

**PROVISION OF LEGAL, ECONOMIC AND TECHNICAL ASSISTANCE
IN THE FIELD OF ENERGY REGULATION
FOR THE AGENCY FOR THE COOPERATION OF ENERGY
REGULATORS**

MULTIPLE FRAMEWORK CONTRACT

TENDER SPECIFICATIONS

**OPEN CALL FOR TENDERS
ACER/OP/DIR/08/2013**

Table of contents

1. TITLE OF THE INVITATION TO TENDER	4
2. BACKGROUND INFORMATION.....	4
3. PURPOSE OF THE CONTRACT	5
4. SUBJECT OF THE CONTRACT	6
4.1 LOT 1: Legal assistance activities in the field of energy regulation	6
4.2 Lot 2: Economic assistance in the field of energy regulation.....	7
4.3 Lot 3: Technical assistance activities in the field of energy regulation	7
5. REPORTING.....	8
5.1 Annual activity report.....	8
5.2 Reporting under specific contract(s)	8
6. PARTICIPATION IN THE CALL FOR TENDER	9
7. VARIANTS	9
8. DURATION AND SIZE OF THE CONTRACTS	9
9. DOCUMENTS AVAILABLE TO THE TENDERER.....	10
10. CONTRACTUAL FRAMEWORK.....	10
10.1 Type of contract	10
10.2 Modus Operandi.....	10
10.3 Changes in the team	11
10.4 Subcontracting	12
11. CONTRACTORS' OBLIGATIONS.....	12
11.1 Employment law applicable to transfers of undertakings:	12
11.2 Copyright and other intellectual property rights.....	12
12. PLACE OF PERFORMANCE OF THE SERVICES AND WORKING HOURS.....	13
12.1 Place of work.....	13
12.2 Meetings	13
12.3 Normal working days and hours of the Agency.....	13
13. LANGUAGE	14
14. PAYMENT METHODS	14
14.1 Terms of payment	14
15. PRICES.....	14
16. SUBMISSION OF OFFERS	15
17. TECHNICAL TENDER	15
18. EXCLUSION CRITERIA.....	16
19. SELECTION CRITERIA	18
19.1 Professional capacity	19
19.2 Economic and financial capacity.....	19
19.3 Technical and professional capacity	19
20. AWARD CRITERIA	25
20.1 Technical quality, with 60% weighting	25
20.2 Price, with 40% weighting	26
20.3 Final evaluation	26
21. AWARD OF SPECIFIC CONTRACTS.....	27
21.1 Technical quality, with 60% weighting	27
21.2 Price, with 40% weighting	28
21.3 Final evaluation	28

List of Annexes

ANNEX I.A	Reference table
ANNEX I.B	Form “Identification of the tenderer”
ANNEX I.C	Declaration of honour on exclusion criteria and absence of conflict of interest
ANNEX I.D	Form “Financial identification”
ANNEX I.E	Form “Legal entity”

1. TITLE OF THE INVITATION TO TENDER

Provision of legal, economic and technical assistance in the field of energy regulation for the Agency for the Cooperation of Energy Regulators, invitation to tender no. ACER/OP/DIR/08/2013.

The tender is divided into three (3) lots:

- Lot 1: Legal assistance in the field of energy regulation
- Lot 2: Economic assistance in the field of energy regulation
- Lot 3: Technical assistance in the field of energy regulation

Tenderers may submit offers for one, two or all lots. Tenderers wishing to apply for more than one lot must submit a separate tender for each lot.

2. BACKGROUND INFORMATION

The Agency for the Cooperation of Energy Regulators (the "Agency") is a European Union body, established in 2009 by Regulation (EC) No 713/2009¹ and operational since 2010. Based in Ljubljana, Slovenia, the Agency is central to the liberalisation of the EU's electricity and natural gas markets.

The Agency works towards a competitive, sustainable, secure and transparent Internal Energy Market for the benefit of all consumers in the European Union (EU). Its overall mission is to assist national energy regulatory authorities (NRAs) to perform their duties at the EU level and to coordinate their actions whenever necessary. The Agency thus cooperates closely with NRAs, but also with EU institutions, European associations of stakeholders and market participants, especially the European Networks of Transmission System Operators (ENTSOs), to deliver a series of instruments for the completion of a single EU energy market.

The main areas on which the Agency's activities focus are:

- supporting the European market integration: this is mainly done through the development of common network and market rules, as well as through the coordination of regional initiatives which are concrete efforts from market participants to work towards greater integration;
- advising the EU institutions on trans-European Energy infrastructure issues: the Agency issues opinions on ten-year network development plans with a view to making sure that these are in line with the priorities set at EU level. Additional tasks in this area have been assigned to the Agency by the Regulation (EU) No 347/2013² on guidelines for trans-European energy infrastructure;
- energy market monitoring: the Agency has a general mission in terms of market monitoring at the EU level and has, since the end of 2011, a very specific responsibility when it comes to monitoring wholesale energy trading under Regulation (EU) No 1227/2011³ of the European Parliament and the Council on wholesale energy market integrity and transparency ('REMIT').

¹ Regulation (EC) No 713/2009 of the European Parliament and of the Council of 13 July 2009 establishing an Agency for the Cooperation of Energy Regulators, OJ L 211, 14.8.2009, p. 1

² Regulation (EC) No 347/2013 of the European Parliament and of the Council of 17 April 2013 on guidelines for trans-European energy infrastructure and repealing Decision No 1364/2006/EC and amending Regulations (EC) No 713/2009, (EC) No 714/2009 and (EC) No 715/2009, OJ L 115, 25.04.2013, p.39.

³ Regulation (EU) No 1227/2011 of the European Parliament and the Council on wholesale energy market integrity and transparency, OJ L 326, 08.12.2011, p.1

More information on the Agency can be found on the website www.acer.europa.eu.

3. PURPOSE OF THE CONTRACT

The purpose of the Framework Contract(s) is to provide the Agency with highly qualified external expertise to support the Agency in its activities in the field of energy regulation.

The services covered by the tender are divided into three (3) lots in order to group the requested services into coherent batches corresponding to given professional expertise.

The requested services are of intellectual nature in the areas of legal assistance (**lot 1**), economical assistance (**lot 2**) and technical assistance (**lot 3**) in the field of energy regulation.

