



**EUROPEAN COMMISSION**

DIRECTORATE-GENERAL GENERAL FOR ENERGY

**Directorate C - Renewables, Research and Innovation, Energy Efficiency**

## **CALL FOR TENDERS**

N° ENER/C1/2015/542

Framework contract for "Assessment of voluntary schemes and agreements  
used for sustainability claims"

# **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 Procurement<sup>1</sup> 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.

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<sup>1</sup> See [http://www.wto.org/english/tratop E/gproc e/gp\\_gpa e.htm](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 is expected to represent more than 20% for some specific contracts.
- 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](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](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 some specific contracts is expected to be 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 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 (in case of a joint tender the combined capacity of all tenderers and identified subcontractors) must comply with the following criteria:

- The annual turnover of the last two financial years above €500.000

The following evidence should be provided:

- Copy of the profit & loss account 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 renewable energy and biofuel sustainability with at least 3 projects delivered in this field in the last three years.
- The tenderer must prove experience of working in English language with at least 3 projects delivered in the last three years showing the necessary language coverage.
- The tenderer must prove capacity to draft reports in English.

## **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 3 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 (at least € 100.000) 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 3 people.

Expert in EU sustainability scheme for biofuels and biofuel sustainability: Relevant higher education degree and or 5 years' professional experience in the field of biofuel sustainability

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**

The tender will be awarded according to the best-value-for -money procedure. The quality of the tender will be evaluated based on the following criteria. The maximum total quality score is 100 points.

- **Understanding of the objective of the tender (20 points – minimum threshold 60%)**

Understanding of the needs, the objectives and the scope of the tender

- **Quality of the proposed assessment methodologies (50 points - – minimum threshold 60%)**

This criterion will assess the quality of the proposed methodologies for the assessment of voluntary schemes and bilateral agreement against mandatory and non-mandatory sustainability criteria as well as the approaches proposed for the development of new certification methodologies and the review of the operation of voluntary schemes.

- **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 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.

$$\text{Score for tender x} = \frac{\text{Total quality score for award criteria for tender x}}{100} \text{ Multiplied by } 0.7 + \frac{\text{Price of the lowest tender}}{\text{Price of tender x}} \text{ Multiplied by } 0.3$$

## 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

All tenders must contain a financial proposal. The tenderers should submit their financial proposals as one single price per person-day for the all the services combined to be delivered under the tasks of this Framework Contract. The tenderer's attention is drawn to the following points:

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.

Tenders shall specify one **single maximum price per person-day** whatever the type of service and qualification requested. The person-day price must be a flat rate and include all administrative costs with the exception of travel, daily allowances and accommodation costs. The amount quoted as the maximum price per person-day will be considered as the financial offer for the purpose of the evaluation of the price element in the award of the framework contract.

Travel and daily subsistence allowance expenses shall not be included in the single maximum price per person-day mentioned above. These costs will be indicated separately in each offer for the specific contract as the maximum amount to be paid for all tasks under that specific contract. They will be reimbursed on the basis of Articles I.3, II.16 and Annex C of the draft Framework contract up to that maximum amount.

Maximum price per person-day shall be fixed and not subject to revision during the whole duration of the framework Contract.

### **3. TECHNICAL SPECIFICATIONS**

#### **Introduction**

The European Union is promoting the use of renewable energy in transport to reach the objective of 10% renewable energy in transport by 2020. The use of biofuels is one way of meeting these targets. In the EU, consignments of consumed biofuels and bioliquids must comply with the sustainability requirements in order to be allowed to be used for the below mentioned purposes, as set put in Art. 17(1) of Directive 2009/28/EC:

- (a) measuring compliance with the requirements of this Directive concerning national targets;
- (b) measuring compliance with renewable energy obligations;
- (c) eligibility for financial support for the consumption of biofuels and bioliquids.

Member States will in the above mentioned cases need to ensure that economic operators provide evidence that the consignments of biofuels comply with the requirements of the sustainability scheme of Directive 2009/28/EC.

These requirements are laid down in both Article 17(2) to 17(5) and Article 18(1) of Directive 2009/28/EC as well as in Article 7b(2) to 7b(5) and Article 7c(1) of Directive 98/70/EC as amended by Directive 2009/30/EC .

Economic operators may choose to use a "voluntary scheme" that the Commission has recognised for the purpose of proving compliance with these requirements (Article 18 (4) 2nd paragraph of Directive 2009/28/EC). A voluntary scheme can show partial or full compliance with the sustainability criteria. The Commission assesses voluntary schemes before proposing to recognise them through a Comitology process leading to a Commission Decision.

