



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR ENERGY

Directorate B - Internal Energy Market

CALL FOR TENDERS

N° ENER/B1/2015-280

Field study on cost-effective financing structures for mature Projects of
Common Interest in energy

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 or 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 1 000 000 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 technical and financial advisory services with at least 10 projects, of which at least 4 have to be in two different Member States outside the Eurozone.
- The tenderer must prove experience in the field of energy transmission projects (overhead lines or high-pressure pipelines) and a solid understanding of the national regulatory regimes applicable to transmission system operators. The tenderer must prove that they

have been contracted at least on two occasions to undertake the financial structuring of an energy transmission project.

- The tenderer must prove good knowledge and experience with available instruments to combine private and public financing.
- 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 10 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 and coverage, with experience in management of team of at least 5 people.

Experts in financial analysis and technical assistance in concerned Member States: must have at least 10 years' professional experience in the field of financial analysis, financial structuring, accounting and banking.

Language quality check: all members of the team reporting back to the European Commission shall have proficiency level language skills in English.

c. Evidence:

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

- List of relevant services provided in the past, 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 project manager and the contact persons in each Member State for this tender (CVs). A table listing all persons potentially working with the identified TSOs on technical assistance, including an overview of their professional experience and their employment at the tenderer.

2.4. Award criteria

- **Quality of the proposed methodology** (70 points – minimum threshold 60%)
 - Sub-criterion 1.1 (10 points – minimum threshold 60%): methodology for the collection of information and analysis of the targeted TSOs. Approach chosen for identifying their willingness to participate in the study and receiving technical assistance while results are published in an aggregated form subject to a Memorandum of Understanding.

- Sub-criterion 1.2 (40 points – minimum threshold 60%): methodology for providing the technical assistance and the identification of the most efficient financial structure.
- Sub-criterion 1.3 (20 points – minimum threshold 60%): methodology regarding the analysis mentioned in task 4: necessary changes in legal and regulatory framework influencing the investment conditions; beneficial conditions regarding the combination of private capital with public resources (financial instruments); sufficiency of offered financial instrument under the Connecting Europe Facility; approach to identify other types of financial instruments under the Connecting Europe Facility.
- **Efficiency and effectiveness of the 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. The tenderer should provide information on its capacity to analyse and provide technical advice on financial structuring in regards to languages, physical offices and expert staff (in number and qualification). Additionally, this criterion will assess how the tenderer plans to access all the information that is essential for the completion of the tasks.

- **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 editorial quality check of documents submitted, 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 minimum 60% for each criterion and sub-criterion, and minimum 70% in total. Tenders that do not reach the minimum quality thresholds will be rejected and will not be ranked. Maximum number of points to be obtained: 100. Pass mark: 70.

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 80/20 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 500 000.

3. TECHNICAL SPECIFICATIONS

Background

Transmission System Operators (TSOs; in regards to this study: TSOs that are access- and tariff-regulated by national regulatory authorities) are addressing the EU's 2020 and 2030 targets with significant increase of their investment levels. 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 impact their ability to carry out these investments in terms of financial capacity.

As an additional factor in TSO investment planning, the TEN-E Regulation 347/2013² introduced the 'Projects of Common Interest' (PCIs), which are in effect a subset of the potential investments listed in the gas and electricity European-wide ten-year-network development plans.

For many regulated TSOs, the increase in investment volume constitutes a problem as it stretches their balance sheets. At the same time, they need to comply with national regulations regarding their capital structure. In order to carry out the necessary investments, the TSOs need to identify the most appropriate financing mechanisms and financial instruments to attract private capital as well as accessing EU and/or national funds. As any new investment impacts the existing balance sheet, a holistic view on the financing of the investment and the implications to the capital structure of the TSOs is necessary in order to give tailor-made advice.