The requested services will involve a number of diversified tasks in the fields of competence of the Agency. This includes notably, the following areas:

1. Assistance in the preparation of opinions and recommendations addressed to Transmission System Operators (TSOs) and their associations.
2. Assistance in the preparation of opinions and recommendations addressed to national regulatory authorities (NRAs).
3. Assistance in the preparation of opinions and recommendations addressed to the European Parliament, the Council or the European Commission.
4. Assistance in the preparation of individual decisions in the specific cases referred to in Articles 7, 8 and 9 of Regulation (EC) No 713/2009.
5. Assistance in the preparation of non-binding framework guidelines to be submitted to the European Commission and assistance in the development of the Opinions and Recommendations on the related network codes in accordance with Article 6 of Regulations (EC) No 714/2009⁴ and (EC) No 715/2009⁵.
6. Assistance in monitoring the implementation of the above-mentioned network codes in accordance with Article 9(1) of Regulations (EC) No 714/2009 and (EC) No 715/2009 and in the possible amendments of those network codes in accordance with Article 7 of Regulations (EC) No 714/2009 and (EC) No 715/2009.
7. Assistance in the implementation of Regulation (EU) No 1227/2011. The Contractor may be requested, in particular, (i) to assess the operation and transparency of different categories of market places and ways of trading, (ii) to assist the Agency in developing recommendations to the European Commission as regards market rules, standards, and procedures which could improve market integrity and the functioning of the internal market, and (iii) to evaluate whether any minimum requirements for organised markets could contribute to enhanced market transparency.

⁴ Regulation (EC) No 714/2009 of the European Parliament and of the Council of 13 July 2009 on conditions for access to the network for cross-border exchanges in electricity and repealing Regulation (EC) No 1228/2003, OJ L 211, 14.8.2009, p. 15–35.

⁵ Regulation (EC) No 715/2009 of the European Parliament and of the Council of 13 July 2009 on conditions for access to the natural gas transmission networks and repealing Regulation (EC) No 1775/2005 (Text with EEA relevance), OJ L 211, 14.8.2009, p. 36–54.

8. Assistance in reviewing National Ten-Year Network Development Plans, in developing the Opinions on Community-Wide Ten-Year Network Development Plans, and in monitoring implementation of such plans.
9. Assistance in monitoring activities related to congestion at Interconnection Points (i.e. collecting data, analysing the market situation, etc.).
10. Assistance in the preparation of opinions on Regional Investment Plans.
11. Assistance in preparing and implementing tasks which are assigned to the Agency by Regulation (EU) No 347/2013⁶, such as preparing an opinion on projects of common interest, monitoring its implementation, and contributing to the development of a cost-benefit methodology.

4. SUBJECT OF THE CONTRACT

This tender is requesting suitably qualified service providers and/or individual experts. The services to be provided under the three lots relate to assistance to the Agency in the legal, economical and technical areas in the field of energy regulation.

The tenderers need to take into account that the requested legal, economic and/or technical advice may cover the 28 EU Member States and/or any other country where energy issues are likely to be of EU interest.

4.1 LOT 1: Legal assistance activities in the field of energy regulation

The scope of any specific contract(s) may include one or more of the following tasks:

- Analysis and studies concerning the completion and smooth operation of the internal energy market.
- Analysis of specific situations in order to check their compatibility with relevant EU legislation.
- Studies and analyses of the legal framework at national, international or Union level relating to the electricity or gas sector or both.
- Assistance in the examination of certain legal dossiers relating to energy regulation.
- Analyses and studies concerning regulatory simplification.
- Analysis and studies concerning the implementation of EU energy legislation, including the network codes developed pursuant to Article 6 of Regulations (EC) No 714/2009 and (EC) No 715/2009 and their possible amendments, in the Member States.

⁶ Regulation (EU) No 347/2013 of the European Parliament and of the Council of 17 April 2013 on guidelines for trans-European energy infrastructure and repealing Decision No 1364/2006/EC and amending Regulations (EC) No 713/2009, (EC) No 714/2009 and (EC) 715/2009, OJ L 115, 25.04.2013, p. 39.

4.2 Lot 2: Economic assistance in the field of energy regulation

The scope of any specific contract(s) may include one or more of the following tasks:

- Economic (empirical) analysis of the EU energy markets covering wholesale and retail markets, including questions relating to market access, market conduct, market outcome, transparency, integrity, market efficiency and market integration.
- Research, analysis and recommendations concerning the operability of the internal energy market, including the evaluations of (certain) rules that govern the EU market integration process, such as compatibility of EU Members States market designs.
- Economic/statistical analyses and market studies relating to the use and performance of (cross-border) energy networks and infrastructures.
- Gathering/analysis of statistics and forecasts concerning the utilisation of commercial data and data relating to energy supply and demand.
- Analysis of EU energy network and markets data submitted to the Agency and of reports based on such data.
- Analysis of the cost and benefits resulting from proposed regulatory measures in the domain of energy and related networks.
- Assistance in the monitoring of the economic performance of the provisions set out in network codes developed pursuant to Article 6 of Regulations (EC) No 714/2009 and (EC) No 715/2009 and in the economic assessment of possible amendments to the concerned network codes.
- Assistance in the assessment of costs and benefits of infrastructure investment projects in the electricity and gas sectors and in the determination of principles for cross-border cost allocation for new infrastructure investment projects.
- Analysis and studies concerning the operation and transparency of different categories of market places and ways of trading and making recommendations as regards market rules, standards, procedures and requirements which could improve market integrity and transparency.
- Analysis and studies concerning the development of financial markets and its impact on wholesale energy markets, in particular the impact of changes in financial market regulation on the monitoring of wholesale energy markets.

4.3 Lot 3: Technical assistance activities in the field of energy regulation

The scope of any specific contract(s) may include one or more of the following tasks:

- Technical assistance with the implementation of measures aimed at improving the operation of the internal market in energy.
- Technical assistance for tasks related to electricity and gas investment and infrastructure projects, including technical assistance for the development of methodologies for cost-benefit analysis and for allocation of costs.

- Technical assistance for monitoring the implementation of electricity and gas investment and infrastructure projects in the EU countries and with benchmarking transmission planning national practices and transmission costs.
- Technical assistance in monitoring the implementation of the network codes in accordance with Article 9(1) of Regulations (EC) No 714/2009 and (EC) No 715/2009 and in assessing possible amendments.
- Technical assistance regarding cost/benefit studies and analyses.
- Technical assistance in the analysis and evaluation of project reports, including technical, environmental and socioeconomic aspects.
- Technical assistance for the preparation of framework guidelines.

5. REPORTING

5.1 Annual activity report

A succinct annual activity report on all the work carried out by the selected Contractor(s) in performance of the Framework Contract(s) must be produced. The language of the report shall be English.

The report must indicate, for the preceding twelve months, the services performed during that period, in terms of quantity and price, broken down by type.

The Contractor(s) must send the Agency one copy of the report by electronic mail and 2 (two) paper copies within 30 days following the end of the reference period.

The cost of producing the above reports will be borne exclusively by the Contractor(s). The Agency will not contribute in any way to the costs incurred in, *inter alia*, the drafting, production or distribution of the required reports.

5.2 Reporting under specific contract(s)

Except where the specific contracts provide for otherwise, the selected Contractor(s) must report in English on the services rendered in performance of each specific contract.

The Agency may reproduce or use all documentation and reports in full or in part.