A number of voluntary schemes have already been recognised by the Commission; further schemes have been submitted to the Commission for recognition. Voluntary schemes that are recognised by the Commission may undergo changes, which have to be notified to the Commission. The Commission will assess the notified changes with a view to establish whether the scheme is still adequately covering the sustainability criteria for which it is recognised.

The Commission may further decide that a voluntary scheme also provides accurate data for the purposes of information on other sustainability issues, being:

- measures taken for the conservation of areas that provide, in critical situations, basic ecosystem services;
- measures taken for soil protection;
- measures taken for water protection;
- measures taken for air protection;
- measures taken for the restoration of degraded land;
- measures taken for the avoidance of excessive water consumption in areas where water is scarce;
- social sustainability;
- the availability of foodstuffs at affordable prices; and
- respect of land-use rights.

Economic operators may also choose to use "bilateral or multilateral agreements with (a) third countr[y/ies]" that the Commission has recognised for the purpose of proving compliance with this the sustainability criteria (Article 18 (4) 1st paragraph of Directive 2009/28/EC). The EU will endeavour to conclude bilateral or multilateral agreements with third countries containing provisions on sustainability criteria that correspond to those of the Directive. When such agreements are concluded, due consideration has to be given to measures taken on the other sustainability issues listed above as well as to indirect land use changes.

Reference is given to the following documents:

- Directive 2009/28/EC of the European Parliament and the Council on the promotion of the use of energy from renewable sources amending and subsequently repealing Directives 2001/77/EC and 2003/30/EC
- Communication from the Commission on the practical implementation of the biofuels and bioliquids sustainability scheme and on counting rules for biofuels
- Communication from the Commission on voluntary schemes and default values in the EU biofuels and bioliquids sustainability scheme
- Commission Regulation (EU) No 1307/2014 of 8 December 2014 on defining the criteria and geographic ranges of highly biodiverse grassland for the purposes of Article 7b(3)(c) of Directive 98/70/EC of the European Parliament and of the Council relating to the quality of petrol and diesel fuels and Article 17(3)(c) of Directive

2009/28/EC of the European Parliament and of the Council on the promotion of the use of energy from renewable sources

- Commission Decision of 12 January 2011 on certain types of information about biofuels and bioliquids to be submitted by economic operators to Member States (notified under document C(2011) 36)
- Commission Decision of 10 June 2010 on guidelines for the calculation of land carbon stocks for the purpose of Annex V to Directive 2009/28/EC (notified under document C(2010) 3751)
- Commission Implementing Decisions recognising voluntary schemes; recognised voluntary schemes; assessment reports for recognised voluntary schemes
- Further documents relevant to the implementation of the sustainability criteria

### **Purpose of the contract**

The purpose of this framework contract is to help the Commission in assessing voluntary schemes and agreements covering sustainability criteria set out by Directive 2009/28/EC, to further improve the methodology of such assessment, to develop new approaches for sustainability certification and to review the operation of the current regime..

This framework contract will be signed with one contractor selected from the tenders submitted.

The Commission will ask the contractor:

1. To assess voluntary schemes' compliance with the mandatory sustainability requirements of Directive 2009/28/EC for biofuels as well as to assess notified changes to recognised voluntary schemes. (Task 1)
2. To assess if voluntary schemes provide relevant data in relation to sustainability as referred to in Art. 18(4) 2nd sub-paragraph, 2nd sentence of Directive 2009/28/EC. (Task 2)
3. To assist in the assessment of exploratory work for the conclusion of bilateral or multilateral agreements containing provisions relating to matters covered by the sustainability criteria. (Task 3)
4. To develop criteria and methodologies how the sustainability certification for biofuels can be further improved. (Task 4)
5. To review the operation of the voluntary schemes (Task 5)

### **TASK 1 - ASSESSMENT OF VOLUNTARY SCHEMES**

In view of the tasks referred to in the introduction, the Commission will ask the contractor to assess voluntary schemes that have been submitted to the Commission. This assessment will be for the purpose of establishing their compliance with the sustainability criteria set out in Articles 17, 18 and 19 of Directive 2009/28/EC. The assessment will need to focus on the land use criteria, the greenhouse gas (GHG) savings, the chain of custody and the verification methods including an adequate standard of independent auditing.

