

ANNEX A.1

Open call for tender F/SE/11/02

**Medical services for Staff Members of the
European Union Agency for Fundamental
Rights (FRA)**

TECHNICAL SPECIFICATIONS

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1. BACKGROUND INFORMATION

The European Union Agency for Fundamental Rights (FRA) is an EU Agency based in Vienna, Austria. The Agency is established by the Council Regulation 168/2007 of 15 February 2007.

The objective of the Agency is to provide the relevant institutions, bodies, offices and agencies of the Union and its Member States when implementing Union law with assistance and expertise relating to fundamental rights in order to support them when they take measures or formulate courses of action within their respective spheres of competence to fully respect fundamental rights.

Further information on the FRA's activities is available on its website, at the address <http://www.fra.europa.eu>

The FRA is a multi-cultural, multi-lingual body of the European Union.

Staff members employed by the FRA are subject to Staff Regulations of Officials of the European Communities and the Conditions of Employment of Other Servants of the European Communities (Council Regulation Nr. 259/68 of 29 February 1968, amended by the Council Regulation Nr. 723/2004 of the 22 March 2004). FRA staff members are not subject to national employment law, nor are they members of national health and social security schemes.

The staff to be working at the Agency originates from the Member States of the European Communities. The number of staff entitled to medical services will be 97 by the end of 2011 and it is estimated to grow up to approximately 120 by 2013.

The contractors have to be able to fulfil FRA staff members' needs which vary in line with the growth of the Agency. The current estimates about the staff development are described below.

The staffing milestones are currently planned as follows:

- December 2011: 97
- December 2012: 109
- December 2013: 120

2. CONTRACT OBJECTIVES

The contract purpose is to ensure the medical service for the Agency staff for a maximum period of four (4) years.

Lot 1 shall cover the provision of services of a Medical Advisor as required for pre-employment, annual medical tests and exams and for absenteeism.

Lot 2 shall cover the provision of services of a Medical Centre as required for pre-employment and annual medical tests.

3. SPECIFICATIONS

3.1. LOT 1 – PROVISION OF SERVICES OFFERED BY A MEDICAL ADVISOR

3.1.1. – Specific objectives

The specific objectives of the contract for the Medical Advisor are to provide the Agency, in particular, but not limited, the following medical advice services:

- All staff is required to undergo a comprehensive pre-employment medical screening before being recruited. The tests and exams will be carried out at the Medical Centre to be contracted by the FRA under Lot 2. The Medical Centre will send the results of the pre-employment medical screening to the Medical Advisor who will pronounce the aptitude or non-aptitude of the candidate for the proposed job.
- All staff is required to undergo an annual medical examination to certify their fitness for work. The tests and exams will be carried out at the Medical Centre to be contracted by the FRA under Lot 2. The Medical Centre will send the results of the annual medical examination to the Medical Advisor who will analyse them and consult accordingly the staff member concerned.
- The Medical Advisor is also involved where employees are experiencing work related problems (e.g. stress or repetitive strain injury) or where FRA needs advice of the application of the Staff Regulations relating to sickness and associated absence or underperformance. The legal provisions governing sick-leave related matters for the FRA staff are stipulated in the Staff Regulations (Articles 59 and 60) and Conditions of Employments of Other Servants (Articles 16, 59, 60 and 91) and Commission Decision no. 92/2004 introducing implementing provisions on absences as a result of sickness or accident. Some relevant articles are listed in Annex 1 to this document. Procedures on Invalidity Committees are part of the same provisions.
- Staff members who are on sick-leave may at any time be required to undergo a medical examination with the Medical Advisor arranged by FRA. The purpose of such an examination is to ensure that the absence is justified and that the duration of the absence is in proportion to the nature of the illness. Where necessary, this may take place at the patient's home. The travel expenses of the Medical Advisor will be reimbursed in case the patient's home is outside the city of Vienna.
- For medical reasons, in particular the gradual reintegration into the working routine or to prevent risks to their health, staff members may be authorized, in the short term, to work part time under the arrangements for medical part time. In this way they will be able to work a portion of the normal day or week, depending on the Medical Advisor's opinion.
- Staff members may travel outside the place of employment for medical examinations or medical treatment. In such cases recommendation from the Medical Advisor is required in order to establish whether the request is reasonable.