The specific contracts under the Framework Contract(s) will lay down the number and type of reports to produce. Contractor(s) can expect the following reports:

- a) an inception report;
- b) progress reports produced and submitted at least every two months (different timing or type of report might be agreed in a specific contracts);
- c) a draft final report one month before the contractual end of the tasks (different timing or type of report might be agreed in a specific contracts);
- d) a final report in accordance with the format established by the Agency.

The approval procedure for each of the reports mentioned above shall be defined in each specific contract.

All the reports shall be delivered by electronic mail (in MS Word format or Excel format in case of a significant number of numerical data graphic presentations) and in paper copy. The number of paper copies of the final report to be delivered shall be defined in each specific contract. Each specific contract may establish other reports to be delivered. The reports shall be addressed to the Agency. They have to be drafted in a proper literate manner and must be fully comprehensible in terms of grammatical structure (complete sentences, punctuation, explanation of abbreviations, etc.), using simple and non-technical language also for a non-specialised audience. Technical explanations shall be presented in annexes.

6. PARTICIPATION IN THE CALL FOR TENDER

Participation in the Agency's procurement procedure is open on equal terms to all natural and legal persons or groupings of such persons (consortia) falling within the scope of the Treaties. It includes all economic operators registered in the EU and all EU citizens.

Pursuant to Article 119 of the Financial Regulation⁷, the participation is also open to all natural and legal persons from non-EU countries that have a ratified agreement with the European Union in the field of public procurement on the conditions laid down in that agreement. The Agency can therefore accept offers from and sign contracts with tenderers from 34 countries, namely: the 28 EU Member States, 3 European Economic Area (EEA) Countries (Lichtenstein, Norway, Iceland) and 3 Stabilisation and Associations Agreements (SAA) Countries (the Former Yugoslav Republic of Macedonia, Albania and Montenegro). The Agency's procurement procedures are not open to tenderers from countries covered by the Agreement on Government Procurement (GPA).

7. VARIANTS

No variants are permitted.

8. DURATION AND SIZE OF THE CONTRACTS

Each Framework Contract shall have an initial duration of two (2) years as from date of signature and may be renewed up to two times, each time for an additional period of one (1) year. The total duration of the Framework Contract(s) shall not exceed four (4) years. The Agency reserves the right to cancel the Framework Contract(s) with any selected Contractor(s) whose services are deemed to be of insufficient quality.

The total maximum value of the services per lot for the total duration of the Framework Contract(s) (up to four (4) years) is as follows:

- For lot 1 (legal assistance in the field of energy regulation): EUR 300,000 excluding VAT. Specific contracts will not be signed once the budget is consumed.

⁷ Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002 (OJ L 298, 26.10.2012, p. 1).

- For lot 2 (economic assistance in the field of energy regulation): EUR 1,000,000 excluding VAT.
Specific contracts will not be signed once the budget is consumed.
- For lot 3 (technical assistance in the field of energy regulation): EUR 800,000 excluding VAT.
Specific contracts will not be signed once the budget is consumed.

The estimated date for signature of the Framework Contract(s) is October 2013.

9. DOCUMENTS AVAILABLE TO THE TENDERER

- Contract notice published in the Official Journal of the European Union (OJ EU) S 156 on 13.08.2013.
- Call for Tender documents and annexes.
- Other documents, as mentioned in these tender specifications.

10. CONTRACTUAL FRAMEWORK

10.1 Type of contract

For each lot the services described above will be the subject of **a multiple Framework Contract with re-opening of competition.**

The Framework Contract(s) will lay down the legal, financial, administrative and technical conditions applicable throughout its period of validity, including price indexation.

Any limitation, amendment or denial of any of the terms and conditions set in the draft Framework Contract (Annex III to the invitation to tender) shall lead to automatic exclusion from the procurement procedure.

Framework Contract(s) do not constitute orders. Orders shall be placed through requests for services (see Section 10.2 below for the *modus operandi* of the Framework Contract(s)), resulting in specific contracts.

The draft Framework Contract is attached as Annex III to the invitation to tender. Signature of the Framework Contract(s) does not commit the Agency to placing orders and does not give the Contractor(s) any exclusive rights regarding the services covered by the Framework Contract(s). In any case, the Agency reserves the right, at any time during the validity of the Framework Contract(s), to cease placing orders, without the Contractor(s) having the right to any compensation.

10.2 Modus Operandi

For each lot, the Framework Contract(s) shall be awarded to a minimum of three and a maximum of five tenderers provided that a sufficient number of tenderers satisfy the exclusion and/or selection criteria and/or enough tenders satisfy the award criteria.

Each time the Contracting Authority will ask for legal, economical or technical assistance a request for services shall be sent to all the contractors for the relevant lot.

All contractors under the lot concerned will be invited to submit an offer for the services described in the invitation.

Within five (5) calendar days, the contractors shall notify the Contracting Authority in writing, by post or e-mail whether he/she intends to submit the offer. Should the contractor be unavailable, he/she shall give reasons for refusal within the same period.

Within the deadline set by the Agency, which shall not be shorter than twenty (20) calendar days and shall not exceed forty (40) calendar days following the date of sending the request for services, the Contracting Authority shall receive the offers from the available contractors which shall include all the details as specified in the request for services, including the methodology, the deliveries, the composition of the team, the duration of work and the total price on the basis of the price quoted in the financial offer, Annex II to this invitation to tender (which forms an integral part of the Framework contract).

The offers received will be evaluated according to the Agency's procurement procedures and the offers will be ranked on the basis of the best quality/price combination as described in Section 20 of these tender specifications. A specific contract will be awarded to the contractor who has submitted the best-ranked offer.

Performance of the tasks starts from the date on which a specific contract is signed by the last contracting party.

For each specific contract the contractor and, if applicable, the members of the group or association carrying out the task under a specific contract, will have to sign a declaration of honour on the absence of conflict of interest stating that he/she has no direct or indirect link with the work subject of the task.

Tenderers undertake to treat in the strictest confidence and not make use of or divulge to third party any information or documents which are linked to the performance of the assignments and they shall continue to be bound by this undertaking after completion of the tasks.

In case of failure by the contractor(s) to fulfil his/her obligations, the Agency may terminate the contract at any time by registered letter without formal notice or payment of any compensation.

The award of a specific contract will be conditioned by the availability of sufficient funds.

If a contractor fails to notify the Contracting Authority in writing, by post or e-mail whether he intends to submit the offer and/or if a contractor completes work for one specific contract more than ten (10) calendar days later than stipulated in the specific contract or is found to have executed an order inadequately, the Agency may automatically suspend, by registered letter, the award of any further work to the contractor in question for a period of up to six months.

The contractor(s) must work in close and regular cooperation with the responsible units within the Agency. The contractor(s) and their experts work under their own capacity and responsibility and do not represent the Agency. The staff of the contractor(s) works under the instructions of the contractor(s).

10.3 Changes in the team

For the specific contracts, changes or additions to the team initially proposed must be notified to the Agency in writing. The Agency will have the right to object to any changes of members of the team from those initially proposed. In case the original team is no longer available, the Agency will have the right to cancel a specific contract.

