



EUROPEAN COMMISSION  
DIRECTORATE-GENERAL FOR ENERGY

Directorate C - Renewables, Research and Innovation, Energy Efficiency

**TENDER SPECIFICATIONS**  
**ATTACHED TO THE INVITATION TO TENDER**  
**ENER/C3/2014-544**

**Provision of the Study**

**"Stimulating investments in energy efficient buildings through  
Energy Performance Certificates"**

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## 1. INFORMATION ON TENDERING

### 1.1. Participation

Participation in this tender procedure is open on equal terms to all natural and legal persons coming within the scope of the Treaties and to all natural and legal persons in a third country which has a special agreement with the Union in the field of public procurement on the conditions laid down in that agreement. Where the Multilateral Agreement on Government Procurement<sup>1</sup> concluded within the WTO applies, the participation to the call for tender is also open to nationals of the countries that have ratified this Agreement, on the conditions it lays down.

### 1.2. Contractual conditions

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

### 1.3. Joint tenders

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

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

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

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

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

or

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

### 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.

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<sup>1</sup> See [http://www.wto.org/english/tratop\\_E/gproc\\_e/gp\\_gpa\\_e.htm](http://www.wto.org/english/tratop_E/gproc_e/gp_gpa_e.htm)

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 at:  
[http://ec.europa.eu/budget/contracts\\_grants/info\\_contracts/legal\\_entities/legal\\_entities\\_en.cfm](http://ec.europa.eu/budget/contracts_grants/info_contracts/legal_entities/legal_entities_en.cfm)

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

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

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

- The tenderer (only the leader in case of joint tender) must provide a **Financial Identification Form and supporting documents**. The form is available at: [http://ec.europa.eu/budget/contracts\\_grants/info\\_contracts/index\\_en.cfm](http://ec.europa.eu/budget/contracts_grants/info_contracts/index_en.cfm)

## 2. EVALUATION AND AWARD

### 2.1. Evaluation steps

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

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

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

### 2.2. Exclusion criteria

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

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

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

### 2.3. Selection criteria

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

The tenderer may rely on the capacities of other entities, regardless of the legal nature of the links which it has with them. It must in that case prove to the Contracting Authority that it will have at its disposal the resources necessary for performance of the contract, for example by producing an undertaking on the part of those entities to place those resources at its disposal.

#### 2.3.1. *Economic and financial capacity criteria and evidence*

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

- The tenderer (or, for a consortium, total turnover of its members) must have an average annual turnover of each of the last two financial years for which the accounts are closed of at least EUR 250,000.00

The following evidence should be provided:

- Copy of the profit & loss account for the last two years for which accounts have been closed,
- Failing that, appropriate statements from banks,

If, 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 and knowledge in the field of energy performance certificates (EPCs) across Europe,
- The tenderer must prove knowledge and insight into energy efficiency policy and policy on energy performance in buildings in particular, both on EU level and Member State level.
- The tenderer must prove experience from relevant work on policy recommendations, and analysing energy efficiency measures across EU Member States with at least 5 projects delivered (completed) in this field in the last three years with a minimum value for each project of EUR 50,000.00.
- The tenderer must prove the ability to work in English (native speaker level or equivalent).
- The tenderer must prove experience and capacity to draft reports in English.
- The tenderer must prove experience of working in at least 20 European Union Member States with at least 3 projects delivered (completed) in the last three years, the combination of which must show the necessary coverage.
- The tenderer must prove experience in technical analyses, dissemination and communication activities 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:

One Project Manager: with at least 10 years of overall experience in project management, including overseeing project delivery, quality control of delivered service, client orientation and conflict resolution experience in a project of a similar size (at least EUR 200,000.00) and coverage (geographical scope of at least 10 EU MS subject to this call for tender), with experience in managing a team of at least 20 people.

