/gp_gpa_e.htm

1.4. Subcontracting

Subcontracting is permitted in the tender but the contractor will retain full liability towards the Contracting Authority for performance of the contract as a whole.

Tenderers must give an indication of the part of the services and proportion of the contract that they intend to subcontract.

Tenderers are required to identify subcontractors whose share of the contract is above 20%.

During contract execution, the change of any subcontractor identified in the tender will be subject to prior written approval of the Contracting Authority.

1.5. Content of the tender

The tenders must be presented as follows:

Part A: Identification of the tenderer (see section 1.6)

Part B: Evidence for exclusion criteria (see section 2.2)

Part C: Evidence for selection criteria (see section 2.3)

Part D: Technical offer (see section 2.5)

Part E: Financial offer (see section 2.6)

Part F: Power of attorney (for consortia only)

1.6. Identification of the tenderer: legal capacity and status

- The tenderer's identification form in **Annex 1** shall be filled in and signed by:
 - The tenderer (including any member of a consortium or grouping)
 - subcontractor(s) whose share of the work represent more than 20% of the contract.
- In order to prove their legal capacity and their status, all tenderers (including any member of a consortium of grouping) must provide a signed **Legal Entity Form with its supporting evidence**. The form is available on:
http://ec.europa.eu/budget/contracts_grants/info_contracts/legal_entities/legal_entities_en.cfm

Tenderers that are already registered in the Contracting Authority's accounting system (i.e. they have already been direct contractors) must provide the form but are not obliged to provide the supporting evidence.

- If it has not been included with the Legal Entity Form, tenderers must provide the following information
 - For legal persons, a legible copy of the notice of appointment of the **persons authorised to represent the tenderer** in dealings with third parties and in legal proceedings, or a copy of the publication of such appointment if the legislation which applies to the legal entity concerned requires such publication. Any

delegation of this authorisation to another representative not indicated in the official appointment must be evidenced.

- For natural persons, where applicable, a proof of registration on a professional or trade register or any other official document showing the registration number.

- The tenderer (only the leader in case of joint tender) must provide a **Financial Identification Form and supporting** documents. The form is available on: http://ec.europa.eu/budget/contracts_grants/info_contracts/index_en.cfm

2. EVALUATION AND AWARD

2.1. Evaluation steps

The evaluation is based on the information provided in the submitted tender. It takes place in three steps:

- (1) Verification of non-exclusion of tenderers on the basis of the exclusion criteria
- (2) Selection of tenderers on the basis of selection criteria
- (3) Evaluation of tenders on the basis of the award criteria (technical and financial evaluation)

Only tenders meeting the requirements of one step will pass on to the next step.

2.2. Exclusion criteria

All tenderers shall provide a declaration on their honour (see Annex 2), duly signed and dated by an authorised representative, stating that they are not in one of the situations of exclusion listed in the Annex 2.

The declaration on honour is also required for identified subcontractors whose intended share of the contract is above 20%.

The successful tenderer shall provide the documents mentioned as supporting evidence in Annex 2 before signature of the contract and within a deadline given by the contracting authority. This requirement applies to all members of the consortium in case of joint tender. In case of doubt on this declaration on the honour, the contracting authority may also request the evidence for subcontractors whose intended share of the contract is above 20%.

2.3. Selection criteria

Tenderers must prove their economic, financial, technical and professional capacity to carry out the work subject to this call for tenders.

The evidence requested should be provided for each member of the group in case of joint tender and identified subcontractor whose intended share of the contract is above 20%. However, a consolidated assessment will be made to verify compliance with the minimum capacity levels.

The tenderer may 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.

2.3.1. Economic and financial capacity criteria and evidence

In order to prove their economic and financial capacity, the tenderer (i.e. in case of joint tender, the combined capacity of all members of the consortium and identified subcontractors) must comply with the following criteria:

- Annual turnover of the last two financial years above EUR 600 000 for each of the two previous financial years

The following evidence should be provided:

- Copy of the profit & loss account and balance sheet for the last two years for which accounts have been closed,
- Failing that, appropriate statements from banks,
- If applicable, evidence of professional risk indemnity insurance;

If, for some exceptional reason which the Contracting Authority considers justified, a tenderer is unable to provide one or other of the above documents, he or she may prove his or her economic and financial capacity by any other document which the Contracting Authority considers appropriate. In any case, the Contracting Authority must at least be notified of the exceptional reason and its justification in the tender. The Commission reserves the right to request any other document enabling it to verify the tenderer's economic and financial capacity.