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

Objectives

The objective of the study is to

- Select four regulated electricity/gas TSOs in Member States (at least one in electricity or one in gas) which
 - Encounter an above average investment volume in the next 10 years in comparison to other European TSOs,
 - Intend to carry out each at least one Project of Common Interest (PCIs) requiring capital investment which impacts their balance sheets significantly and which is suitable for technical assistance in regards to its maturity,
 - Encounter difficulties in accessing additional long-term private capital, have maximised their financing capabilities, lack administrative capacity to define an efficient financial structure for the mature PCIs, and lack experience to take advantage of public sector resources (e.g. public sector financial instruments, EIB loans, grants etc.).
- Ensure that the identified TSOs are interested in and committed to receiving technical assistance for the financial structuring for their mature PCIs and are willing to use the technical advice given in this study to implement the PCI in question.
- Provide the selected TSOs with tailor-made technical assistance in regards to the financial structuring of these mature PCIs, especially advising on the most efficient and effective sources of private capital including all types of debt, mezzanine and equity financing options available.
- Explore financing solutions that include existing innovative financial instruments from the public sector, including those available within the Connecting Europe Facility envelope (CEF) or the European Fund for Strategic Investments (EFSI), to catalyse and leverage private sector financing and evaluate whether they lead to a more efficient financial structure.
- Provide the European Commission with an insight report and a publishable report in regards to the findings and experience made in the course of the technical advice given.

Description of the tasks

- **Task 1:** Pre-Identify at least eight regulated electricity/gas TSOs in Member States (at least two in electricity and two in gas) which
 - encounter an above-average investment volume in the next 10 years in comparison to other European TSOs and
 - intend each to carry out a mature PCI with investment volumes which impacts their balance sheet significantly and which is suitable for technical assistance in regards to its maturity,
 - encounter difficulties in accessing additional long-term private capital,

- have reached their financing capabilities, lack administrative capacity to define an efficient financial structure of the mature projects of common interest, and lack experience to take advantage of public resources (e.g. public financial instruments, EIB loans, grants etc.).

The identification must be run for all TSOs in all European Member States and the most appropriate candidate TSOs need to be presented to the European Commission in the inception report. The contractor can find the means of identification through the results of a study recently conducted by the European Commission (see tender ENER/BI/2014-728 regarding "Study on comparative review of investment conditions for electricity and gas Transmission System Operators (TSOs) in the European Union").

- **Task 2:** Select four TSOs and invite them to receive technical assistance for one PCI each. Ensure that they are interested in and committed to technical assistance in regards to the financial structuring of the PCIs and are willing to use the technical advice given to implement the mature project(s) of common interest in question. Agree on a Memorandum of Understanding regarding the scope of the technical assistance, the implementation of the technical assistance, the sharing of potentially confidential data with the European Commission in an internal report (as far as TSOs agree to that), and the possibility to publish the results of technical assistance in an aggregated report. If necessary, inform the European Commission about possible limitations regarding the detail of the report to be provided under Task 5 in regards to data privacy requirements of the TSOs (e.g. sensitive business information). The contractor should ensure that more detailed results can be shared with the European Commission on a confidential basis in regards to possible results from Task 3 and 4.
- **Task 3:** Provide the four selected TSOs with tailor-made technical assistance in regards to the financial structuring of the mature PCIs (one each), especially advising on the most efficient and effective sources of private capital including all debt, mezzanine and equity financing options available. Include financing solutions that make use of existing innovative financial instruments from the public sector (especially those available within the CEF envelope or under EFSI) to catalyse and/or leverage private sector financing and evaluate whether they lead to a more efficient financial structure. List all necessary steps beyond the technical assistance provided, which need to be taken in order to implement the identified financing proposal including the expected costs, the potential time table, uncertainties regarding the outcome and the next most efficient alternative.
- **Task 4:** Analyse the proposed financial structure for the mature PCIs that deviates from the financing solutions that were in place before at the TSOs and work out the cost effectiveness of the proposed solution. Analyse why intended financing structures, which could have been more cost-effective than the proposed one, were not pursued, and detail the changes necessary (e.g. corporate culture, regulatory practice, legal framework) in order to arrive at the most efficient financing solution for the analysed projects. Analyse if and under which conditions the combination of private capital with public resources (financial instruments, not grants) is advisable given the administrative arrangements necessary for obtaining public resources in the form of financial instruments. Analyse whether the currently offered financial instrument under the CEF envelope created sufficient added-value for the projects analysed (e.g. has been included in the proposed financial structure) or whether

other types of financial instruments under the CEF envelope (e.g. guarantees, equity or mezzanine) would have been more suitable/beneficial.

- **Task 5:** Prepare an internal report for the European Commission and a publishable report (not exceeding 20 pages including annexes) on an aggregated level taking into account the results from Task 1 to 4 while respecting the data privacy requirements of the TSOs. The publishable report shall include policy advice regarding the analysed national and European legal frameworks and an analysis of the necessity of further technical advice to TSOs which carry out PCIs. The publishable report needs to elaborate on the results of Task 4.

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 by the provided study on investment conditions. Tailor-made technical advice needs to be worked on directly with the TSOs if needed at the premises of the TSOs.