10.4 Subcontracting

Special attention will be paid to the approach proposed by the Contractor(s) for managing his/her subcontractors. Tenderers will be required to indicate the kind of work which they plan to subcontract and the name of any companies to which they are intending to subcontract part of the work.

Subcontracting during the performance of the Framework Contract(s) is permitted only with the prior written consent of the Agency. The selected Contractor(s) remains solely liable for the proper performance of the Framework Contract(s).

11. CONTRACTORS' OBLIGATIONS

11.1 Employment law applicable to transfers of undertakings:

Tenderers are reminded that their tender must be established in conformity with the applicable national and European employment legislation regarding the transfer of undertakings, and specifically Directive 2001/23/EC⁸ and its national implementing measures. In particular, tenderers should take note of the provisions on safeguarding employees' rights in the event of a change of employer as a result of a legal transfer.

11.2 Copyright and other intellectual property rights

Copyright and other intellectual or industrial property rights and any other right of ownership will vest in the Agency, except where one or more of these rights already exists.

The contractor(s) must specify any parts of the services performed that are covered by copyright or any other rights of ownership. The contractor must confirm that it has obtained the authorisation of the holder of these rights to use these parts. Any costs arising from obtaining this authorisation will be borne by the contractor(s) and clearly identified on the relevant invoice.

Any results or rights thereon, including copyright and other intellectual or industrial property rights, obtained in performance of the Framework Contract(s) and specific contracts, shall be owned solely by the Agency, which may use, publish, assign or transfer them as it sees fit, without geographical or other limitation, except where industrial or intellectual property rights exist prior to the Framework Contract(s) being entered into force.

Should the title of the copyright or intellectual property rights belong to a third party, the contractor shall guarantee that it has requested and obtained those third parties' written authorisation to grant a license or assign to the Agency their copyright or intellectual property rights to the extent necessary for performing the services subject of this invitation to tender, and to the extent where the results/works obtained under the Framework Contract(s) are to be re-used in the context of another Agency's project/programme with another contractor(s) working under a framework contract(s) and/or specific contracts.

This applies to all products, documentation, distribution media and methods.

If subcontractors are used, the main contractor(s) will be required to obtain a guarantee from them on this point.

⁸ Council Directive 2001/23/EC of 12 March 2001 on the approximation of the laws of the Member States relating to the safeguarding of employees' rights in the event of transfers of undertakings, businesses or part of undertakings or businesses, OJ L 82 of 22.03.2001, p. 16.

12. PLACE OF PERFORMANCE OF THE SERVICES AND WORKING HOURS

12.1 Place of work

The principal place of performance of the Framework Contract(s) shall be at the Contractor's premises (working inside the country - WIC).

The principal place of performance of specific contract(s) shall depend on the nature of each specific contract and shall be indicated in the relevant request for services (the place may either be at the Agency's premises in Ljubljana, Slovenia or at the Contractor's premises).

In cases, where the performance of a specific contract shall take place outside the country where the Contractor's premises are located, this shall be considered as working outside the country – WOC.

12.2 Meetings

Meetings between the Agency's staff and the Contractor shall take place at the Agency's premises in Ljubljana, Slovenia, and only exceptionally and with the agreement of the Agency, at the Contractor's premises.

If deemed appropriate and at the sole discretion of the Agency, meetings between the Agency and the Contractor could be organised using a video conference systems, telephone conferences and/or any other communication means.

Meetings between the Agency and third parties (NRAs, EU institutions and other stakeholders), to which the contractor(s) may be invited, will be mainly organised in Ljubljana, Slovenia but may take place also in other EU Member States.

All meetings will be notified to the contractor(s), by e-mail, in reasonable time and in any case at least five (5) calendar days prior to the meeting, or at least two (2) calendar days prior to the meeting if video/telephone conferencing systems are used. The contractor(s) shall confirm by e-mail the attendance to the meeting.

The Contractor shall prepare minutes of these meetings, indicating the participants, agenda, and main issues of discussion and conclusions/action points.

Any expenses incurred by the contractor(s) as a result of these meetings (i.e. travel costs, subsistence allowance or any other related costs) shall not be reimbursed separately by the Agency. Quoted prices should be all inclusive.

12.3 Normal working days and hours of the Agency

The Agency's public holidays are published on the Agency's website and are updated yearly. The information is available at:

http://www.acer.europa.eu/Official_documents/Acts_of_the_Agency/Pages/Director's-decision.aspx).

The normal working time of the Agency is between 8:00 am and 20:00 with core hours from 9:30 to 12:00 and from 14:00 to 16:00.

13. LANGUAGE

The working language of the Agency is English. All communication, all the required services and all documentation must be provided in English. All meetings shall be held in English.

14. PAYMENT METHODS

Payments will be made exclusive of VAT, as the Agency is exempt from all duties and taxes, including value added tax (VAT) under Articles 3 and 4 of the Protocol on the Privileges and Immunities of the European Union. Invoice(s) presented by the contractor(s) must specify the amount(s) exclusive of VAT.

14.1 Terms of payment

Payments shall be made in accordance with the provisions laid down in the draft Framework Contract (Annex III to the Invitation to Tender) and in line with the payment schedule described in the relevant specific contract.

- For specific contracts with the total value of **less than EUR 25,000:**
Payments shall be made after full delivery and approval of the report(s) by the Agency within 60 days from the receipt of the report(s) and the relevant invoice.
- For specific contracts with the total value of **EUR 25,000 or higher:**
The contractor may request an advance payment in the amount of 30% of the total price of the specific contract. The balance will be paid after full delivery and approval of the final report by the Agency within 60 days from the receipt of the final report and the relevant invoice.

15. PRICES

- The prices should be quoted in Euro.
- Under Articles 3 and 4 of the Protocol on the Privileges and Immunities of the European Union the Agency is exempt from all duties and taxes, including value added tax (VAT). VAT should be indicated separately and will not be taken into account when considering prices.
- The unit prices quoted must be firm and not subject to revision for the first year of the contract.

From the beginning of the second year prices may be revised upwards or downwards according to the harmonised indices of consumer prices (HICP) for Slovenia (MUICP index) and the method laid down in the Framework Contract(s).

The prices quoted shall be all inclusive and shall include all services as described in these tender specifications and its annexes, including any administrative, travel and/or subsistence expenses and/or accommodation costs as indicated.

- No expenses incurred within the framework of the preparation of the offer will be reimbursed.

16. SUBMISSION OF OFFERS

Each tender must be accompanied by a **dated cover letter signed by the tenderer** and the **duly completed reference table** related to the exclusion and selection criteria (see Annex I.A of these tender specifications).