The practical rules for complying with the recognition requirements laid down by the Communication from the Commission on voluntary schemes and default values in the EU biofuels and bioliquids sustainability scheme (available at this website [http://ec.europa.eu/energy/renewables/biofuels/sustainability\\_criteria\\_en.htm](http://ec.europa.eu/energy/renewables/biofuels/sustainability_criteria_en.htm)) should be used as a guideline for the assessment. The Commission may provide the contractor with further guidance regarding the assessment criteria throughout the duration of the contract.

The Commission should be provided with an assessment report for each voluntary scheme assessed, containing at least:

- the information indicating what part of the mandatory sustainability criteria is covered by the respective scheme;
- the assessment of the land use criteria against the Directive's requirements;
- the assessment of the GHG methodology against the Directive's requirements;
- the assessment on the mass balance system against the Directive's requirements;
- the assessment of the adequate standard of independent auditing;

The assessment reports should use the same template as of those assessment reports published for already recognised voluntary schemes (available at this website [http://ec.europa.eu/energy/renewables/biofuels/sustainability\\_schemes\\_en.htm](http://ec.europa.eu/energy/renewables/biofuels/sustainability_schemes_en.htm)).

The assessment would need to take into account new legislation relevant for the implementation of the Directive and additional guidelines from the Commission on how voluntary schemes should verify compliance with the sustainability criteria for biofuels that are adopted or published during the duration of the Framework Contract.

Voluntary schemes that are recognised by the Commission may undergo changes, which have to be notified to the Commission. The Commission will ask the contractor to assess the notified changes with a view to establish whether the scheme is still adequately covering the sustainability criteria for which it is recognised. The above referred to recognition requirements will apply also for this element. The contractor will be asked to provide a simplified assessment report for the assessment of updates.

## **TASK 2 - ASSESSMENT OF VOLUNTARY SCHEMES ON NON-MANDATORY SUSTAINABILITY ISSUES**

Art. 18 (4) 2nd sub-paragraph, 2nd sentence of Directive 2009/28/EC allows the Commission to decide that voluntary schemes contain accurate data on the measures taken for the conservation of areas that provide, in critical situations, basic ecosystem services (such as watershed protection and erosion control), for soil, water and air protection, the restoration of degraded land, the avoidance of excessive water consumption in areas where water is scarce and on the issues referred to in the second subparagraph of Article 17(7). The Commission intends to make use of this possibility.

Therefore, the contractor will be asked to evaluate if voluntary schemes provide accurate data for the purposes of information on other sustainability issues, being:

- measures taken for the conservation of areas that provide, in critical situations, basic ecosystem services;

- measures taken for soil protection;
- measures taken for water protection;
- measures taken for air protection;
- measures taken for the restoration of degraded land;
- measures taken for the avoidance of excessive water consumption in areas where water is scarce;
- social sustainability;
- the availability of foodstuffs at affordable prices; and
- respect of land-use rights.

The contractor shall apply the methodology that will be provided by the Commission. This methodology will be made available to the contractor upon the start of work under this task.

Without defining criteria this methodology will aim to encourage schemes to copy best practises that are not mandatory. The methodology would be based on specifying crucial aspects that need to be covered for the Commission to mention the sustainability issues in the Commission Decision.

The contractor will be asked to provide for each voluntary scheme an assessment report on the coverage of sustainability issues listed above and recommendations indicating whether the sustainability requirements are appropriately covered.

### **TASK 3 – ASSIST ASSESSING COMPLIANCE WITH SUSTAINABILITY CRITERIA IN THE CONTEXT OF BILATERAL AGREEMENTS**

The EU endeavours to conclude bilateral or multilateral agreements with third countries containing provisions on sustainability criteria that correspond to those of this Directive. The Commission may receive requests from third countries in relation to this. Before a proposal for opening of negotiation would be made, an exploratory assessment would be needed to determine the potential for successful negotiation of an agreement. Such assessment may include assessing laws, certification regimes and other documented requirements. The assessment needs to verify that these requirements cover and satisfy the relevant criteria exactly and ensure an adequate standard of reliability, transparency and independent auditing. The assessment needs to consider scope of the potential agreement in terms of materials and EU sustainability criteria. Further, a number of other sustainability issues and measures taken in relation to them have to be considered in the conclusion of a bilateral agreement. This comprises the issues listed in task 2 as well as indirect land use changes. In an agreement such issues would have to be taken into consideration.

