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**The Director**

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## **CALL FOR TENDERS**

**ENER/C1/2013-412**

**STUDY ON ESTIMATION OF INDIRECT LAND-USE CHANGE  
EMISSIONS FROM BIOENERGY**

# **TENDER SPECIFICATIONS**

## TABLE OF CONTENTS

1.	INFORMATION ON TENDERING.....	3
1.1.	Participation.....	3
1.2.	Contractual conditions.....	3
1.3.	Joint tenders.....	3
1.4.	Subcontracting.....	4
1.5.	Content of the tender.....	4
1.6.	Identification of the tenderer: legal capacity and status.....	4
2.	EVALUATION AND AWARD.....	5
2.1.	Evaluation steps.....	5
2.2.	Exclusion criteria.....	5
2.3.	Selection criteria.....	5
2.4.	Award criteria.....	7
2.5.	Technical offer.....	8
2.6.	Financial offer.....	8
3.	TECHNICAL SPECIFICATIONS.....	9
3.1.	General background.....	9
3.2.	General and specific objectives.....	9
3.3.	Tasks.....	9
3.4.	Reports and documents to produce – Timetable to observe.....	12
3.5.	Duration of the tasks.....	12
4.	CONTENT, STRUCTURE AND GRAPHIC REQUIREMENTS OF THE FINAL DELIVERABLES.....	13
4.1.	Content.....	13
4.2.	Structure.....	14
4.3.	Graphic requirements.....	14
5.	ANNEXES.....	15

## **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 tender 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 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](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 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 tender.

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 above €250.000 for each of the last three financial years for which the accounts have been closed.

The following evidence should be provided:

- Copy of the profit & loss account for the last three years for which accounts have been closed,

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 interdisciplinary experience in the following fields: Economic modelling of agricultural markets (incl. food, feed, energy and other uses), econometrics, technical and quality specifications used in trade of agricultural and forest-based commodities, human and animal nutrition, chemical engineering for bio-based industries, technical engineering for bioenergy pathways with at least 5 projects delivered in this field in the last three years with a minimum value for each project of €200,000.00.
- The tenderer must prove experience of working and drafting reports in English with at least 3 studies delivered in English in the last three years.

#### **b. Criteria relating to the team delivering the service:**

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

- In-depth knowledge of existing economic and bio-physical modelling for the quantification of ILUC, including use and construction of models
- In-depth understanding of the relevant agricultural markets
- Expertise in physical biomass assessment and in biomass processing technology
- Expertise in applied econometrics

Project Manager: At least 5 years experience in project management, including overseeing project delivery, quality control of delivered service, client orientation and conflict resolution experience in projects of a similar size (at least €250,000) and coverage (global agricultural markets), with experience in management of inter-disciplinary expert teams of at least 5 people.

Experts: Relevant higher education degree with a minimum of 5 years' professional experience in each of the following fields: a) agricultural markets, b) biomass technology, c) econometrics, d) economic modelling e) bio-physical modelling (emissions from land use and land use change).

### **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.

- **Quality of the proposed methodology** (80 points - – minimum threshold 60%)

Sub-criterion 1.1 (25 points):

Robustness, feasibility, scientific soundness and coherence of components criteria. Accuracy and amount of data used for establishing economic values (tasks 1 and 2)

Sub-criterion 1.2 (35 points)

Identification of a sufficient number of sound and relevant existing ILUC estimations which will be included in the decomposition exercise of ILUC values. Scientific soundness of approach for decomposing the ILUC values.

Sub-criterion 1.3 (20 points)

Level of detail and technical accuracy for the proposed construction of partial market models (or use of existing models if appropriate).

- **Organisation of the work** (10 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. An equal weight is given to quality and price. The contract will be awarded to the tender, which offers the best ratio quality/price X 10.000.

## **2.5. Technical offer**

The technical offer must cover all aspects and tasks required in the technical specification 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 will not be 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.

Maximum price: 386,000 Euros.

# **3. TECHNICAL SPECIFICATIONS**

## **3.1. General background**

The ILUC analysis currently available attributes ILUC values to three main components of the crops used: sugar, starch and vegetable oils from different feedstocks. For the remaining fractions (protein, (ligno-)cellulose, etc.) which are contained in the by-products obtained after the extraction of the main component, these models implicitly attribute a combined ILUC value by taking into account the aggregate land-saving effect of the combined components of



which the by-products consist. As these by-products, or their components, attract more and more interest as feedstocks for bioenergy, their ILUC effects have to be better understood.

Furthermore, whereas the ILUC effects of growing dedicated energy crops on cropland (of woody or grassy type) is currently scientifically being assessed within contract ENER/C1/428-2012-LOT 2 other feedstocks with similar characteristics such as grass/hay mowed from grasslands are not covered so far. An assessment for grass gets important as harvesting grassland becomes in many regions of the EU a matter of landscape management rather than an economic activity related to animal production due to the decline of livestock numbers.