A team of experts combining expertise in the field of energy performance of buildings across the EU (building stock, energy performance and certification and financing), data analysis, communication and knowledge of the languages of the Member States: all team members shall have the relevant higher education degree (Master of Science in the field of building engineering, physics or equivalent) and shall show at least 3 years of professional experience in the field of energy performance of buildings. At least two members in the team of experts shall have a native level of English or equivalent (as guaranteed by a certificate or past relevant experience).

**Evidence:**

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

- **List of relevant services** delivered (completed) in the past three years, with sums, dates and recipients, public or private.
- **The educational and professional qualifications of the persons who will provide the service for this tender (CVs)** including the management staff. Each CV provided should indicate the intended function in the delivery of the service.

**2.4. Award criteria**

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

N°	Award Criteria	Weighting (pts.)
1	<p><b><u>Methodology of work</u></b>  <b>Fulfilment of the needs, the objective and the scope of the tender specifications.</b></p> <p>This criteria will assess the clarity, understanding, completeness and full coverage of the tasks described in the tender specifications, the quality and appropriateness of the proposed detailed approach for data collection for each EU Member State as well as the quality and appropriateness of the proposed approach for methodology and for validating, analysing and presenting information. On-site data collection should as much as possible be considered and will be considered of higher value for the scoring.</p>	60

2	<p><b><u>Management and organisation</u></b></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, timeline and resources and the rationale behind the choice of this allocation.</p>	30
3	<p><b><u>Quality control measures</u></b></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
<b>Total of points</b>		<b>100</b>

Tenders must score at least 60% for each criterion, and at least 70% in total. Tenders that do not reach these minimum quality thresholds will be rejected and will not be further 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, translations or any other costs deriving from the execution of the contract. Travel and subsistence expenses are not refundable separately.

**2.7. Estimate of the amount of work involved**

It is up to the tenderer to submit a financial proposal on the basis of his estimation of the number of man-days needed to perform the requested services. No maximum budget indication can be provided.

### 3. TECHNICAL SPECIFICATIONS

#### 3.1. Introduction and objectives of the study

##### 3.1.1. Introduction

Directive 2010/31/EU on the energy performance of buildings (recast) (hereinafter EPBD) is the main legislative instrument at EU level to achieve energy performance in buildings. Article 11 under EPBD sets out the requirements for the energy performance certificates (EPCs). The Member States are obliged to include recommendations for the cost-optimal or cost-effective improvement of the energy performance of a building, building unit and building elements and to provide an indication as to where the owner or tenant can receive more detailed information on the recommendations. Article 12 sets out the requirements for issuing EPCs. Article 13 further sets out the requirements for the display of EPCs in public buildings and buildings frequently visited by the public, while article 18 sets out the requirements for the independent control systems for EPCs.

The aim of EPCs is to transform the building sector towards ambitious energy efficiency standards. One of the ways to achieve this is through creating awareness regarding the energy performance of a building or building unit, hence creating increased demand for excellent energy performing buildings.

EPCs can be a key tool to avoid energy wastage in buildings and to improve the quality and market value of the building stock. From a financial point of view, EPCs have been identified as a driver of energy efficiency investments.

The importance of the EPCs and their role in incentivising energy efficient renovation and investments in buildings is also visible through the linking to the European Cohesion Investment Funds ring fenced for the low carbon area. Member States are advised to use EPCs through the programme process from the establishment and setting objectives and priorities, to the definition of eligible funding and targets through the selection of financing mechanisms. For instance, the EPCs are used to define the target investments towards building categories where the energy saving potential is the highest, validate such savings and identify energy saving opportunities and measures both in complex and less complex projects. Cohesion Policy funding should incentivise the supported projects to go beyond minimum energy performance requirement levels. Minimum requirements set by Member States as part of the EPBD can be used as a minimum threshold for the eligibility for Cohesion Policy support. EPCs can also be used by programmes to establish benchmarks within incentive schemes.

