



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR ENERGY

Directorate C - Renewables, Research and Innovation, Energy Efficiency

TENDER SPECIFICATIONS
ATTACHED TO THE INVITATION TO TENDER

**Invitation to tender No. ENER/C3/2014-421 for a Study on
energy efficiency in enterprises- energy audits and energy
management systems**

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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 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 liabilities 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.

1.4. 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%.

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

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

1.5. Content of the tender

The tenders must be presented as follows:

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

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

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

Part D: Technical offer (see section 2.5)

Part E: Financial offer (see section 2.6)

Part F: Power of attorney (for consortia only)

1.6. Identification of the tenderer: legal capacity and status

- **The tenderer's identification form in Annex 1 shall be filled in and signed by:**
 - The tenderer (including any member of a consortium or grouping);
 - Subcontractor(s) whose share of the work represent more than 20% of the contract.
- **In order to prove their legal capacity and their status, all tenderers (including any member of a consortium of grouping) must provide a signed Legal Entity Form with its supporting evidence. The form is available on:**
http://ec.europa.eu/budget/contracts_grants/info_contracts/legal_entities/legal_entities_en.cfm
Tenderers that are already registered in the Contracting Authority's accounting system (i.e. they have already been direct contractors) must provide the form but are not obliged to provide the supporting evidence.
- **If it has not been included with the Legal Entity Form, tenderers must provide the following information**
 - For legal persons, a legible copy of the notice of appointment of the **persons authorised to represent the tenderer** in dealings with third parties and in legal proceedings, or a copy of the publication of such appointment if the legislation which applies to the legal entity concerned requires such publication. Any delegation of this authorisation to another representative not indicated in the official appointment must be evidenced.
 - For natural persons, where applicable, a proof of registration on a professional or trade register or any other official document showing the registration number.
- **The tenderer (only the leader in case of joint tender) must provide a Financial Identification Form and supporting documents.** The form is available on:
http://ec.europa.eu/budget/contracts_grants/info_contracts/index_en.cfm

2. EVALUATION AND AWARD

2.1. Evaluation steps

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

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

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

2.2. Exclusion criteria

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

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

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

2.3. Selection criteria

Tenderers must prove their economic, financial, technical and professional capacity to carry out the work subject to this call for 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 (i.e. in case of joint tender, the combined capacity of all members of the consortium) must comply with the following criteria:

- The tenderer (or, for a consortium, total turnover of its members) must have an average annual turnover for the last three years for which the accounts are closed of at least 400,000.00 EUR.

The following evidence should be provided:

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

Failing that:

- appropriate statements from banks,

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) must comply with the following criteria:

1. The tenderer must prove experience in the fields of energy efficiency measures across the whole energy value chain (supply, transportation, distribution and demand) and in all main economic sectors, with a particular focus on energy consumption in buildings, transport, industry in enterprises (both energy intensive and non-energy intensive industries), energy auditing, energy management systems, environmental management systems, life cycle analysis and cost-benefits analysis, energy certification of buildings and of enterprises and standardisation with at least 3 projects completed in the last three years, which cover as a whole all the above-mentioned fields of energy efficiency, with a minimum value for each project of EUR 50,000.00.).
2. The tenderer must prove experience of working in English with at least 5 projects delivered in the last three years showing the necessary language coverage.
3. The tenderer must prove experience in all of the following: energy economics, and energy engineering, energy performance evaluation, energy auditing, energy and environmental management systems, life cycle analysis and cost-benefits analysis; data collection; and drafting reports and recommendations.

b. Criteria relating to the team delivering the service:

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

- 1) The tenderer shall propose a team of minimum 4 experts with very good communication and drafting skills in English. Evidence of these aspects needs to be included in the offer.
- 2) The team must be composed of members having at least the following qualifications:
 - 1 senior staff member with at least 8 years of professional experience, including experience in the fields of energy auditing, energy management systems, environmental management systems, life cycle analysis and cost-benefits analysis, energy certification of buildings and enterprises, energy economics and technologies, market analysis (including knowledge of the structure and functioning of the relevant markets and entrepreneurial sectors) and standardisation.
 - 3 qualified experts with at least 3 years of experience in:

- a) Providing expertise in the area of energy technologies and economics, energy auditing, energy management systems, environmental management systems, life cycle analysis and cost-benefits analysis, energy efficiency measures cross the whole energy chain (energy supply to all final energy use sectors), and in particular in enterprises (including industrial operations and processes) and in buildings;
- b) Collecting, analysing and structuring relevant information;
- c) Ability to analyse, synthesise and draw conclusions from a complex body of evidence.