2.3.2. Technical and professional capacity criteria and evidence

a. Criteria relating to tenderers

Tenderers (in case of a joint tender the combined capacity of all tenderers and identified subcontractors) must comply with the following criteria:

- The tenderer must prove experience in the field of both energy transmission and economic analysis with at least 2 projects delivered in the former and 3 in the latter field in the last three years with a minimum value for each project of EUR 70 000.
- The tenderer must prove capacity to draft reports in English.
- The tenderer must prove experience in survey techniques, data collection and drafting reports and recommendations.

b. Criteria relating to the team delivering the service:

The team delivering the service should include, as a minimum, the following profiles:

Project Manager: At least 10 years' experience in project management, including overseeing project delivery, quality control of delivered service, client orientation and conflict resolution experience in project of a similar size and coverage (geographical scope at least half of the one subject to this call for tenders), with experience in management of team of at least 5 people.

Expert in financial analysis: at least 10 years' professional experience in the field of financial analysis, accounting and macroeconomic analysis.

Team for data collection: collectively the team should have knowledge of at least five EU languages and proven experience of 5 years in data collection techniques.

Language quality check: at least 3 members of the team should have proficiency level language skills in English or equivalent, as guaranteed by a certificate or past relevant experience.

c. Evidence:

The following evidence should be provided to fulfil the above criteria:

- List of relevant services provided in the past three years, with sums, dates and recipients, public or private. The most important services shall be accompanied by certificates of satisfactory execution, specifying that they have been carried out in a professional manner and have been fully completed;
- The educational and professional qualifications of the persons who will provide the service for this tender (CVs) including the management staff. Each CV provided should indicate the intended function in the delivery of the service.

2.4. Award criteria

- **Quality of the proposed methodology** (50 points – minimum threshold 60%)
 - Sub-criterion 1.1 (25 points – minimum threshold 60%): methodology for the collection of information and analysis of the TSO specific financial data and the evaluation of the capacity of the TSO regarding the realisation of envisaged projects and the PCIs as a subset of these.
 - Sub-criterion 1.2 (15 points – minimum threshold 60%): methodology for the analysis of the legal and regulatory framework legal framework influencing the investment conditions per Member State.
 - Sub-criterion 1.3 (10 points – minimum threshold 60%): methodology for the collection of information and analysis of the macroeconomic conditions of Member States and the assessment of the cost-increase in regards to the macroeconomic situation.
- **Efficiency and effectiveness of information collection method** (20 points – minimum threshold 60%)

This criterion will assess how the tenderer plans to access all the information that is essential for the completion of the six tasks. This includes access to the financial information, information on past investment activities, regulatory and legal frameworks as well as macroeconomic data.

- **Organisation of the work** (20 points – minimum threshold 60%)

This criterion will assess how the roles and responsibilities of the proposed team and of the economic operators (in case of joint tenders, including subcontractors if applicable) are distributed for each task. It also assesses the global allocation of time and resources to the project and to each task or deliverable, and whether this allocation is adequate for the work. The tender should provide details on the allocation of time and resources and the rationale behind the choice of this allocation.

- **Quality control measures** (10 points – minimum threshold 60%)

This criterion will assess the quality control system applied to the service foreseen in this tender specification concerning the quality of the deliverables, the language quality check, and continuity of the service in case of absence of the member of the team. The quality system should be detailed in the tender and specific to the tasks at hand; a generic quality system will result in a low score.

Tenders must score above 60% for each criterion and sub-criterion, and above 70% in total. Tenders that do not reach the minimum quality thresholds will be rejected and will not be ranked.