A number of studies on the importance of EPCs have been carried out at national and European level, including those funded by the Intelligent Energy – Europe Programme of the European Union and EEFIG. Within the Concerted Action for supporting transposition and implementation of the EPBD, relevant issues have been discussed extensively by the national authorities and agencies in charge of implementing the EU legislation at national level.

There is, however, still a lack in the comprehensive analysis of how the EPCs can fully tap the potential of EPCs to stimulate building renovation and increase the value of an energy efficient building stock. There is also a lack of comprehensive data on how the EPCs, including the recommendations, should be best designed for the owner or user of the building to take up the recommendations. The lack of comprehensive data also relates

to how the display of the EPCs can also contribute to maximise the effects of the EPCs. Finally, the actual effect that the recommendations have on the building stock needs to be monitored and understood to improve decision making and pull an improvement in the market uptake of recommendations given to improve the energy efficiency in the building stock and will again feed into the design of the EPCs.

Therefore the Commission seeks external expertise to assist in giving policy advice with a comprehensive approach for the design of the EPCs that could also serve as recommendations to the Member States and prepare the ground for a more comparable approach to EPCs.

### *3.1.2. Background and available information*

One of the main questions that we need to explore is how to bridge the gap between the owner and user of the building on one side, and institutions financing the projects on the other side, through EPCs. Efforts to explore this have already been done through EEFIG, but there is a need to see how EPCs can be further strengthened as to stimulate investments in building renovations across Europe. The key objective of including recommendations in EPCs for instance, as required by the EPBD, is to overcome the lack of information the owner or tenant of a building often has. Further understanding of the uptake of these recommendations given to improve the energy efficiency in the building stock is needed in order to better design the EPCs and recommendations. The quality of the EPCs including the recommendations given in them is a key measure in this respect.

During the process for adoption of the EPBD it was highlighted that compliance was critical to tap into the savings potential in the building sector. As a result, one of the new features of the EPBD is to require Member States to set up an independent control system for EPCs and inspection of heating and air-conditioning systems. In this regard, several Member States have developed national databases that are publicly available.

The tender should liaise with the Concerted Action (CA) on Energy Performance in Buildings (EPBD). The CA EPBD supports the implementation of the EPBD at national level. Its findings are published in the 2012 CA report (<http://www.epbd-ca.org/Medias/Pdf/CA3-BOOK-2012-ebook-201310.pdf>) which includes the latest information at country level. The next review of this book is due in June 2015.

The upcoming study should, in addition to study elements that are not already studied, build on and complement existing and ongoing studies, without overlapping. While most of these studies are, or will be, published and available online, the Commission will provide the contractor with the needed information where this is not provided. Some projects funded by the European Union in the past, especially under the Intelligent Energy Europe (IEE) programme and in the energy part of the societal challenge of the recently launched Horizon 2020 programme, are relevant for this tender. The tenderer should thus build on the findings of these projects and if necessary get in touch with the projects to ensure complementarity. The list is non-exhaustive.

The following projects should be taken into account:

- The EEFIG report "Energy efficiency – the first fuel for the EU economy" highlights the importance of EPCs for investments in energy efficiency seen from a financial point of view.
- The Technical Guidance "Financing the energy renovation of buildings with Cohesion Policy funding" provides technical guidelines for managing authorities in the Member States that include both requirements for and advice to use data on EPCs in their financing of sustainable energy programmes.