Language quality check: all team members should have native-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:

- A list of principal assignments and services provided in the past 3 years that are relevant for this tender, together with a statement of the price of the service, the period of work and whether the service was rendered to public or private clients (name of client to be indicated).
- 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. CVs shall include educational background, degrees and diplomas, professional experience, research work, publications and linguistic skills of each team member. The CVs shall be presented, preferably, in accordance to the Commission Recommendation on a common European format for *curricula vitae*, published in OJ L79 of 22 March 2002, p. 66;

Changes or additions to the team initially proposed must be notified to the Commission in writing. The Commission will have the right to object to any changes of members of the team from those initially proposed.

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.

N°	Award Criteria	Weighting (pts)
1	<p><u>Methodology of work</u> Fulfilment of the needs, the objective and the scope of the tender specifications; This criterion will assess the clarity, completeness and full coverage of the tasks described in the tender specifications, the quality and appropriateness of the proposed detailed approach for gathering, validating and analysing statistically, technically and economically significant data for the EU and each EU Member State, the quality, appropriateness, and soundness of the proposed approach for methodology.</p>	60

3	<p><u>Management</u></p> <p>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.</p>	30
	<p><u>Quality control measures</u></p> <p>This criterion will assess the quality control system applied to the service foreseen in this tender specification concerning the quality of the deliverables, the objectivity of the technical assessment, 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 lower score</p>	10
Total number of points		100

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.

$$\text{Score for tender A} = \frac{\text{Price of lowest tender}}{\text{Price of tender A}} \times 0.3 + \frac{\text{Total quality score for award criteria for tender A}}{100} \times 0.7$$

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.

No maximum budget indication can be provided.

2.7. Estimate of the amount of work involved

The tenderer is requested to provide his estimation of the number of man-days needed to perform the requested services.

3. TECHNICAL SPECIFICATIONS

3.1. Introduction and objectives of the study

Energy efficiency is one of the priorities of Europe's 2020 Strategy for smart, sustainable and inclusive growth² and its Energy strategy³ and Roadmap⁴ because of its important contribution towards improved economic competitiveness and sustainability, lower emissions and reduced energy dependency and its employment possibilities and social positive impacts.

Enterprises are key drivers for growth, job creation and cohesion. Concerns about decreasing costs to improve competitiveness have prompted many industries to make energy efficiency improvements. In particular, large energy intensive industries (chemical, petrochemical, iron, steel, cement, pulp and paper, etc.) have made substantial energy efficiency improvements over the last decades to decrease costs and improve competitiveness. However, possibilities to save energy remain in most enterprises including in SMEs, for which energy is not a major cost and, therefore, has not elicited so far management and operational focus.

At the same time, the availability of energy audits has improved only in some Member States, and again mainly in relation to buildings and energy intensive industries. Energy audits provide the necessary information for enterprises to identify cost-effective saving potentials and measures to realise them. Audits raise awareness of savings potential and reduce the information gap that is one of the barriers to efficiency. For this reason, the Energy Efficiency Directive (2012/27/EU), in its Articles 8(1) and 8(4), establishes two main obligations for Member States to promote the availability of energy audits and to ensure that large enterprises carry out regular energy audits at least every four years⁵.

Ensuring the availability of energy audit is a pre-condition for the wider uptake of energy audits as intended by the Energy Efficiency Directive (the Directive or the EED). That is the reason why the Directive places a specific obligation on Member States to promote the availability of high-quality, cost-effective energy audits to all final customers. According to the Directive and the Guidance Note on Directive 2012/27/EU from the Commission⁶, Member States are required to encourage training programmes for the qualification of energy auditors and should put in place qualification, accreditation and/or certification schemes for the providers of energy audits to make sure that a sufficient number of reliable professionals are available. The availability of external and (independent) internal experts able to conduct energy audits is still limited and this concerns both the general energy audit competences and the specific competences related to the energy end-use profiles in buildings, transport, industrial operations and installations. Improving the availability of training and the qualification of energy auditors is therefore of central importance, as a significant number of additional energy auditors with relevant knowledge will likely be necessary to ensure the implementation of the audit provisions, including the obligations on mandatory energy audits. These obligations are on large enterprises ('that are not SMEs'). Article 8(4) does not exclude any sector or industries falling in any already existing category (for example industries that are part of the Emissions Trading Systems – ETS – or that hold a licence under the Integrated Pollution Prevention and Control – IPPC).