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 at least eight relevant TSOs and their projects of common interest (one each) and a sound reasoning for the selection. The contractor needs to have drawn up a time table for contacting the TSOs and provide the Memorandum of Understanding which they intend to negotiate with the selected TSOs.

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 completed Tasks 1, 2. The interim report shall also give a comprehensive update on the state-of-play regarding Tasks 3 and 4. The interim report shall also include indication of preliminary conclusions, as well as a draft structure of the final report. The Commission will have 30 days to provide the contractor with its comments, and the Contractor shall have 15 days in which to submit additional information or a new interim report.

3) Final report

The study-final report will include:

- an extended report for the internal use by the European Commission and a report in an aggregated form (which can be published), comprising results of all tasks. The report will be provided to the European Commission on a confidential basis, in line with the privacy requirements of the TSOs

- a reduced version of the extensive report that shall not exceed 20 pages including the annexes.

The publishable report shall describe in an aggregated form (regarding the covered TSOs):

- How the financial structure proposed for the Projects of Common Interest deviates from and improves the financing solutions that were previously under consideration
- In the event that an efficient and proposed financing structure could for any reason not be pursued, what were the reasons and what needs to be changed (e.g. corporate culture, regulatory practice, legal framework) in order to arrive at the more efficient, proposed financing solution
- Whether and under which conditions, a combination of private capital with public resources (financial instruments, not grants) is advisable, i.e. taking into account administrative costs and restrictions that might go along with the use of public resources.
- Whether the existing financial instrument under the Connecting Europe Facility (a debt instrument available by the EIB) could lead to a more efficient financial structure (than using products offered from commercial banks) or if other types of publicly provided financial instruments (e.g. guarantees, equity or mezzanine) would be more suitable to achieve a cost-efficient financial structure in the analysed projects.

The draft version of the reports shall be submitted to the Commission at the latest 10 months after the entry into force of the contract. The Commission will have 30 days to provide the contractor with its comments, and the contractor shall have 15 days in which to submit additional information or a new study.

4) Power Point presentation

The findings of the study need to be delivered in a **PowerPoint-presentation**, which is based on the draft final report in an aggregated form (and can be used for presentation at public events). It needs to be provided with the draft final report and changes need to be incorporated in line with the 30+15 days deadline mentioned under point 3 above).

5) Working relations with the TSOs

All work on the tailor-made technical assistance need to be coordinated with the selected TSOs. The TSOs can request that meetings happen at their premises.

6) Workshop in Brussels to present findings of the study to the European Commission

Following the submission of the final report, the contractor must be available with the lead experts from each carried out technical assistance to present the findings of the study during a one-day workshop on the premises of the European Commission.

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 to discuss the Commission's observations.

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

Following the submission of the draft final report, a meeting will be organised in Brussels to discuss the Commission's observations. After the submission of the final report and the final power point presentation, the contractor will organise a one-day workshop at the premises of the European Commission to present the findings of the report.

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 representatives of CEER. The Steering Committee will be invited by the European Commission and meeting will be organised by the Commission on Commission premises in Brussels. At least the lead experts carrying out the technical assistance and the Project Manager have to attend and prepare the Steering Committees.

The following planning is envisaged:

| Step | Months into study | Achievement | Steering Committee |
|--|--------------------------|--|--|
| Entry into force | 0 | | |
| Kick-Off Meeting | 0,5 | Study planning confirmed | |
| Inception Report | 1 | TSOs pre-identified | Input on pre-identification and study planning |
| | 2 | TSOs selected | Discuss selection and workplan |
| Draft Interim Report | 6 | Draft Interim Report | Present Draft Interim Report |
| Comments on Draft Interim Report | 7 | | |
| Interim Report | 7,5 | Interim Report | |
| | 8 | | Discuss progress on task 3 and 4 |
| Draft Final Report and draft Presentations | 10 | Draft Final Report and draft presentations | Present Draft Final Report and draft presentations |

| | | | |
|--------------------------------------|-----------|------------------------------|-----------------|
| Comments on Draft Final Report | 11 | | |
| Final Report and final presentations | 11,5 | Final Report + Presentations | |
| Workshop | 11,5 - 12 | | Attend workshop |

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 (publishable, aggregated)

The report shall include:

- an executive summary of maximum 1 page 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

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

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. 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. 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.

| Full name | Date | Signature |
|-----------|------|-----------|
| _____ | | |

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

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
DRAFT CONTRACT

Please see separate document