After evaluation of the quality of the tender, the tenders are ranked using the formula below to determine the tender offering best value for money. A weight of 70/30 is given to quality and price.

$$\text{score for tender X} = \frac{\text{cheapest price}}{\text{price of tender X}} \cdot \text{price weighting (in absolute value)} + \frac{\text{total quality score (out of 100) for all award criteria of tender X}}{100} \cdot \text{quality criteria weighting (in absolute value)}$$

2.5. Technical offer

The technical offer must cover all aspects and tasks required in the technical specifications and provide all the information needed to apply the award criteria. Offers deviating from the requirements or not covering all requirements may be excluded on the basis of non-conformity with the tender specifications and not evaluated.

2.6. Financial offer

The price for the tender must be quoted in euro. Tenderers from countries outside the euro zone have to quote their prices in euro. The price quoted may not be revised in line with exchange rate movements. It is for the tenderer to assume the risks or the benefits deriving from any variation.

Prices 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 on the

privileges and immunities of the European Union. The amount of VAT may be shown separately.

The quoted price must be a fixed amount which includes all charges (including travel and subsistence). Travel and subsistence expenses are not refundable separately.

The maximum amount allocated for this study is EUR 250 000

3. TECHNICAL SPECIFICATIONS

- **Background**

Regulated Transmission System Operators (TSOs) are preparing to address the EU's 2020 targets to significantly increase their investment volume compared to current levels. While overall investment by natural gas TSOs will grow by almost 30%, electricity TSOs plan to increase investment by approximately 70% in the 2010-2020 period. These developments coincide with the fact that regulated TSOs have been unbundled and set up as stand-alone or non-integrated companies, which is likely to affect their ability to carry out these investment.

Besides the overall investments, the Guidelines Regulation 347/2013² introduced the 'Projects of Common Interest' (PCIs), which are in effect a subset of the necessary investments with significant political importance. Moreover, they represent large investment volumes and are likely to prove complex due to their cross-border nature.

In 2010, Roland Berger was instructed by the European Commission to conduct a study analysing the arrangement of energy transmission infrastructure, the upcoming financial challenges, and provide recommendations to overcoming the challenges and bridging the potential financing gaps. While the analysis offers a solid starting point, it lacks the level of detail necessary to tackle specific challenges. Therefore, this study is intended to be a follow-up to the original piece done by Roland Berger, providing more detailed information on a TSO level as well as detailed benchmarking of the country-specific aspects affecting the future financing of energy infrastructure.

- **Objectives**

The objective of the study is to assess the investment requirements of the European TSOs in relation to their financing capabilities. Due to the varying financing requirements and maturity of projects across the EU, only PCIs and TSOs in Member States with the most significant investments until 2025 will be analysed. The study needs to provide answers to the following questions:

1. Regarding the financial capacity, are TSOs able to realise the projects which are envisaged in the network development plans? How would this affect their balance sheet and their financing costs given the existing financing structure? Which financing sources do they use and is the appetite of these investors sufficient for the

² REGULATION (EU) No 347/2013 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 17 April 2013 on guidelines for trans-European energy infrastructure and repealing Decision No 1364/2006/EC and amending Regulations (EC) No 713/2009, (EC) No 714/2009 and (EC) No 715/2009

envisaged projects? How does the ownership structure potentially affect future investments?

2. Regarding the realisation of PCIs, which part of the overall investment (also compared to historic investments by the TSO) does it represent and what influence will it have on financing costs and capacity?
3. Regarding the country-specific situation, what are the factors negatively affecting the financing of energy infrastructure projects?
4. As costs are reflected in the network tariffs, what is the potential impact on the tariffs of the TSOs, if the PCIs/all projects are realised? What impact would the tariff increase have on the consumers per Member State, if put in relation to housing costs, costs for energy (gas and electricity only) compared to overall budget, purchasing power etc.?

From the answers to questions 1, 2 and 3, the study needs to derive recommendations on a TSO- and country-specific level: If certain TSOs are likely to have significant shortfalls regarding their financing capacity or a significant increase in financing costs, what measures could help relieve the specific situation? In order to give those recommendations, the national characteristics (e.g. currency, ratings, interest rates, barriers to ownership changes, debt-limits, the regulator's role in approving and facilitating investments) which affect the scope and modalities of investments needs to be taken into account.