² COM(2010) 2020

³ COM/2010/0639

⁴ COM/2011/0885

⁵ See the detailed explanations of the provisions of Article 8 in the corresponding guidance note at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=SWD:2013:0447:FIN:EN:PDF>

⁶ SWD(2013) 447

To be able to ensure that large enterprises fulfil the obligations established in Article 8(4), Member States have to identify the enterprises that fall under this obligation. There are several tools that Member States could consider using to know how many and which enterprises fall under the scope of the audit obligation on large enterprises. Both Eurostat and often national statistic offices have some analyses (at least total numbers) by enterprise size class, differentiating between large and SMEs in line with the EU harmonised definition of SME. Member States could consider using the national obligations for enterprises to submit consolidated accounts in line with the EU's relevant financial reporting legislation setting out provisions on how to determine the enterprise's status. This legislation was amended in line with the harmonised EU definition of SME of 2006. In addition, stock exchange offices usually operate public registries of companies by sector and by size. Member States may also consider establishing other reporting mechanisms for large enterprises to report on compliance.

In addition to the obligation on large enterprises, Article 8(2) of the Energy Efficiency Directive establishes that Member States must develop programmes to encourage SMEs to undergo energy audits and the subsequent implementation of the recommendations from these audits. Given their numbers, SMEs represent enormous energy saving potential for the Union. To encourage SMEs to adopt energy efficiency measures, Member States should establish a favourable framework aimed at providing SMEs with technical assistance and targeted information. Member States must bring to the attention of SMEs – including through their respective representative organisations – concrete examples of how energy management systems could help their businesses. The Commission must assist Member States by supporting the exchange of best practices in this domain. This study will contribute in providing the means to achieve this end.

Access to energy audits is thus the basis for realising cost-effective energy saving potentials in industry. Audits are also the basis for the development of a market for energy services. Audits show saving possibilities without the proposed saving measures automatically being executed. Energy management systems (EMS) incorporate regular energy audits, the preparation and implementation of action plans and monitoring of impacts. Through the implementation of regular energy audits and energy management systems, enterprises can considerably reduce both their primary and final energy consumption⁷, thus gaining in competitiveness and contributing to Europe's sustainability and energy challenges.

3.2. Scope of the contract

The study will contribute to the fulfillment of the provisions of Article 8 of the EED by the Member States, identifying good practices, exchange mechanisms, practical guidance and reference data helpful towards adequate implementation at national level. More specifically, the study will cover the following five blocks:

1. **Large enterprises:** series of best practice examples to implement and effectively monitor the fulfilment of the obligation on large enterprises and analysis of how they relate to the fulfilment of the quality criteria set out in Annex VI of the EED, the national supervision obligation and the qualification of energy auditors, in particular those of in-house experts or in-house auditors (see Task 1 below);

⁷ http://www.isi.fraunhofer.de/isi-media/docs/e/de/publikationen/BMU_Policy_Paper_20121022.pdf ;
http://www.isi.fhg.de/isi-en/e/projekte/bmu_eu-energy-roadmap_315192_ei.php

2. **Small and Medium Enterprises (SMEs):** series of examples of and identification of best practices in the implementation of energy audits and energy management systems and exchange mechanisms for best practices (see Task 2 below);
3. **Quality of energy audits:** guidance for the implementation of Annex VI of the EED, including the possibilities for audits to be part of a broader environmental audit⁸, or a Voluntary Agreement or an Energy or Environmental Management System, and covering the relationship with relevant EU and international standards and the possible input provided by Energy Performance Certificates for buildings under Directive 2010/31/EU on the Energy Performance of Buildings (see Task 3 below);
4. **Qualification of energy auditors:** overview of national qualification requirements and how their implementation is ensured through training, qualification, certification and accreditation schemes for both external auditors and in-house experts/auditors, covering also the identification of and guidance on best practices (see Task 4 below);
5. **Library of typical energy audit recommendations, costs and savings:** provision of data on costs of energy audits, typical recommendations per types of enterprises and sectors, cost and energy savings achieved or achievable in terms of primary and final energy savings and GHG emissions reduction (see Task 5 below).