The tenderer's offer should include:

- A. The declaration of honour on exclusion criteria and absence of conflict of interest listed in Section 18 of these tender specifications (model provided in Annex I.C to these tender specifications), fully completed and signed and dated by the tenderer.
- B. All the documents relating to the selection criteria listed in Section 19 of these tender specifications.
- C. The technical tender, as described in Section 17 of these tender specifications.
- D. The financial offer based on the model in Annex II to the invitation to tender, signed and dated by the tenderer.

In case the offer involves subcontracting or the tender is submitted by a consortium or grouping of service providers, the tender must contain additional information as specified in Sections 18 and 19 of these tender specifications.

17. TECHNICAL TENDER

Tenderers should include in their offer a technical tender detailing how they intend to perform the tasks covered by the contract, in compliance with all the requirements of these tender specifications. Tenders that fail to comply with this requirement will be rejected.

The technical tender should not include any of the documents referred to under the exclusion and/or selection criteria, nor should it refer to matters already covered by the exclusion and/or selection criteria.

Tenderers must present in their offers a proposal on the general methodology and the organisation of the work they will apply to the possible tasks under the specific contracts. The level of detail of the tender will be important for the evaluation of the tender. In particular, tenderers must prove in the technical proposal that they have adequate analytical capability and legal, economical or technical expertise, depending on the lot.

The technical tender should address all matters laid down in the specifications and should include models, examples and technical solutions to address problems raised in the specifications.

Technical tender, in line with the requirements of services as described in these tender specifications, must include:

- A general presentation of the different methodologies applied by the tenderer for the main categories of tasks described.

- Two experience-based and/or fictive detailed examples describing the methodology the tenderer would use to perform a specific contract under the relevant lot. The examples can be based on the methodology used for a service contract carried out in the past by the tenderer for a service similar to one of those listed under section 4 and/or on a case study. The tenderer has the choice to provide two real examples, two case studies or one of each.
- Detailed planning for the two experience-based and/or fictive detailed examples concerning deliverables and major project milestones as well as experts and resources dedicated to the project. One of the two experience-based and/or fictive detailed examples must relate to a project requiring the tenderer to work in 3 different EU official languages and must describe how the tenderer mobilizes, manages and coordinates such a team.

18. EXCLUSION CRITERIA

Tenderers must prove that they are not in one of the situations giving rise to exclusion as described below, by providing the following information, evidence and documents with their tender.

Exclusion from participation

Tenderers will be excluded from participating in this procurement procedure if:

- a) they are bankrupt or being wound up, are having their affairs administered by the courts, have entered into an arrangement with creditors, have suspended business activities, are the subject of proceedings concerning those matters, or are in any analogous situation arising from a similar procedure provided for in national legislation or regulations;
- b) they have been convicted of an offence concerning their professional conduct by a judgment of a competent authority of a Member State which has the force of res judicata;
- c) they have been guilty of grave professional misconduct proven by any means which the Contracting authority can justify including by decisions of the European Investment Bank and international organisations;
- d) they are not in compliance with their obligations relating to the payment of social security contributions or the payment of taxes in accordance with the legal provisions of the country in which they are established, or those of the country of the Contracting authority or those of the country where the Contract is to be performed;
- e) they have been the subject of a judgment 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 European Union's financial interests;
- f) they are 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

Evidence

1. Tenderers shall provide a declaration on their honour, duly signed and dated, stating that they are not in one of the situations referred to above, using the form provided in Annex I.C to these tender specifications.

2. The tenderers to whom it is proposed to award the Framework Contract(s) shall furnish, within a time-limit specified by the Contracting Authority and prior to the signature of the Contract, the following evidence in support of their declarations:

The Contracting Authority will accept as satisfactory evidence that the tenderer is not in one of the situations described in points (a), (b) and (e) above, a recent extract from the judicial record (issued less than 90 days prior to the deadline for the submission of the tender) or, failing this, a recent equivalent document (issued less than 90 days prior to the deadline for the submission of the tender), 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. The Contracting Authority will accept, as satisfactory evidence that the tenderer is not in one of the situations described in point (d) above, a recent certificate (i.e. less than 90 days old on the date of the deadline for the submission of the tender) issued by the competent authority of the state concerned. The document 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.

Where no document or certificate of the type referred to in the paragraph above is issued in the country concerned, and for the other cases of exclusion referred to in points (c) and (f), 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 the 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.

3. The Agency reserves the right to check the information provided by tenderers.

Exclusion from award of contracts

The Framework Contract(s) will not be awarded to tenderers who, during the procurement procedure:

- (a) are subject to a conflict of interests.

The Agency must ensure that, on the date on which the tender is submitted, no tenderer is subject to a conflict of interests; such conflict of interests could arise in particular as a result of economic interest, political or national affinity, family, emotional life, or any other shared interest.

The Agency reserves the right to judge whether such a conflict of interests exists.

Tenderers are asked to declare:

- that they have not made and will not make any offer of any type whatsoever from which an advantage can be derived under the Contract;
- that they have not granted and will not grant, have not sought and will not seek, have not attempted and will not attempt to obtain, or 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 the award of the Contract;
- that they will inform the Contracting Authority without delay of any situation considered a conflict of interests or which could give rise to a conflict of interests.
- (b) are guilty of misrepresentation in supplying the information required by the Contracting Authority as a condition for participation in the procurement procedure, or fail to supply this information.

Evidence:

Tenderers shall provide a declaration on their honour, duly signed and dated, stating that they are not in one of the situations referred to above, using the form provided in Annex I.C to these tender specifications.

The Agency reserves the right to check the information provided by tenderers.

Tenders submitted by consortia or groups of service providers – tenders involving subcontracting:

In the case of tenders submitted by consortia or groups of service providers, each of the economic operators involved in the tender must provide a dated and signed declaration on honour, based on the model provided in Annex I.C to these tender specifications, confirming that none of the exclusion criteria for participation in or award of the Contract apply to them.

The tenderers proposed for award of the Framework Contract must furnish, within the time-limit specified by the awarding authority and prior to the signature of the Framework contract, the evidence listed above, corroborating the declaration on their honour, in respect of each economic operator forming part of their consortium or group of service providers.

In the case of tenders involving subcontracting, the tenderer proposed for award of the Contract must furnish, within the time-limit specified by the awarding authority and prior to the signature of the Contract, the declaration on their honour and/or the evidence listed above regarding exclusion criteria for participation in or award of the Contract, in respect of each of the subcontractors in respect of whom the Agency requests such evidence.

The Agency reserves the right to check the information provided by tenderers.

19. SELECTION CRITERIA

Tenderers must demonstrate that they have the necessary economic, financial, technical and professional capacity to perform the tasks described in these tender specifications in accordance with the payment schedule specified in the draft Framework Contract at Annex III to the Invitation to Tender.

Where the tender is submitted by a consortium or group of service-providers, the economic and financial capacity must be ascertained at the level of each economic operator forming part of the consortium or group. Technical and professional capacity may be ascertained at consortium or group level, or at the level of each member of the consortium or group.