There are also indications that so-called non-land using feedstocks may have ILUC effects. One example is the use of animal fats from slaughterhouse waste for making biodiesel (TME). This feedstock has established uses in the bio-based industry and is replacing both low-value vegetable oils (palm oil) and mineral oil.

### **3.2. General and specific objectives**

The objective of this contract is to provide the Commission with an evaluation tool for assessing biofuel feedstocks with respect to their ILUC impacts with a 2020 perspective. It will provide insights whether the current state-of-the-art in ILUC modelling which is based on food and feed markets can give some indications as regards the ILUC impact of feedstocks which are either not covered by the modelling or do only have indirect links to food and feed markets.

### **3.3. Tasks**

#### **Task 1: Categories of components**

Develop, describe and differentiate suitable categories for the decomposition of bioenergy feedstocks. Obvious candidates seem to be sugar, starch, oils, proteins, hemicellulosic fraction, lignin, cellulose, etc., where the latter three may form one component. In case it is found that the decomposition into physical fractions does not satisfactorily reflect the overall value of the feedstock (see following task) in the food-feed-non-food continuum of uses, a further "virtual" fraction (for "value density", "digestibility" or "convertibility" etc.) may be necessary to capture remaining unexplained differences. The latter seems to be important for feedstock such as straw where by far the most important price component is collection costs.

Furthermore, develop an approach how the overall quality - and thus the closest substitutes - within such a category can be easily determined based on nutritional, technical and chemical properties. The latter seems relevant for oils from plants and for proteins in particular. For example, this differentiation should provide a good proxy for explaining the difference in value between the protein in soybeans compared to protein in cereals and between rapeseed oil and palm oil.

#### **Task 2: Decomposition of crops**

Decompose the main crops used as biofuels feedstocks into the component categories created and apply the quality differentiation as developed under task 1. Do the same for biofuel feedstocks which are not based on crops. Determine historical price series for each of the components. This is relatively straightforward for components which have own markets, such as vegetable oils, sugar and starch. Estimations will be needed to induce the respective values for isolated protein and lignocellulose. Prices series for oilmeals, dried distillers grains, sugar beet pulp, paper pulp, straw and industrial amino acids together with information on the

respective share and quality of the concerned component present in the respective raw material will provide information for the decomposition. Check, describe and assess how well the proposed approach fits reality. Ideally, the aim of the decomposition exercise would be to have uniform categories, that is e.g. the cellulosic fraction would be valued the same across all possible origins. Furthermore, cellulose and starch can be converted into sugars. The decomposition should ensure that the values obtained for the components are consistent with the costs of conversion. Since the economic values for the components add up to the value of the crop (plus the margin for conversion), these economic values will feed into the following task.

Identify, for the ILUC estimation models chosen for task 3, the implicit component values and compare with the values obtained from the subtask here above..

### **Task 3: Calculate, based on existing ILUC value estimations for biofuel feedstocks, ILUC emission values for the component categories.**

The key challenge is resulting from the fact that most models calculated the “net” ILUC value for one component (oil, starch, sugar) taking into account the ILUC dampening effect of the increased availability of the accompanying co-components (protein and cellulose). The latter have thus (implicit) ILUC values which are not disclosed. The task is to quantify the “gross” values for all components.

There are basically two options to identify these values: First, information given about the model and on changes in its key output figures in the biofuels/ILUC scenario as compared to the reference scenario may provide hints as to these implicit values (avoided ILUC). Second, the models used to calculate ILUC values can be re-run by introducing an additional demand shock for the co-components and calculating a specific ILUC value for the co-components. Since those models do not work with components but with co-products such as DDGS and oilmeals resulting ILUC values would need to be decomposed. For this, the economic values for the components obtained from task 2 will provide input. Furthermore, the resulting ILUC values would be “dampened” by the additional supply of the main co-components (sugar, starch, oils). Therefore, a third important element would be to calculate ILUC values for the sum of the components which is the corresponding oil crop, cereal, sugarcane, sugar beet. Although the sum of the ILUC estimates of the components may from a theoretical point of view not be exactly equal to the overall ILUC value of the crop which contains them, most of the models used show only mild non-linearity in values resulting from different (feedstock specific) shocks.

It can be expected that the ILUC values for the components vary, of course, between different models but even within the same model approach for the different origins of the component (e.g. the fibre fraction in crop A may have different value from that in crop B). Assess and discuss the result – how can the differences be explained?