- Staff members on sick-leave, who wish to spend this leave in a place other than their place of employment, must ask permission from their Director beforehand; the Director shall base its decision on the opinion of the Medical Advisor.
- Where staff has serious performance or attendance problems associated with illness, their case may be referred for a recommendation to the Invalidity Committee, which will be chaired by the Medical Advisor of the FRA. The other members of the Invalidity Committee will be: a doctor nominated by the staff member and an independent doctor appointed by agreement between the Chair of the Committee and the employee's doctor. The Committee has the power to recommend retirement on health grounds where it is considered that the employee is suffering from permanent invalidity and is incapable of working. In such cases, where the Medical Advisor has a conflict of interest with the employee under review, he or she will be required to delegate the role of Chair to another doctor approved by FRA.
- The Medical Advisor is required to maintain the medical records of the FRA staff in safe environment inside the Agency.
- The Medical Advisor may be required from time to time go on mission to represent FRA at the Inter-Institutional Medical College in the European Commission. This College discusses issues of common interest and makes recommendations on policy to be adopted. The meetings do not take longer than 1 day and they are held in Brussels. All mission's costs shall be included by the tenderer in the mission fees as indicated in the financial offer form (Form 1 of Annex C). Following attendance at such meetings, tenderers will be required to furnish a detailed report to FRA and, where appropriate, make themselves available for discussion on the implementation of new policies and practices.
- In addition, staff may also undergo Health Screening Examinations (early detection of diseases) every few years and the Medical Advisor's opinion may be asked in relation to the discovered health problems. In this case staff will not perform the annual medical examination. The medical health screening is also open to family members of the staff.

The Medical Advisor is required to ensure the highest privacy in oral and written communication regarding the medical information of the staff. S/he must respect the medical deontology required under the Austrian law for the accomplishment of the tasks foreseen in the contract. Civil and penal responsibility of the Medical Advisor will be defined by the Austrian law.

The legal provisions governing pre-recruitment medical examinations and sick-leave related matters for FRA staff are provided in Annex 1 to the present Technical specification.

3.1.2. – Description of tasks

The successful contractor will be requested to:

- a) on the pre-employment examination, provide to the FRA a letter indicating the fitness of staff for work following doctor consultation of the staff member and analyses of the tests and exams that were carried out at the agreed Medical Centre;

b) set up and maintain medical records (medical files) on all FRA staff members in a secure environment. These records will also include all original tests and exams that will be carried out by the staff member at the agreed Medical Centre. A dedicated space will be provided by the Agency and will be available for consultation upon request from each staff member. Confidentiality and privacy shall be ensured by the Medical Advisor;

c) implement an annual medical visit - inclusive of anamnesis (case history), clinical examination and doctor consultation (anthropometry, blood pressure & pulse, hearing and view). He/she will analyse the tests and exams performed at the agreed Medical Centre, as defined in point 3.2.2 (Task 1 of the Medical Centre), and will communicate the results to the staff member. A letter will be also sent to the Human Resources and Planning department indicating the ability or not of the staff member to work;

d) the Medical Advisor's opinion may be asked in relation to the discovered health problems as a result of staff undergoing Health Screening Examinations (early detection of diseases).

e) advice the Director of the FRA on entitlement to part-time work on medical grounds, medical examination and/or treatment abroad;

f) provide health measures for FRA staff complaining of disorders associated with their working environment;

g) periodically consult on the day to day health of the FRA's staff for minor requests regarding health problems under coordination of the Human Resources and Planning department;

h) represent the FRA at the meetings of the Inter-institutional Medical College in Brussels;

i) chair the Invalidity Committee, as required;

j) work in the context of network of other medical practitioners in EU institutions and Agencies;

k) be available for meetings with the Agency's management;

l) organise periodic campaigns such as vaccinations, prevention of certain illnesses and any other when applicable;

m) propose the inventory of supplies and medicines to be available in the Agency and shall manage it.

FRA may request an annual report with analyses regarding the number of staff who underwent medical examination and the related costs. The report will be submitted in one copy, in paper version and/or in electronic format compatible with Word in English.

3.1.3. – Education and professional experience of the Medical Advisor

The Medical Advisor must fulfil the following requirements:

- S/he must possess a degree in Medicine recognised in one of the EU member states or equivalent qualification;

- S/he must be registered as general practitioner and/or medical specialist in occupational health with a Medical Association authorising the practice of Medicine in Austrian territory.
- S/he must have at least 3 years of professional experience as general practitioner and/or medical specialist in occupational health since registration;
- S/he must be able to communicate fluently in German and in English.

3.1.4. – Place of work and meetings

The services shall be provided in the premises of the FRA. The Medical Advisor may also be required to pay occasional visits to staff members' private homes and to go on mission to Brussels as described under 3.1.1 and 3.1.2.

A kick off meeting will take place after the signature of the contract between the FRA and the Medical Advisor at the FRA's premises.