- The IEA building database includes information in IEA-EU countries (<http://www.sustainablebuildingscentre.org/pages/beep>).
- The BPIE study 'Energy Performance Certificates across the EU' ([http://bpie.eu/epc\\_2014.html](http://bpie.eu/epc_2014.html)) evaluates, across the Member States, the implementation status of EU legislation regarding EPCs, particularly focusing on their quality, availability and usability. It also tackles the challenges related to EPCs, and provides for some best practices and policy recommendations.
- The compliance study that will look at the fulfilment of the EPCs and independent control systems (EPC related ones) obligations in the EPBD. Study run by the Commission.
- The Observatory that will look at the number of EPCs in buildings and floor areas (plus other stock info, like energy needs and actual energy consumption). Study run by the Commission.
- The study "Energy performance certificates in buildings and their impact on transaction prices and rents in selected EU countries" which highlighted the effect EPCs can have on prices in selected Member States, [http://ec.europa.eu/energy/efficiency/buildings/doc/20130619-energy\\_performance\\_certificates\\_in\\_buildings.pdf](http://ec.europa.eu/energy/efficiency/buildings/doc/20130619-energy_performance_certificates_in_buildings.pdf)

In addition, there are further important sources of information to be explored:

- The IDEAL-EPBD project (IEE funded) has identified several barriers for taking energy efficiency measures following an EPC and identified factors which make action more likely.
- The REQUEST project (IEE funded) has conducted a series of pilot actions to overcome barriers;
- The recently launched Request2Action (IEE funded) is planning to propose further systemic solutions to overcome barriers to action by establishing Retrofit Action Hubs, where suppliers can meet the demand side to define tailor-made solutions.
- The QUALICHECK (IEE funded) project is aiming at influencing and contributing towards progress with quality of EPCs and identification of the prerequisites and strategies to ensure compliance.
- The Low Energy Apartment Futures (LEAF) (IEE funded) project explores how EPCs and related toolkits can function as an engagement tool in multi-owner, multi-occupancy apartment blocks.

### *3.1.3. Objective and purpose of the Service contract*

The aim of the study is to have clear policy advice based on qualitative and quantitative data that analyse how to fully tap the potential of EPCs to stimulate building renovation and increase the value of an energy efficient building stock building, and how the recommendations in the EPCs can be designed in the best way to contribute to this.

## **3.2. Description of services**

The following section describes the requirements concerning the scope of work, which involves providing the Commission with (i) a comprehensive analysis of the value of the

EPCs to stimulate energy efficiency renovation of buildings (ii) the role of recommendations in EPCs and display of EPCs (iii) policy recommendations as to how the design of the EPCs can be improved to reinforce their role across Europe (iv) policy recommendations to strengthen the link between EPCs and access to finance.

To answer these questions the Contractor need to come up with an analysis and:

- Identify quantitative indicators, collecting and analysing data on the market uptake of recommendations in EPCs and inspection reports for residential and non-residential buildings and different building types, including data on to what extent these reports and recommendations have been followed in the EU 28 Member States
- Identify particular issues affecting the uptake of recommendations included in EPCs in residential and non-residential buildings,
- Explore how recommendations can be tailored to make a greater impact. taking into account causal links (e.g. tailored recommendations versus standardised recommendations).
- Identify the role of the public sector/national authorities for market uptake of recommendations included in EPCs among building owners/users of the building.
- Review work in more details, including quantification of building renovation in relation to the EPCs, for the EU as a whole, and the related energy saved, as well as improved asset value.

The Contractor would need to propose a methodology to do this.

### *3.2.1. Task 1: Establishment of the data collection strategy and methodology*

Based on the methodology framework described in the offer, the Contractor shall detail the data collection strategy intended to collect the necessary data and split the market into residential and non-residential buildings and different types of buildings across the EU, to provide for a good overview of the latest EPC statistics and development over the past years in each of the EU 28 Member States, taking the economic crisis into account.

Furthermore, the methodology should make a distinction as far as possible in data between (1) different countries (plus sub-country level in federal states/if relevant), (2) different target groups for action on EPC=demand side (e.g. owner who rent out, owner-tenants and renting tenants) and (3) supply side.

For the policy recommendation part of the study it is important to identify a methodology to assist Member States in using best practices to turn the EPC from a 'passive' certificate into an active tool triggering energy efficiency action measures. This includes looking at the success factors for recommendations and other information accompanying the EPC, including packages of instruments/accompanying measures, their timing and effective linkages between EPC and the priorities of demand side (comfort, status, financial savings, etc). This should include tailor-made policy recommendations for decision-makers and other stakeholder groups.