### **Task 4: Carry out two case studies**

The carrying out of two case studies would help to check whether the conventional ILUC assessment based on crop/cropland use can make sensible contributions (via the decomposition) to have a reasonable idea about the ILUC values of biofuel feedstocks which are not accessible to such a conventional assessment, because their use does not directly influence the use of cropland.

#### Case study 1: ILUC effect of using rendered animal fats (AF) for making biodiesel

Rendered animal fats are either wastes or residues and their use or disposal are regulated by the waste legislation and the Animal By-Products Regulation. The corresponding biodiesel

does thus in many EU member states receive special support (see Art 22.1 RED). In most ILUC assessments they remain out of the scope because its ILUC effects materialise beyond the system boundaries chosen for the assessment.

This task is to calculate ILUC values for the use of biodiesel based on rendered animal fats with a suitable (partial) demand and supply model for animal fats, which takes into account existing uses of animal fats in the feed and oleo-chemical industry and energy recovery. The model will represent substitution possibilities between animal fats and other hydrocarbons such as palm oil or mineral oil. The suitable geographical scope of the Model (EU or world) needs to be determined. The comparison of two scenarios (implementation of RED 10% target for renewable energy in transport vs absence of such a policy) will estimate the extent to which prices for animal fats change through the policy and to which extent AF are being substituted in other than biofuel uses, and by which type of alternative raw material (co-products supply and demand changes need to be included). ILUC values will be calculated by using values from the literature for the substitutes used.

ILUC values obtained from this task will be compared with the ILUC values obtained from the decomposition exercise for the closest substitute component carried out in the previous tasks

#### Case study 2: ILUC effect of using grass/hay for making biofuels.

Although this does not take place to any considerable extent at the moment, many biofuel pathways can use grass/hay as feedstock. Grass (grazed, cut for green fodder, ensilaged or dried as hay) can be considered to be a valuable feed for livestock. (On the other hand, cutting grasslands is in some areas rather considered landscape management and the resulting hay has probably straw as closest substitute).

This task will be to calculate ILUC values for grass suitable as animal feed. Again a suitable partial demand and supply model should be constructed which represents substitution possibilities (fodder maize, other alternative fibre and protein sources). A baseline scenario will be “shocked” with additional demand for grass (stemming from a policy which promotes the use of cellulosic material for making biofuels).

For grass substitutes, no ILUC values are available from previous studies, except for silage maize coming from contract 2013-428. The resulting increase in demand for grass substitutes will be evaluated in terms of their ILUC values obtained from task 3. Compare these values with the value obtained from the decomposition exercise for the components contained in grass.

### **3.4. Reports and documents to produce – Timetable to observe**

Execution of the tasks begins after the date on which the Contract enters into force.

In principle, the deadlines set out below cannot be extended. The Contractor is deemed solely responsible for delays occasioned by subcontractors or other third parties (except for rare cases of force majeure). Adequate resources and appropriate organisation of the work including management of potential delays should be put in place in order to observe the timetable below.

The contractor will deliver an intermediate draft deliverable on task 1 and 2 at the latest 10 months after the date of signature of the contract. This deliverable will be accompanied by a progress report for task 3 and 4.

A draft final study report shall be submitted to the Commission at the latest 16 months after the contract was signed. The Commission will have 30 days to provide the Contractor with its comments.

Final output and deliverable: The contractor will deliver a final report and a Powerpoint presentation summarising the study.

The contractor will submit the final study report to the Commission at the latest 18 months after the signature of the contract.

Details on deliverables: The final report will be delivered in English, 10 paper copies and as word-document file.

A **kick-off meeting** will take place in Brussels, at the latest 30 days following the signature of the contract, in order to settle all the details of the study, report, etc... to be undertaken.

A progress meeting will be held in Brussels following the submission of the intermediate draft deliverable on task 1 and 2, where also the progress report for tasks 3 and 4 will be discussed.

Following the submission of the draft final study report, a meeting will be organised in Brussels to discuss the Commission's observation. The exact date will be agreed upon with the Contractor.

### **3.5. Duration of the tasks**

The duration of the tasks shall not exceed 18 months. This period is calculated in calendar days.

## **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)

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

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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)

## **4.1. Content**

### **4.1.1 Final study report**

The final study report shall include:

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

*“The information and views set out in this [report/study/article/publication...] 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**

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 [report/study/article/publication...] 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.

## **4.2. Structure**

The structure for the presentation of the study final report should follow the structure of the tasks as outlined in the tender specifications.

## **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](mailto: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)

Call for tender **ENER/C1/2013-412**

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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<sup>3</sup> For natural persons

Telephone number: Fax number: 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: 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>

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:

### ANNEX 4

<sup>7</sup> To be filled in and signed by each of the partners in a joint tender, except the lead partner;

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**ANNEX 5**  
**DRAFT CONTRACT**