The Commission will ask the contractor to assess specific laws, certification regimes and other documented requirements provided by the Commission. The Commission may ask the contractor to verify information in such documentation, in particular information related to enforcement or verification, with information from other sources. The contractor

should draw up an assessment report answering to the specific questions the Commission will put forward in its request.

It should be noted that no mission expenses incurred for the performance of this task can be reimbursed.

#### TASK 4 – DEVELOP CRITERIA AND METHODOLOGIES HOW THE SUSTAINABILITY CERTIFICATION FOR BIOFUELS CAN BE FURTHER IMPROVED.

Since the first voluntary schemes started operating significant experience was gained in verifying compliance with the sustainability criteria. This experience should be taken into account in the framework used to assess whether voluntary schemes can demonstrate compliance with the sustainability criteria for biofuels. This relates in particular to detailed requirements on how voluntary schemes should verify compliance for instance for dedicated types of feedstock such as wastes and residues and woody biomass but concerns also aspects which are currently not yet covered by the voluntary schemes but which could be important in the future. Examples are the creation of an EU-wide database for feedstock certified as being compliant with the sustainability criteria which would aim at improving the transparency of the certification system and eliminating the risk of double certification and options for voluntary schemes to certify that production of feedstock for biofuels does not have negative implications on land use in other areas (no indirect land use change). Indirect land use change is the results of the additional demand for land due to the production of biofuel feedstock. Avoiding that additional demand arises e.g. by using marginal land or by improving the productivity of the production system could prevent such adverse effects.

In each case the Commission will ask to develop detailed criteria or methodologies.

## TASK 5 - REVIEW OF THE OPERATION OF THE VOLUNTARY SCHEMES

The contractor will be asked to assess based on the best information available, including from consultation with stakeholders, the operation of voluntary schemes and agreements that have been recognised by the Commission.

This assessment will focus in particular on robustness and transparency of the voluntary schemes, the implementation of the auditing provisions including the procedures for dealing with non-compliance and requirements for auditors and certification bodies but should also cover stakeholder involvement and market uptake of the schemes.

Further the assessment should cover alternative approaches to track and trace proofs of conformity with the sustainability criteria through the chain of custody.

### **Place of performance**

The tasks will be performed on the Contractor's premises. However, meetings between the contractor and the Commission may be held on Commission premises in Brussels.

## **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 logo<sup>2</sup>.

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](http://ec.europa.eu/ipg/standards/accessibility/index_en.htm)

## **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. Draft Framework Contract

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<sup>2</sup> 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](mailto:comm-visual-identity@ec.europa.eu)

# 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)

### Call for tenders ENER/C1/2015-542

| 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) <sup>3</sup> |  |
| 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):  |  |

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3 For natural persons



|   |            |
|---|------------|
| Telephone number:<br>Fax number:<br>E-mail address:   |            |
| <b>Legal Representatives</b>  |            |
| <b>Names and function of legal representatives</b> and of other representatives of the tenderer who are authorised to sign contracts with third parties |            |
| <b>Declaration by an authorised representative of the organisation<sup>4</sup></b>  |            |
| I, the undersigned, certify that the information given in this tender is correct and that the tender is valid.  |            |
| Surname:<br>First name:   | Signature: |

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<sup>4</sup> 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 control<sup>5</sup> 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 penalties<sup>6</sup> 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.

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<sup>5</sup> This covers the company directors, members of the management or supervisory bodies, and cases where one natural person holds a majority of shares.

<sup>6</sup> 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 contractor<sup>7</sup>**

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|---|
| <p>The undersigned:<br/>– Signatory (Name, Function, Company, Registered address, VAT Number)</p> <p>having the legal capacity required to act on behalf of his/her company,</p> <p>HEREBY AGREES TO THE FOLLOWING:</p> <ol style="list-style-type: none"><li>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.</li><li>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:<ol style="list-style-type: none"><li>(a) All partners shall be jointly and severally liable towards the European Commission for the performance of the Contract.</li><li>(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.</li></ol></li><li>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].</li><li>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:<ol style="list-style-type: none"><li>(a) The lead partner shall submit the tender on behalf of the group of partners.</li><li>(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.</li><li>(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.</li></ol></li></ol> <p>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.</p> <p>Signed in ..... on [dd/mm/yyyy]</p> <p>Place and date:</p> <p>Name (in capital letters), function, company and signature:</p> |
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<sup>7</sup> To be filled in and signed by each partner in a joint tender except the lead partner.

ANNEX 4  
**DRAFT FRAMEWORK CONTRACT**

*Please see separate document*