The study needs to provide reliable and detailed information on the above-mentioned topics and should be conducted having in mind the data needs of debt and equity financing institutions, helping them assess the markets for regulated energy infrastructure investments. Therefore, the study should provide transparency about the investment volumes, plans and limits of TSOs on individual TSO level and offer detailed benchmarking of the investor-friendliness of the different regulatory/legal regimes in the pre-identified Member States, including the remuneration aspect.

- **Description of the tasks**

Task 1: The contractor should pre-identify the countries which will require significant energy (gas and electricity) infrastructure investments until 2025. Only investments mature enough to derive data from should be considered to ensure validity of the results. The analysis should include at least 14 Member States and a sound justification of the reasoning behind the selection of these countries must be presented.

Task 2: The contractor should assess the financial capacity of all TSOs located within the pre-identified Member States and prepare a benchmarking of the TSOs. This should include an analysis of the existing balance sheet and the financing costs and a projection of the financial situation if envisaged network investments are carried out. The effect of the PCIs should be provided as a subset of the necessary investments. The financing sources and the expectations to further explore these financing sources need to be evaluated. The accuracy of the data provided should be confirmed by the respective TSOs.

Task 3: The contractor should prepare an overview of the characteristics of the market for energy infrastructure investments (e.g. availability of capable investors, interest rates for infrastructure projects etc.) for each pre-identified Member State.

Task 4: The contractor should assess which external factors improve or lower the ability of TSOs to attract sufficient investment in PCIs in the respective Member States, particularly regarding the legal and regulatory frameworks. The contractor should prepare a detailed benchmarking of all pre-identified Member States with a focus on their investor-friendliness. The contractor should explore regulatory limits that prevent investors to step in (like institutional barriers to attract equity investors, right to own a TSO, debt-limits, review period, depreciation, remuneration, independence of NRAs from the government, etc.).

Task 5: The contractor should identify best practices in energy infrastructure investment (regarding financing sources, regulatory and legal frameworks and market characteristics). The contractor also needs to include practices which are available but remain untapped at the moment. For each TSO and pre-identified Member State, the contractor should provide possible improvements and qualitatively assess effects of such improvements as well as the time and effort it would take to implement them.

Task 6: The contractor should assess the impact on the tariffs of the TSOs in case the PCIs and all projects are realised. This analysis must be done for each Member State and put in relation to housing costs, costs of energy (gas and electricity only) compared to overall budget, purchasing power etc. The contractor should only take into account the costs of the investments and effect of the tariff on process and the aspect of affordability without conducting a socio-economic cost-benefit analysis or taking into account the benefits of the investments. The analysis should be qualitative and provide a benchmark.

The examples of elements of analysis do not represent an exhaustive list.

- **Scope, working method and approach**

Preliminary data should be collected by desk research and used to define further research approach. Outcomes should be summarised in the inception report.

Furthermore, financial and economic conditions of transmission projects developers should be analysed and interviews conducted with relevant stakeholders (such as TSOs, regulators and investors) in all pre-identified Member States.

Three workshops with potential investors (equity and debt) should be organised to test the findings of the study at the stage of the interim report.

- **Reporting and deliverables**

The contractor should prepare:

- 1) **Inception report**

The inception report shall be submitted to the Commission at the latest 4 weeks after the entry into force of the contract. The report shall include the pre-identification of relevant member states and a sound reasoning for the selection, the list of possible hypotheses to be further tested during in-depth interviews with project promoters and other stakeholders across the pre-identified Member States.

- 2) **Interim report**

The interim report shall be submitted at the latest 6 months after the entry into force of the contract. The contractor submits a report on the results of tasks 1, 2 and 3, as described in the task specifications. The interim report shall also include all data collected and indication of preliminary conclusions, as well as a draft structure of the final report.

3) **Final report (study)**

A draft study , comprising results of all tasks, shall be submitted to the Commission at the latest 10 months after the entry into force of the contract. The draft study will include a short country specific file (same format for each country for comparison purposes).