Where the tender is submitted by a tenderer who intends to subcontract part of the tasks or entrust them to another economic operator, the subcontractors or economic operators involved must demonstrate that they have the requisite economic, financial, technical and professional capacity.

An economic operator may, if necessary and for a particular contract, rely on the capacities of other entities, regardless of the legal nature of the links he/she has with them. He/she must in this case prove to the awarding authority that he/she will have at his/her 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 his/her disposal.

To be eligible, the tenderers must have the economic and financial capacity as well as the technical and professional capacity to perform the tasks required in this call for tender.

19.1 Professional capacity

FOR EACH LOT

- Duly completed and signed identification form (see Annex I.B to these tender specifications).
- Duly completed and signed financial identification form (see Annex I.D to these tender specifications) – the form can be downloaded from:
http://ec.europa.eu/budget/contracts_grants/info_contracts/financial_id/financial_id_en.cfm.
- Certificate of enrolment on the professional or trade register in accordance with the legislation of the Member State in which the tenderer is established.
- Duly completed and signed legal entity form (see Annex I.E to these tender specifications) – the form can be downloaded from:
http://ec.europa.eu/budget/contracts_grants/info_contracts/legal_entities/legal_entities_en.cfm.

19.2 Economic and financial capacity

FOR EACH LOT

Evidence of financial and economic capacity must be provided by means of the following documents:

- Statements from the bank indicating good financial viability or evidence of professional risk insurance covers.
- Balance sheets or extracts from balance sheets for at least the last two (2) years for which accounts have been closed, where publication of the balance sheet is required under the company law of the country in which the economic operator is established.
- A statement of overall turnover concerning the services covered by the Framework Contract during the last two (2) financial years.
In case of a consortium, audited accounts for each consortium partner shall be presented.

19.3 Technical and professional capacity

FOR LOT 1

Proof of the technical and professional capacity of the tenderers shall be furnished by the following documents and minimum requirements:

- A statement of the average annual manpower and the number of managerial staff over the last two (2) years, including the number of staff at senior and junior level, broken down by managerial level, data handling, surveying, research, economic, legal and statistical analyst staff.
- A list of the principal services provided in the past three (3) years and relevant to 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).
- Evidence of employing directly or being readily capable of constituting a team of experts capable of carrying out in a professional and timely manner the tasks requested under the Framework Contract(s).
- Evidence that the tenderers have successfully completed at least two (2) projects in the field(s) related to the lot(s) concerned in the past three (3) years representing together a total budget of **at least EUR 100,000**.
- A declaration of any contractual relations during the last three (3) years with any stakeholders and/or companies directly involved in the programmes, projects and legislative activities, conducted or subcontracted by the Agency, to be evaluated under this invitation to tender and a statement that the tenderer shall during the validity period of the Framework Contract(s), declare any changes in their situation regarding the contractual relations referred to in this paragraph.
- A detailed description of the human resources available for the performance of the work required, including subcontractors. The tenderer shall include Curricula Vitae (CVs), preferably, in accordance to the European CV format⁹, showing clearly their qualifications, professional experience, research work, publications and linguistic skills etc. within the relevant business area. The tenderer shall present a team of at least three (3) experts, namely:
 - at least one (1) A-level expert,
 - at least one (1) B-level expert and
 - at least one (1) C-level expert.

The tender must include the CVs of the proposed experts, with a clear indication of the level mentioned above.

The proposed team must have the following minimum levels of qualification:

A-level expert's minimum levels of qualification:

- completed university studies of at least 3 years attested by a diploma in law and at least seven (7) years' professional experience in EU law relating to energy or any related issue;
- good knowledge of the European Union's regulatory framework in the field of energy;
- a deep understanding of the functioning of energy markets in the EU, possibly through knowledge and experience gained with several national markets;
- excellent command of the English language;
- very good writing and communication skills.

⁹ <http://europass.cedefop.europa.eu/en/documents/curriculum-vitae/templates-instructions>

B-level expert's minimum levels of qualification:

- completed university studies of at least 3 years attested by a diploma in law and at least five (5) years' professional experience in EU law relating to energy or any related issue;
- good knowledge of the European Union's regulatory framework in the field of energy;
- a deep understanding of the functioning of energy markets in the EU, possibly through knowledge and experience gained with several national markets;
- excellent command of the English language;
- very good writing and communication skills.

C-level expert's minimum levels of qualification:

- completed university studies of at least 3 years attested by a diploma in law and at least three (3) years' professional experience in EU law relating to energy or any related issue;
- good knowledge of the European Union's regulatory framework in the field of energy;
- a deep understanding of the functioning of energy markets in the EU, possibly through knowledge and experience gained with several national markets;
- excellent command of the English language;
- very good writing and communication skills.

FOR LOT 2

Proof of the technical and professional capacity of the tenderers shall be furnished by the following documents and minimum requirements:

- A statement of the average annual manpower and the number of managerial staff over the last two (2) years, including the number of staff at senior and junior level, broken down by managerial level, data handling, surveying, research, economic, legal and statistical analyst staff.
- A list of the principal services provided in the past three (3) years and relevant to 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).
- Evidence of employing directly or being readily capable of constituting a team of experts capable of carrying out in a professional and timely manner the tasks requested under the Framework Contract(s).
- Evidence that the tenderers have successfully completed at least two (2) studies in the field(s) related to the lot(s) concerned in the past three (3) years representing together a total budget of **at least EUR 150,000**.
- A declaration of any contractual relations during the last three (3) years with any stakeholders and/or companies directly involved in the programmes, projects and legislative activities, conducted or subcontracted by the Agency, to be evaluated under this invitation to tender and a statement that the tenderer shall during the validity period of the Framework Contract(s), declare any changes in their situation regarding the contractual relations referred to in this paragraph.
- A detailed description of the human resources available for the performance of the work required, including subcontractors. The tenderer shall include Curricula Vitae (CVs), preferably, in accordance to the European CV format¹⁰, showing clearly their

¹⁰ <http://europass.cedefop.europa.eu/en/documents/curriculum-vitae/templates-instructions>

qualifications, professional experience, research work, publications and linguistic skills etc. within the relevant business area. The tenderer shall present a team of at least five (5) experts, namely:

- at least two (2) A-level experts,
- at least two (2) B-level experts and
- at least one (1) C-level expert.

The tender must include the CVs of the proposed experts, with a clear indication of the level mentioned above.

The proposed team must have the following minimum levels of qualification:

A-level expert's minimum levels of qualification:

- completed university studies of at least three years' duration attested by a diploma relevant to the scope of the services requested (i.e. economics or sciences) OR completed university studies of at least three years' duration attested by a diploma and a post-graduate qualification relevant to the scope of the services requested (i.e. economics or sciences);
- at least seven (7) years' professional experience in economic or statistical analysis;
- good knowledge of the European Union's regulatory framework in the field of energy;
- a deep understanding of the functioning of energy markets in the EU, possibly through knowledge and experience gained with several national markets;
- excellent command of the English language;
- very good writing and communication skills.