3.3. Description of Tasks

The study comprises the five main tasks specified below. In addition, elements for the communication and outreach of the results of the study should be provided, as also specified below as Task 6. The bidder should further develop these tasks in the offer and could also propose well defined supplementary analyses.

Accordingly, the study has therefore to focus on and to develop the following tasks:

Task 1: Fulfilment of the obligation upon large enterprises (Part I of the final report)

The study will provide an analysis of existing national and European databases, statistical datasets, registries and enterprises networks, among others, which may be useful for Member States to ensure that large enterprises in their territory carry out regular energy audits in line with Article 8 of the EED. The contractor should also provide an overview of the state-of-play regarding whether and to what extent relevant enterprises in different Member States are already carrying out energy audits (or implementing energy or environmental management systems) and identify particular sectors that may be more problematic in this regard (for instance due to lack of availability of energy audits).

The study will provide the description and overview of best practices of energy audits, energy management systems and environmental management systems and will compare these examples with the requirements of Annex VI of the Energy Efficiency Directive. The

⁸ Energy audits may stand alone or be part of a broader environmental audit. Member States may require that an assessment of the technical and economic feasibility of connection to an existing or planned district heating or cooling network must be part of the energy audit. To identify the full scope of energy saving options, energy audits may also consider storage possibilities or potential for demand response in industries and commercial buildings.

examples will cover stand-alone audits, and audits that are part of an environmental or energy management systems, including both non-certified and certified audits and schemes under relevant European or International Standards, and audits implemented under a Voluntary Agreement or other national programs. A comparison and evaluation of the examples with the audit quality requirements in Article 8 and Annex VI will be carried out covering at least and especially the following elements: a) the use of up-to-date, measured and traceable operational data; b) the provision of detailed review of the energy consumption profile; c) the representativeness of the audits and the coverage of the overall energy performance; d) identification of the most significant opportunities for improvement and the provision of detailed and validated calculations for the proposed measures; e) the type of economic analysis, especially the use of Life-cycle cost analysis and simple pay-back analysis, the reliability of the audit recommendations; f) data management and storage, the fulfilment of the principles of independence, cost-effectiveness and proportionality; and g) whether access to energy service providers was provided.

The study will cover all the main industrial sectors, including energy intensive, process and manufacturing industries, agriculture and services sector companies. The study will examine the sectoral differences in energy auditing habits also differentiating between ETS and non ETS sectors⁹. The study will examine all the most important types of enterprises, paying particular attention to the experiences of multi-national companies which have several units and plants located in different EU Member States.

Best practices of carrying out audits on buildings or groups of buildings, industrial operations or installations and transportation will be provided, including cases when these are dominant elements or just part of the overall energy consumption profile.

The contractor will cover national schemes and programs encouraging large enterprises to implement the recommendations of energy audits, including support schemes covering the costs of energy audits or the implementation of the audit recommendations.

Task 2: SMEs: best practice and exchange mechanisms (Part II of the final report)

The contractor will carry out a comprehensive analysis of energy audits and energy management systems in SMEs. This analysis should result in the identification of a series of best practices that could be exchanged among SMEs and Member States, as well as the description of best practice exchange mechanisms and tools that could be used for that purpose across different Member States.

The contractor will cover national schemes and programs encouraging SME to carry out of energy audits and energy management system; and programmes that encourage SME to implement the recommendations of energy audits, including support schemes covering the costs of energy audits or the implementation of the audit recommendations.

The study will cover all the main industrial sectors, including energy intensive, process and manufacturing SMEs, agriculture and services sector companies. The study will examine the sectoral differences in energy auditing habits also differentiating between ETS and non ETS sectors¹⁰.