The Commission will have 30 days to provide the Contractor with its comments, and the Contractor shall have 20 days in which to submit additional information or a new study.

4) **Workshops** required for advancing the study.

5) A 2 day **training programme** on infrastructure financing for 30 participants from the Commission including 28 country-specific presentations (30 min each). The training programme can be outsourced to a third party.

6) The findings of the study need to be presented in a **PowerPoint-presentation**. The 28 country-specific presentations (also PowerPoint) may be part of the overall PowerPoint-presentation.

- **Organization and timetable**

The duration of the contract is 12 months. This period is calculated in calendar days. Execution of the tasks begins after the date on which the Contract enters into force.

A kick-off meeting will take place in Brussels, at the latest 14 days following the entry into force of the contract, in order to settle all the details of the study to be undertaken.

Following the submission of the inception report, a meeting will be organised in Brussels or Luxembourg to discuss the Commission's observations.

Following the submission of the interim report, a meeting will be organised in Brussels or Luxembourg to discuss the Commission's observations.

Following the submission of the draft study, a meeting will be organised in Brussels or Luxembourg to discuss the Commission's observations. Furthermore a three workshops to discuss the findings will be organised with relevant stakeholders (including financial institutions and rating agencies) with the objective to provide feedback from the industry prior to the finalisation of the final report. The number of participants shall be at least fifteen (4 minimum from each sector) in each workshop. The meetings shall be paid for by the contractor.

A Steering Committee for the study will be established and include the relevant Commission services, European Network of Transmission System Operators for Electricity and Gas, and possibly representatives of the banking sector.

- **Property of the study and use of the study results**

The study becomes the property of the European Commission. The study or parts of it may be published on the Commission's Europa website and will be used as an input in subsequent Commission initiatives related to energy transmission infrastructures.

4. CONTENT, STRUCTURE AND GRAPHIC REQUIREMENTS OF THE FINAL DELIVERABLES

All studies produced for the European Commission and Executive Agencies shall conform to the corporate visual identity of the European Commission by applying the graphic rules set out in the European Commission's Visual Identity Manual, including its logo³.

The Commission is committed to making online information as accessible as possible to the largest possible number of users including those with visual, auditory, cognitive or physical disabilities, and those not having the latest technologies. The Commission supports the [Web Content Accessibility Guidelines 2.0](#) of the W3C.

For full details on Commission policy on accessibility for information providers, see: http://ec.europa.eu/ipg/standards/accessibility/index_en.htm

Pdf versions of studies destined for online publication should respect W3C guidelines for accessible pdf documents. See: <http://www.w3.org/WAI/>

4.1. Content

4.1.1. Final report study

The study shall include:

- an abstract of no more than 200 words and an executive summary of maximum 6 pages in English;
- the following standard disclaimer:

“The information and views set out in this study are those of the author(s) and do not necessarily reflect the official opinion of the Commission. The Commission does not guarantee the accuracy of the data included in this study. Neither the Commission nor any person acting on the Commission's behalf may be held responsible for the use which may be made of the information contained therein.”

- specific identifiers which shall be incorporated on the cover page provided by the Contracting Authority.

4.1.2. Publishable executive summary

³ The Visual Identity Manual of the European Commission is available upon request. Requests should be made to the following e-mail address: comm-visual-identity@ec.europa.eu

The publishable executive summary shall be provided in both in English and French and shall include:

- the following standard disclaimer:

“The information and views set out in this study are those of the author(s) and do not necessarily reflect the official opinion of the Commission. The Commission does not guarantee the accuracy of the data included in this study. Neither the Commission nor any person acting on the Commission’s behalf may be held responsible for the use which may be made of the information contained therein.”

- specific identifiers which shall be incorporated on the cover page provided by the Contracting Authority.

4.3. Graphic requirements

For graphic requirements please refer to the template provided in the Annex 4. The cover page shall be filled in by the contractor in accordance with the instructions provided in the template. For further details you may also contact comm-visual-identity@ec.europa.eu.