B-level expert's minimum levels of qualification:

- completed university studies of at least three years' duration attested by a diploma relevant to the scope of the services requested (i.e. economics or sciences) OR completed university studies of at least three years' duration attested by a diploma and a post-graduate qualification relevant to the scope of the services requested (i.e. economics or sciences);
- at least five (5) years' professional experience in economic or statistical analysis;
- good knowledge of the European Union's regulatory framework in the field of energy;
- a deep understanding of the functioning of energy markets in the EU, possibly through knowledge and experience gained with several national markets;
- excellent command of the English language;
- very good writing and communication skills.

C-level expert's minimum levels of qualification:

- post-secondary education attested by a diploma relevant to the scope of the services requested (i.e. economics or sciences);
- at least three (3) years' professional experience in economic or statistical analysis;
- good knowledge of the European Union's regulatory framework in the field of energy;
- a deep understanding of the functioning of energy markets in the EU, possibly through knowledge and experience gained with more several markets;
- excellent command of the English language;
- very good writing and communication skills.

FOR LOT 3

Proof of the technical and professional capacity of the tenderers shall be furnished by the following documents and minimum requirements:

- A statement of the average annual manpower and the number of managerial staff over the last two (2) years, including the number of staff at senior and junior level, broken down

by managerial level, data handling, surveying, research, economic, legal and statistical analyst staff.

- A list of the principal services provided in the past three (3) years and relevant to 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).
- Evidence of employing directly or being readily capable of constituting a team of experts capable of carrying out in a professional and timely manner the tasks requested under the Framework Contract(s).
- Evidence that the tenderers have successfully completed at least two (2) studies in the field(s) related to the lot(s) concerned in the past three (3) years representing together a total budget of **at least EUR 150,000**.
- A declaration of any contractual relations during the last three (3) years with any stakeholders and/or companies directly involved in the programmes, projects and legislative activities, conducted or subcontracted by the Agency, to be evaluated under this invitation to tender and a statement that the tenderer shall during the validity period of the Framework Contract(s), declare any changes in their situation regarding the contractual relations referred to in this paragraph.
- A detailed description of the human resources available for the performance of the work required, including subcontractors. The tenderer shall include Curricula Vitae (CVs), preferably, in accordance to the European CV format¹¹, showing clearly their qualifications, professional experience, research work, publications and linguistic skills etc. within the relevant business area. The tenderer shall present a team of at least five (5) experts, namely:
 - at least two (2) A-level experts,
 - at least two (2) B-level experts and
 - at least one (1) C-level expert.

The tender must include the CVs of the proposed experts, with a clear indication of the level mentioned above.

The proposed team must have the following minimum levels of qualification:

A-level expert's minimum levels of qualification:

- completed university studies of at least three years' duration attested by a diploma relevant to the scope of the services requested (i.e. technical studies or engineering) OR completed university studies of at least three years' duration attested by a diploma and a post-graduate qualification relevant to the scope of the services requested (i.e. technical studies or engineering);
- at least seven (7) years' professional experience in the fields of energy or any related issue;
- good knowledge of the European Union's regulatory framework in the field of energy;
- a deep understanding of the functioning of energy markets in the EU, possibly through knowledge and experience gained with several national markets;
- excellent command of the English language;
- very good writing and communication skills.

¹¹ <http://europass.cedefop.europa.eu/en/documents/curriculum-vitae/templates-instructions>

B-level expert's minimum levels of qualification:

- completed university studies of at least three years' duration attested by a diploma relevant to the scope of the services requested (i.e. technical studies or engineering) OR completed university studies of at least three years' duration attested by a diploma and a post-graduate qualification relevant to the scope of the services requested (i.e. technical studies or engineering);
- at least five (5) years' professional experience in the fields of energy or any related issue;
- good knowledge of the European Union's regulatory framework in the field of energy;
- a deep understanding of the functioning of energy markets in the EU, possibly through knowledge and experience gained with several national markets;
- excellent command of the English language;
- very good writing and communication skills.

C-level expert's minimum levels of qualification:

- post-secondary education attested by a diploma relevant to the scope of the services requested (i.e. technical studies or engineering);
- at least three (3) years' professional experience in the fields of energy or any related issue;
- good knowledge of the European Union's regulatory framework in the field of energy;
- a deep understanding of the functioning of energy markets in the EU, possibly through knowledge and experience gained with several national markets;
- excellent command of the English language;
- very good writing and communication skills.

Tenders which do not meet the exclusion and/or selection criteria will not be considered.

Tenderers who do not provide the documents required in these tender specifications with regard to the exclusion and/or selection criteria may be excluded. The Agency will decide whether the substantiating documents provided constitute compliance with the selection criteria.

For those tenders including subcontracting, the tenderer must submit:

- A document stating clearly the identity, roles, activities and responsibilities of the subcontractor(s) and specifying the volume/proportion of the tasks of (each of) the subcontractor(s), as well as the description of the quality control measures he intends to apply on the tasks to be carried out by (each of) the subcontractor(s).
- A letter of intent by (each of) the subcontractor(s) stating his/her unambiguous undertaking to collaborate with the tenderer if he wins the contract and the extent of the resources that it will put at the tenderer's disposal for the performance of the contract.
- **In the absence of this**, a document stating that the tenderer does not intend to subcontract and that he will inform the Agency about any change in this situation. The Agency reserves the right to judge if such change would be acceptable.

Offers involving subcontracting will be assessed as follows:

- Where the amount of subcontracting exceeds or equals 20% of the contract, the exclusion criteria will be assessed in relation to all proposed subcontractors. The declaration of honour on exclusion criteria and absence of conflict of interest included in Annex I.C, duly signed and dated, stating that the subcontractor is not in one of the exclusion situations, must be provided by each proposed subcontractor.
- Where the tenderer relies on the economic, financial, technical and professional capacity of the subcontractor(s) to meet the selection criteria, subcontractors shall be treated as if they were partners in a consortium or a group of companies for the purposes of the evaluation of the selection criteria, and therefore, they shall provide proof of economic, financial, technical and professional capacity as well.

For those tenders submitted by a consortium or grouping of service providers, the tender must contain:

- A document stating clearly the composition and constitution of the grouping or similar entity (company/temporary association/...), or the legal form their cooperation will take, should they be awarded the contract.
- A letter signed by each member stating his/her commitment to execute the services in the tender clearly indicating his/her role, qualifications and experience.
- A document signed by all members specifying the lead of the consortium or grouping of service providers and authorising the appointed lead of the consortium or grouping of service providers to submit the offer.

Joint tenders will be assessed as follows:

- The exclusion criteria will be assessed in relation to each company individually. The declaration of honour on exclusion criteria and absence of conflict of interest included in Annex I.C, duly signed and dated, stating that the tenderer is not in one of the exclusion situations, must be provided by each member of the consortium or the group.
- The selection criteria for economic and financial capacity will be assessed in relation to each company individually. However, economic and financial criteria that shall be achieved above a certain minimum threshold (i.e. average annual turnover) will be assessed in relation to the consortium or group of companies as a whole.
- The selection criteria for technical and professional capacity will be assessed in relation to the consortium or group of companies as a whole.