⁹ Directive 2009/29/EC of the European Parliament and of the Council amending Directive 2003/87/EC so as to improve and extend the greenhouse gas emission allowance trading scheme of the Community

¹⁰ See above.

Task 3: Practical guidance for the application of national minimum criteria on the basis of Annex VI in different sectors and subsectors and enterprise sizes (Part III of the final report)

The study should develop practical guidance for the implementation of Annex VI of the EED, including the possibilities for audits to be part of a broader environmental audit or implemented through an energy or environmental management system certified by an independent body according to the relevant European or International Standards or implemented under a Voluntary Agreement.

The relationship with the relevant European and International standards, especially EN 16247, ISO 50002, ISO 50001, ISO 140001 will be analysed, including to what extent these standards can be taken into account by national authorities establishing the national audit criteria based on Annex VI of the EED. The relationship with the national schemes in place to comply with the Directive 2010/75/EU on industrial emissions (integrated pollution prevention and control) should also be investigated.

The guidance will cover the qualification of auditors and the qualification of in-house experts/auditors, including minimum qualification requirements, the recognition of national qualification, certification and accreditation schemes in light of the relevant EU legislation. The aspects of training will be covered.

The study will provide guidance on national supervision of the fulfilment of Annex VI minimum criteria, including both when audits are carried out by external and in-house experts/auditors. It will cover fulfilment of Annex VI criteria through stand-alone audits, or audits implemented under Voluntary Agreements or as part of environmental audits or energy and environmental management systems.

The guidance will be looking at the technical and economic feasibility of connection to an existing or planned district heating or cooling network, storage possibilities and potential for demand response in industries and commercial buildings.

This practical guidance should refer to the relevant European and International Standards and make the best possible use of them, and should refer not only to the general elements of an energy audit but also to the particular aspects in relation to buildings (referring to possible input by valid Energy Performance Certificates for buildings in this regard); industrial operations and installations and transportation (including also relevant specific transport standards).

The guidance will include considerations for the type of enterprise where the audit is carried out and whether this affects the audit that must be carried out within the boundaries of Annex VI, as applicable to all audits. The guidance will consider the guiding principles of the audit criteria under Article 8 and Annex VI, such as representativeness, reliability, proportionality, transparency and non-discrimination, traceability and storability of data and results, and independence.

Task 4: Qualification of energy auditors:

The study will provide an overview of national qualification requirements and how their implementation is ensured through training, qualification, certification and accreditation schemes for both external auditors and in-house experts/auditors, covering also the identification and guidance on best practices.

The study will analyse the features of the market of providers of energy auditing services in different EU Member States, to better understand the profile and qualification of energy auditors and the cost-effectiveness of the services provided.

Under this task, the study will provide guidance on how the best ensure that training, qualification, certification and accreditation for energy auditors are in place that are able to fulfil the requirements under Article 8 and Annex VI of the EED. The study will look at the best practices on the qualification of energy auditors and ways to bring closer the national qualification practices and requirements in view of making them more transportable across borders of EU Member States, both in respect of external and internal energy auditors.

Task 5: Library of typical energy audit recommendations, costs and savings (Annex to the report, summary to be included in the report itself)

The study will provide data on the costs of energy audits across sectors and Member States.

It will also develop a detailed and extensive series of typical recommendations of the most significant opportunities for improvement of energy efficiency covering all the main types of enterprises and sectors, together with the estimated achieved or achievable cost and energy savings in terms of primary and final energy savings and GHG emissions reduction, documented as appropriate. The main remaining potentials for energy and cost savings should be clearly identified and the methodology followed well explained.

The study will also create transparency and data supported evidence on the projected vs. realised energy savings of the different energy efficiency measures carried out in practice and point out best practice examples in relation to performance measurement of energy efficiency measures.

Task 6: Communication and outreach (Annexes to the report)

1. Prepare a deck of slides, figures and graphs, and one-page hand-outs, to present the results of the study to policy makers, energy regulators and stakeholders at large
2. Carry out a review of existing scientific literature and evidence, which should be provided as background with a complete list of references. The data set should be built on the latest, available EU, national and international statistics, which should be not older than 2010.

3.3. Reports and documents to produce - Timetable to observe

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.

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

The results of the study should be ready by end 2015, with interim results after 6 months after the start of the contract and a draft final report 12 months after it.