5. ANNEXES

1. Tenderer 's Identification Form
2. Declaration related to the exclusion criteria and absence of conflict of interest
3. Power of Attorney (mandate in case of joint tender)
4. Standard Word template for studies
5. Draft Contract

ANNEX 1

IDENTIFICATION OF THE TENDERER

(Each service provider, including any member of a consortium or grouping and subcontractor(s) whose share of the work is more than 20% of the contract must complete and sign this identification form)

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Identity	
Name of the tenderer	
Legal status of the tenderer	
Date of registration	
Country of registration	
Registration number	
VAT number	
Description of statutory social security cover (at the level of the Member State of origin) and non-statutory cover (supplementary professional indemnity insurance) ⁴	
Address	
Address of registered office of tenderer	
Where appropriate, administrative address of tenderer for the purposes of this invitation to tender	
Contact Person	
Surname:	
First name:	
Title (e.g. Dr, Mr, Ms) :	
Position (e.g. manager):	

⁴ For natural persons

Telephone number: Fax number: E-mail address:	
Legal Representatives	
Names and function of legal representatives and of other representatives of the tenderer who are authorised to sign contracts with third parties	
Declaration by an authorised representative of the organisation⁵	
I, the undersigned, certify that the information given in this tender is correct and that the tender is valid.	
Surname: First name:	Signature:

⁵ This person must be included in the list of legal representatives; otherwise the signature on the tender will be invalidated.

ANNEX 2

Declaration of honour on exclusion criteria and absence of conflict of interest

(Complete or delete the parts in grey italics in parentheses)

[Choose options for parts in grey between square brackets]

The undersigned (*insert name of the signatory of this form*):

in *[his][her]* own name (*for a natural person*)

or

representing the following legal person: (*only if the economic operator is a legal person*)

full official name:

official legal form:

full official address:

VAT registration number:

➤ declares that *[the above-mentioned legal person][he][she]* is not in one of the following situations:

- 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, or 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 professional conduct by a judgment of a competent authority of a Member State 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 including by decisions of the European Investment Bank and international organisations;
- d) is not in compliance with all its 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 performed;
- e) has been the subject of a judgement which has the force of *res judicata* for fraud, corruption, involvement in a criminal organisation, money laundering or any other illegal activity, where such activity is detrimental to the Union's financial interests;
- f) is a 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 a procurement procedure or failing to supply this information, or having been declared to be in serious breach of its obligations under contracts covered by the Union's budget.

- (Only for legal persons other than Member States and local authorities, otherwise delete) declares that the natural persons with power of representation, decision-making or control⁶ over the above-mentioned legal entity are not in the situations referred to in b) and e) above;
 - declares that [the above-mentioned legal person][he][she]:
- g) has no conflict of interest in connection with the contract; a conflict of interest could arise in particular as a result of economic interests, political or national affinity, family, emotional life or any other shared interest;
 - h) will inform the contracting authority, without delay, of any situation considered a conflict of interest or which could give rise to a conflict of interest;
 - i) has not granted and will not grant, has not sought and will not seek, has not attempted and will not attempt to obtain, and has not accepted and will not accept any advantage, financial or in kind, to or from any party whatsoever, where such advantage constitutes an illegal practice or involves corruption, either directly or indirectly, inasmuch as it is an incentive or reward relating to award of the contract;
 - j) provided accurate, sincere and complete information to the contracting authority within the context of this procurement procedure ;
- acknowledges that [the above-mentioned legal person][he][she] may be subject to administrative and financial penalties⁷ if any of the declarations or information provided prove to be false.

In case of award of contract, the following evidence shall be provided upon request and within the time limit set by the contracting authority:

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

If the tenderer is a legal person, information on the natural persons with power of representation, decision making or control over the legal person shall be provided only upon request by the contracting authority.

⁶ This covers the company directors, members of the management or supervisory bodies, and cases where one natural person holds a majority of shares.