The Contractor shall establish the dataset framework and set up the list of necessary indicators to fulfil the objective of the study on EPCs. Experience could be drawn from existing studies and databases in the EU and in third countries, where relevant.

The framework shall include relevant indicators needed for policy analysis and review, including, as a minimum, data on the indicator on market uptake of the recommendations in the EPCs for EU as a whole.

Different data collection strategies may be developed for different sectors and subsets of indicators. The Contractor shall also specify how the verification checks will be carried out and on the basis of what parameters or reliance on national partners.

The Contractor should address potential confidentiality issues in its methodology. In addition, the Contractor should include an aggregation approach to make the energy performance data publicly available whilst addressing potential confidentiality concerns.

As part of the data collection strategy and to ensure that EU as a whole is well represented, the Contractor shall map the coverage of existing studies and EU funded projects and including detailed examples of systems/practices with EPCs and the uptake of recommendations.

This shall be quantified with the best possible level of accuracy, at least at EU level, and for the suggested countries/regions.

The data framework and methodology shall be agreed with DG Energy.

The methodology for data collection should be described in the offer, detailing the approach to collect and verify the necessary data. Data providers and their reliability should be identified.

### *3.2.2. Task 2: Collect the data and provide preliminary results*

Under Task 2, the Contractor shall roll out the data collection strategy as established under Task 1 and shall provide the gross data and preliminary figures, graphs and overall results per country and building type. A pilot revision process should take place to assess the effectiveness of the data collection strategy.

Based on the literature review, the Contractor shall provide preliminary explanations of the uptake of the recommendations in EPCs observed in the EU as a whole.

The Contractor shall identify any lack of information to fully explain the data collected and shall build an action plan to fill these gaps during Task 3.

### *3.2.3. Task 3: Interpretation of collected data and preparation of final results and recommendations*

The aim is to have in December 2015, a picture of the uptake of EPCs in the EU as a whole with latest and full available set of data concluding on what are the critical success factors for a well designed EPCs with the recommendations.

The Contractor shall relate the results to the key relevant obligations of the EPBD on:

- The requirements for EPCs set by MSs under Article 11 of the EPBD-recast,
- The requirements for the issue of EPCs set by MSs under Article 12 of the EPBD-recast,
- Displaying EPCs in public buildings arising from Article 13 of the EPBD-recast.

3.2.4. *Task 4: Final results including the policy recommendations that follows from the results of the collected data.*

The Contractor shall develop a clear report on the recommendations for the design and display of EPCs in the EU, that would lead to the highest uptake of EPCs and of the recommendations contained in the EPC, finally leading to higher demand for energy efficient buildings in Europe and how the EPCs can stimulate investments in energy efficient renovation in buildings.

The study will be the property of the European Commission. The Commission retains the right to decide and check what is published. Please refer to article I.8 of the published Draft Service Contract.

### **3.3. Reports and documents to produce – timetable to observe**

Execution of the tasks begins on the date on which the Contract enters into force having been signed by the last Party (the Contractor).

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.

#### *3.3.1. Meetings*

A **kick-off meeting** will take place in Brussels, at the latest **10 working days** following the signature of the contract, in order to settle all the details of the study, report, etc., to be undertaken.

The Commission or the Contractor can initiate up to 2 intermediate meetings that will take place in Brussels between the kick-off meeting and the final meeting.

A **final meeting** will take place in Brussels, at the latest **2 weeks** after delivery of the draft final report in order to discuss the Commission's observations on the draft final report.

#### *3.3.2. Reports*

The Contractor will draft the minutes of all meetings performed within this contract. Draft minutes shall be sent to the Commission at the latest **5 days** after the meeting.