Meetings

The contractor is expected to attend the following meetings:

Kick-off meeting

Within ten working days following the signature of the contract, a kick-off meeting with the Commission shall take place in Brussels in order to settle all the details of the work to be undertaken. Prior to the meeting, the contractor shall prepare a draft agenda including at least the following points:

- Confirmation of the methodology, timetable and deliverables;
- Agreement of principal contacts between the Commission and the contractor.

Maximum 3 coordination meetings with the Commission shall be organised, including:

- A first progress meeting will take place at the latest 10 working days after delivery of the first interim report in order to discuss the Commission's observations on the document.
- A second progress meeting will take place at the latest 10 working days after delivery of the draft final report in order to discuss the Commission's observations on the document.
- A final meeting will take place at the latest 5 working days after delivery of the final report in order to discuss the Commissions' observations on the document.

All meetings shall take place in the Commission's premises in Brussels.

The contractor shall draft the minutes of all meetings performed within this contract. Draft minutes shall be sent to the Commission at the latest 10 working days after the meeting.

Deliverables and reports

The contractor is requested to present the following key deliverables of the contract.

An interim report addressing task 1, 2 and 3 as described in section 3 to the maximum possible extent and reporting findings and methodology must be submitted at the latest three months after the signature of the contract. It should be in English and not be longer than 40 pages, with a maximum 2 page executive summary.

The invoice for the first interim payment shall be admissible if accompanied by the first interim report (three months after the date on which the contract enters into force). The contractor shall have 20 days in which to submit additional information or corrections, a new final report or other documents if it is required by the contracting authority.

A draft final report analysing the overall results of tasks 1-5 as described in section 3 must be submitted at the latest 8 months after the signature of the contract. This report

should be a draft of the final report as described in section 3. It should be in English and include an executive summary.

The Commission shall have twenty days from receipt to approve or reject these reports, and the Contractor shall have fifteen days in which to submit additional information or a new report. If the Commission does not respond within the deadline the report shall be taken as approved.

A final report must be submitted at the latest 12 months after the signature of the contract. This report should include all the described parts and content and should be in English with a maximum 4 page executive summary.

All the documents drafted during the contract will be annexed; inter alia the final minutes of all meetings, statistical data gathered and list of references and figures and presentations in Excel, Word and PowerPoint files.

3 copies of the reports shall be supplied in paper form and one copy in electronic form in MS Office format (Word, Excel and PowerPoint).

The Commission may publish the results presented in the report. For this purpose, the tenderer must ensure that the report is not subject to any restrictions deriving from intellectual property rights of third parties. Should he intend to use data in the report, which cannot be published, this must be explicitly mentioned in the offer.

The invoice for payment of the balance shall be admissible if accompanied by the final report. The contracting authority shall make the payment within 60 days from receipt of the invoice. The contractor shall have 20 days in which to submit additional information or corrections, a new final report or other documents if it is required by the contracting authority.

3.4. Duration of the tasks

The duration of the tasks shall not exceed **12 months**. This period is calculated in calendar days

3.5. 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 logo¹¹.

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/GL/WCAG20-TECHS/pdf.html>

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.”

¹¹ 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

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

4.2. Structure

All the documents drafted during the contract will be annexed, inter alia the final minutes of all meetings, statistical data gathered and model results.

4.3. Graphic requirements

For graphic requirements please refer to the template available at Annex 4. The cover page shall be filled in by the contractor in accordance with the instructions provided in the template.

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 TENDER ENER/C3/2013-421

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) ¹²	
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): Telephone number: Fax number: E-mail address:	
Legal Representatives	

¹² For natural persons

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 organisation¹³ I, the undersigned, certify that the information given in this tender is correct and that the tender is valid.	
Surname: First name:	Signature:

¹³ 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 control¹⁴ over the above-mentioned legal entity are not in the situations referred to in b) and e) above;

¹⁴ This covers the company directors, members of the management or supervisory bodies, and cases where one natural person holds a majority of shares.

- 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 penalties¹⁵ 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

¹⁵ 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 contractor ¹⁶

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:

¹⁶ To be filled in and signed by each of the partners in a joint tender, except the lead partner;

ANNEX 4
Standard Word template for studies