20. AWARD CRITERIA

For each lot, the Framework Contract(s) will be awarded to the tender(s) offering the best value for money on the basis of the criteria specified below.

20.1 Technical quality, with 60% weighting

FOR EACH LOT

The technical quality criteria, their importance factor and system of scoring are presented in detail below:

- A. Relevance, comprehensiveness and quality of the proposed methodologies applied by the tenderer for the main categories of tasks described, taking into account the specifics of the subject of these tender specifications.
A maximum of 30 points will be assigned for this criterion.
- B. Relevance of the two experience-based and/or fictive detailed examples and relevance, comprehensiveness and quality of the methodology described, taking into account the specifics of the subject of these tender specifications.
A maximum of 40 points will be assigned for this criterion.
- C. Completeness, appropriateness and comprehensiveness of the proposed planning of the two experience-based and/or fictive detailed examples concerning deliverables and major project milestones as well as experts and teams and resources dedicated, taking into account the specifics of the subject of these tender specifications.
A maximum of 30 points will be assigned for this criterion.

Tenders scoring less than 60 overall points or less than 60% of the points awarded for each of the single criterion for each lot will be excluded from further evaluation.

20.2 Price, with 40% weighting

FOR EACH LOT

In order to evaluate the offers, the Agency will calculate for each lot separately a total reference price, based on the financial offer submitted by the tenderer in Annex II to the invitation to tender.

The total reference price will be calculated as follows:

	SERVICES	All-inclusive price in EUR without VAT	UNIT	MULTIPLIER COEFFICIENT	VALUE
A	B	C	D	E	F = C * E
1	A-level expert WIC (working inside country)		person-day	* 0.15	
2	A-level expert WOC (working outside country)		person-day	* 0.10	
3	B-level expert WIC (working inside country)		person-day	* 0.17	
4	B-level expert WOC (working outside country)		person-day	* 0.12	
5	C-level expert WIC (working inside country)		person-day	* 0.25	
6	C-level expert WOC (working outside country)		person-day	* 0.21	
	<u>TOTAL REFERENCE PRICE = VALUES 1 + 2 + 3 + 4 + 5 + 6</u>				

Only this reference price will be taken into account when calculating the price criteria. The total reference price has no contractual value and will be used solely for the purpose of this evaluation.

20.3 Final evaluation

FOR EACH LOT

The formula to calculate economically the most advantageous offer is:

$$\text{Final score for tender X} = \frac{\text{cheapest total reference price}}{\text{total reference price of tender X}} * 40 + \frac{\text{total technical quality of tenderer X}}{100} * 60$$

Tenders will be ranked according to the criterion of the economically most advantageous tender that is with the highest technical quality/price combination, obtained on the basis of the formula indicated above.

Provided that there is a sufficient number of admissible tenders (those that satisfy the exclusion and selection criteria) that satisfy the award criteria, the Framework Contract for each lot will be awarded to a minimum of three (3) tenderers and a maximum of five (5) tenderers who have obtained the highest scores.

If only one eligible tender is received for any of the three lots, the tender procedure for this lot shall be cancelled.

When the number of admissible tenders for any of the three lots is lower than three, the Agency reserves the right not to award the framework contract(s) for the relevant lot.

21. AWARD OF SPECIFIC CONTRACTS

FOR EACH LOT

Once the Framework Contract(s) have been signed with the best-ranked tenderers of each lot, the Agency, when the need arises, may send a request for services for carrying out an individual assignment. The Agency will select a contractor for a specific assignment on the basis of the submitted offers.

The offers must contain:

- a) a technical part, detailing the methodology, deliverables, project milestones, resources, the composition and skills of the team, the experts and the responsible team leader for the specific assignment;
- b) a financial part, detailing the number of person-day per the expert level to be multiplied by the person-day price as defined in the Framework Contract.

The specific contract will be awarded according to the criteria given below, on the basis of the most economically advantageous tender.

21.1 Technical quality, with 60% weighting

FOR LOT 1

The technical quality criteria, their importance factor and system of scoring are presented in detail below¹²:

- A. Relevance, comprehensiveness and quality of the proposed methodology, taking into account the specifics of the request for services. *This criterion receives maximum 10 points.*
- B. Comprehensiveness of the proposed planning of the implementation of the specific contract with deadlines, including deliverables, project milestones, team composition, resources, etc. dedicated to the project.
This criterion receives maximum 50 points.
- C. Relevance, comprehensiveness and quality of the proposed content and structure of a study. *This criterion receives maximum 40 points.*

Only offers with a total score of at least 60 overall points or at least 60% of the points awarded for each of the single criterion will be taken into consideration for awarding a specific contract.

¹² These terms may be formulated more precisely in the relevant request for services.

FOR LOT 2 AND LOT 3

The technical quality criteria, their importance factor and system of scoring are presented in detail below¹³:

- A. Relevance, comprehensiveness and quality of the proposed methodology, taking into account the specifics of the request for services. *This criterion receives maximum 40 points.*
- B. Comprehensiveness of the proposed planning of the implementation of the specific contract with deadlines, including deliverables, project milestones, team composition, resources, etc. dedicated to the project. *This criterion receives maximum 40 points.*
- C. Relevance, comprehensiveness and quality of the proposed content and structure of a study. *This criterion receives maximum 20 points.*

Only offers with a total score of at least 60 overall points or at least 60% of the points awarded for each of the single criterion will be taken into consideration for awarding a specific contract.

21.2 Price, with 40% weighting

FOR ALL LOTS

The financial offer shall detail the number of person-day per the expert level and shall include the price per person-day as defined in the Framework Contract; the price per person-day per the expert level can be lower than the one in the Framework Contract but it cannot exceed it.

In order to evaluate the offers, the Agency will use the total all inclusive price, based on the financial offer submitted by the tenderer.

21.3 Final evaluation

FOR ALL LOTS

The formula to calculate economically the most advantageous offer is:

$$\text{Final score for tender X} = \frac{\text{cheapest total all inclusive price}}{\text{total all inclusive price of tender X}} * 40 + \frac{\text{total technical quality of tenderer X}}{100} * 60$$

Tenders will be ranked according to the criterion of the economically most advantageous tender that is with the highest technical quality/price combination, obtained on the basis of the formula indicated above.

The tenderer with the highest mark for the final score will be awarded the specific contract.

Specific contracts will not be awarded to contractors who, during the procurement procedure for a specific contract:

- are subject to a conflict of interest;
- are guilty of misrepresentation in supplying the information required by the Contracting Authority as a condition for participation in the procurement procedure, or fail to supply this information.

¹³ These terms may be formulated more precisely in the relevant request for services.