The Contractor will submit the **inception report** at the latest **3 months** following the kick-off meeting including the methodology, complete list of indicators and matrix template and data collection strategy (task 1). The report has to be approved by the Commission.

The Contractor will submit the **draft interim report** at the latest **6 months** following the kick-off meeting including the gross matrixes at national and at EU level (task 2).

The invoice for the interim payment shall be admissible if accompanied by the draft interim report (six months after the date on which the contract enters into force). The payment will be made in accordance with Article 1.4.1 of the contract, given that the inception report and the interim report have been approved by the Commission.

The Contractor will submit a **draft final report and accompanying documents** to the Commission at the latest **9 months** after the signature of the contract.

The draft final report shall contain:

- 15-20 pages presenting the methodology, providing the main results at EU level, interpreting these results and give advice on how to improve the design and display of the EPCs to increase market uptake of EPCs and recommendations contained in EPCs, and stimulate building renovation. This report shall include a 2-3 pages executive summary;

A **final meeting** will take place in Brussels, at the latest **2 weeks** after delivery of the draft final report in order to discuss the Commission's observations on the document.

The Contractor will update the draft final report taking into account the Commission's observations and submit the **final report and accompanying documents** at the latest **12 months** after the signature of the contract.

The final report shall also contain:

- A 10-15 slides presentation with detailed comments/notes, to further communicate this study and its results.
- 1 slide of facts and figures per MS (+1 for EU)

### **3.4. Report format and publication**

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 the Contractor intend to use data in the report, which cannot be published, this must be explicitly mentioned in the offer. Please refer to article I.8.2 of the published Draft Service Contract.

Reports and annexes have to be drafted in English in a properly literate manner and must be fully comprehensive in terms of grammatical structure (complete sentences, punctuation, explanation of abbreviations the first time they are used, etc.) using clear language.

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

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

### **3.6. Organisation of Work**

#### **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.

#### **Availability of information**



As mentioned above, the Contractor will be responsible for the data collection, including on the ground data collection in the selected MSs.

**Language**

The Communication language between the Commission and the awarded Contractor shall be in English. The deliverables as such will have to be submitted in English.

**4. 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)

### Call for tender ENER/C3/2014-544

<b>Identity</b>	
Name of the tenderer	
Legal status of the tenderer	
Date of registration	
Country of registration	
Registration number	
VAT number	
Description of statutory social security cover (at the level of the Member State of origin) and non-statutory cover (supplementary professional indemnity insurance) <sup>2</sup>	
<b>Address</b>	
Address of registered office of tenderer	
Where appropriate, administrative address of tenderer for the purposes of this invitation to tender	
<b>Contact Person</b>	
Surname: First name: Title (e.g. Dr, Mr, Ms) : Position (e.g. manager): Telephone number:	

<sup>2</sup> For natural persons

Call for tender ENER/C3/2014-544

Fax number: E-mail address:	
<b>Legal Representatives</b>	
<b>Names and function of legal representatives</b> and of other representatives of the tenderer who are authorised to sign contracts with third parties	
<b>Declaration by an authorised representative of the organisation<sup>3</sup></b> I, the undersigned, certify that the information given in this tender is correct and that the tender is valid.	
Surname: First name:	Signature:

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<sup>3</sup> This person must be included in the list of legal representatives; otherwise the signature on the tender will be invalidated.

## ANNEX 2

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

*(Complete or delete the parts in grey italics in parentheses)*  
[Choose options for parts in grey between square brackets]

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

- in [his][her] own name (*for a natural person*)  
or
- representing the following legal person: (*only if the economic operator is a legal person*)

full official name:

official legal form:

full official address:

VAT registration number:

- declares that [the above-mentioned legal person][he][she] is not in one of the following situations:
  - a) is bankrupt or being wound up, is having its affairs administered by the courts, has entered into an arrangement with creditors, has suspended business activities, is the subject of proceedings concerning those matters, or is in any analogous situation arising from a similar procedure provided for in national legislation or regulations;
  - b) has been convicted of an offence concerning professional conduct by a judgment of a competent authority of a Member State which has the force of *res judicata*;
  - c) has been guilty of grave professional misconduct proven by any means which the contracting authorities can justify including by decisions of the European Investment Bank and international organisations;
  - d) is not in compliance with all its obligations relating to the payment of social security contributions and the payment of taxes in accordance with the legal provisions of the country in which it is established, with those of the country of the contracting authority and those of the country where the contract is to be performed;
  - e) has been the subject of a judgement which has the force of *res judicata* for fraud, corruption, involvement in a criminal organisation, money laundering or any other illegal activity, where such activity is detrimental to the Union's financial interests;
  - f) is a subject of an administrative penalty for being guilty of misrepresentation in supplying the information required by the contracting authority as a condition of participation in a procurement procedure or failing to supply this information, or having been declared to be in serious breach of its obligations under contracts covered by the Union's budget.
- (*Only for legal persons other than Member States and local authorities, otherwise delete*) declares that the natural persons with power of representation, decision-

making or control<sup>4</sup> over the above-mentioned legal entity are not in the situations referred to in b) and e) above;

- declares that [the above-mentioned legal person][he][she]:
- g) has no conflict of interest in connection with the contract; a conflict of interest could arise in particular as a result of economic interests, political or national affinity, family, emotional life or any other shared interest;
  - h) will inform the contracting authority, without delay, of any situation considered a conflict of interest or which could give rise to a conflict of interest;
  - i) has not granted and will not grant, has not sought and will not seek, has not attempted and will not attempt to obtain, and has not accepted and will not accept any advantage, financial or in kind, to or from any party whatsoever, where such advantage constitutes an illegal practice or involves corruption, either directly or indirectly, inasmuch as it is an incentive or reward relating to award of the contract;
  - j) provided accurate, sincere and complete information to the contracting authority within the context of this procurement procedure ;
- acknowledges that [the above-mentioned legal person][he][she] may be subject to administrative and financial penalties<sup>5</sup> if any of the declarations or information provided prove to be false.

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

For situations described in (a), (b) and (e), production of a recent extract from the judicial record is required or, failing that, a recent equivalent document issued by a judicial or administrative authority in the country of origin or provenance showing that those requirements are satisfied. Where the tenderer is a legal person and the national legislation of the country in which the tenderer is established does not allow the provision of such documents for legal persons, the documents should be provided for natural persons, such as the company directors or any person with powers of representation, decision making or control in relation to the tenderer.

For the situation described in point (d) above, recent certificates or letters issued by the competent authorities of the State concerned are required. These documents must provide evidence covering all taxes and social security contributions for which the tenderer is liable, including for example, VAT, income tax (natural persons only), company tax (legal persons only) and social security contributions.

For any of the situations (a), (b), (d) or (e), where any document described in two paragraphs above is not issued in the country concerned, it may be replaced by a sworn or, failing that, a solemn statement made by the interested party before a judicial or administrative authority, a notary or a qualified professional body in his country of origin or provenance.

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

Full name

Date

Signature

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<sup>4</sup> This covers the company directors, members of the management or supervisory bodies, and cases where one natural person holds a majority of shares.

<sup>5</sup> As provided for in Article 109 of the Financial Regulation (EU, Euratom) 966/2012 and Article 145 of the Rules of Application of the Financial Regulation

## ANNEX 3

### POWER OF ATTORNEY

**mandating one of the partners in a joint tender as lead partner and lead contractor** <sup>6</sup>

The undersigned:

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

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

HEREBY AGREES TO THE FOLLOWING:

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

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

Signed in ..... on [dd/mm/yyyy]

Place and date:

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

<sup>6</sup> To be filled in and signed by each of the partners in a joint tender, except the lead partner;

ANNEX 4

**DRAFT CONTRACT**

*Please see separate document*