⁷ As provided for in Article 109 of the Financial Regulation (EU, Euratom) 966/2012 and Article 145 of the Rules of Application of the Financial Regulation

Full name

Date

Signature

ANNEX 3
POWER OF ATTORNEY

mandating one of the partners in a joint tender as lead partner and lead contractor⁸

The undersigned:

– Signatory (Name, Function, Company, Registered address, VAT Number)

having the legal capacity required to act on behalf of his/her company,

HEREBY AGREES TO THE FOLLOWING:

- 1) To submit a tender as a partner in the group of partners constituted by Company 1, Company 2, Company N, and led by Company X, in accordance with the conditions specified in the tender specifications and the terms specified in the tender to which this power of attorney is attached.
- 2) If the European Commission awards the Contract to the group of partners constituted by Company 1, Company 2, Company N, and led by Company X on the basis of the joint tender to which this power of attorney is attached, all the partners shall be co-signatories of the Contract in accordance with the following conditions:
 - (a) All partners shall be jointly and severally liable towards the European Commission for the performance of the Contract.
 - (b) All partners shall comply with the terms and conditions of the Contract and ensure the proper delivery of their respective share of the services and/or supplies subject to the Contract.
- 1) Payments by the European Commission related to the services and/or supplies subject to the Contract shall be made through the lead partner's bank account: [Provide details on bank, address, account number].
- 2) The partners grant to the lead partner all the necessary powers to act on their behalf in the submission of the tender and conclusion of the Contract, including:
 - (a) The lead partner shall submit the tender on behalf of the group of partners.
 - (b) The lead partner shall sign any contractual documents — including the Contract, and Amendments thereto — and issue any invoices related to the Services on behalf of the group of partners.
 - (c) The lead partner shall act as a single contact point with the European Commission in the delivery of the services and/or supplies subject to the Contract. It shall co-ordinate the delivery of the services and/or supplies by the group of partners to the European Commission, and shall see to a proper administration of the Contract.

Any modification to the present power of attorney shall be subject to the European Commission's express approval. This power of attorney shall expire when all the contractual obligations of the group of partners towards the European Commission for the delivery of the services and/or supplies subject to the Contract have ceased to exist. The parties cannot terminate it before that date without the Commission's consent.

Signed in on [dd/mm/yyyy]

Place and date:

Name (in capital letters), function, company and signature:

⁸ To be filled in and signed by each partner in a joint tender except the lead partner.

ANNEX 4
Standard Word template for studies

European
Commission

Add document title 1

Add title 2

6. HOW TO USE THIS DOCUMENT TEMPLATE

Cover page

Add the title of the document which should be center aligned. Add any other relevant information if necessary which should be left aligned on the left vertical axe of the EC logo.

The font colour of the title should be **White**.

Page set up

- Top margin: 3.5
- Bottom margin: 2.5
- Left margin: 3
- Right margin: 2.5

Headings and subheadings

The following styles should be used for headings and subheadings.

- Heading 1
Font type: Verdana
Font Size: 14
Colour: R:38, G:54, B:115
- Heading 2
Font type: Verdana
Font Size: 11
Colour: R:38, G:54, B:115
- Heading 3
Font type: Verdana
Font Size: 10
Colour: R:38, G:54, B:115

Do not use capital letters for the headings/subheadings, the format should always be "sentence case", except for abbreviations.

Body text

Font style: Verdana
Font size: 10
Font colour: Gray 80%

Header

The header should include the EU flag and the reference text:

- European Commission
- The title of the document
- Font type: Verdana Italic
- Font size: 8

Footer

Add the relevant name of the month and year in the footer which should appear to the left below the line.

- Font type: Verdana Italic
- Font size: 8.
- The page numbers will appear automatically.

Bulleted list

The bullet should be square and the colour should be Black. For reference please see list under "[Headings and subheadings](#)". To apply the style of the list, select "List Bullet 2" from the "Style" drop down menu.

Hyperlinks

By default the hyperlinks will appear in blue (colour coder: R:26, G:63, B:124), no underline.

Table of Contents

This template is complete with Styles for a Table of Contents. From the **Insert menu**, choose **Reference**, then **Index and Tables**. Click on the tab "**Table of Contents**". In the "Format" box, select "From template".

ANNEX 5
DRAFT CONTRACT

Please see separate document