At the beginning of Contract implementation, the Medical Advisor will be requested to provide the essential medical gear and supplies necessary for the provision of services in question. Such gear shall remain the property of the Medical Advisor. FRA, upon the Medical Advisor's advice, will subsequently acquire all the supplies needed to replace or complete the equipment; in this second case (equipment), it will remain the property of the Agency.

The Medical Advisor will work in close co-operation with the Medical Centre chosen by the FRA. For this purpose, a meeting between FRA, the Medical Advisor and the Medical Centre will be organised straight after signing of both contracts.

3.1.5. – Procedures for request for services

The Medical Advisor will be requested to be present at FRA's premises according to the schedule that will be agreed by the FRA (indicatively, 4 hours per week).

Based on a monthly planning provided by the HRP Department, the Medical Advisor will be responsible for prescribing tests and exams and organising the medical visits to be carried out in the selected Medical Centre.

The successful contractor will guarantee that the medical information obtained during his functions is reserved to the concerned staff member. The information can be transferred to third parties only with the written consent of the staff member.

Travel expenses connected to other services to be provided to the Agency outside the city of Vienna will be reimbursed, in accordance with the General Conditions of the contract.

3.1.6. – Payment formalities

The services will be invoiced on the basis of the hours provided on bimonthly basis against invoice and attendance list.

3.2. LOT 2 – MEDICAL CENTRE

3.2.1. – Specific objectives

As described above, all staff is required to undergo a comprehensive pre-employment medical screening before being recruited. FRA staff also undergoes an annual medical examination to certify their fitness for work and may take part in medical screening every few years.

The successful contractor is requested to carry out the tasks of a Medical Centre in charge of:

- a) Annual medical examination of staff in accordance with the list of elements outlined in point 3.2.2;
- b) Pre-employment medical examination of candidates in accordance with the list of elements in point 3.2.2;
- c) Availability for meetings with the FRA management and Medical Advisor.

All the above-mentioned tasks will be performed upon request of the Human Resources and Planning Department of the Agency.

All working documents and forms that the contractor will require to FRA staff members to read, to fill in, and to sign must be made available also in English. FRA may provide translations or reach agreements with the contractors for the languages of some medical documents.

3.2.2. – Description of the tasks

The contractor will be requested to perform the following tasks:

Task 1 – Annual medical examination of staff

X-ray of the lungs, only if the medical doctor considers it necessary.

1. Laboratory tests:

- Urine analysis;
- Blood test: sedimentation rate, urea, uric acid, creatinine, glucose; gamma-GT (if high, also transaminases, ASAT and ALAT); syphilis serology (every 5 years), haemoglobin, erythrocytes with specifications, leucocytes with specifications, HIV antibodies (AIDS) only after discussion with the patient and his agreement and signature.
- PSA for men from the age of 45 onwards.
- Test for blood in stools (from the age of 45 onwards).

2. Women's health - Gynaecological screening

- Clinical examination
- Cytology test (PAP smear test).
- Echography of the breast and mammography from the age of 40 onwards (if medically indicated, from the age of 35 onwards).

3. Men's health - Special screening for men from the age of 45 onwards

- Clinical examination.

- Rectal examination of prostate.
- Echography of prostate from the age of 50 onwards if medically indicated.

4. Back of the eyes/ eye pressure:

- Every year in case of hypertension and diabetics.
- Every two years.

Task 2: Pre-employment medical examination of candidates

1. Laboratory tests:

- Urine analysis;
- Blood: Sedimentation rate, Urea, Uric acid, Creatinine, Glycemia, Cholesterol, Triglyceride, HDL/LDL, Bilirubin, GGT, SGOT (ASAT), SGPT (ALAT), Seric protein >50 years, Electrophoresis >50 years, Cellognost sigma, Calcium, Hepatitis B, Hepatitis A, Hepatitis C, PSA man >45 years, TSH, CRP, Haematology (with formula and platelets), Iron, Ferritine, Transferrine – if Hemogl. Man <13.0 – woman <12.5, TPHA – if sigma +, Alkaline phosphatase, AIDS – with the agreement and the signature of the candidate, Faecal Occult blood test >45 years.

2. Vision test

3. Chest x-rays

4. Resting electrocardiogram

3.2.3. – Place of work and meetings

The tasks are to be performed at the contractor's premises in Vienna or at any other place designated by the contractor and agreed by the FRA.

A maximum of 2 co-ordination meetings with FRA will be held in FRA's premises in Vienna (Austria) and/or at the premises of the contractor. First meeting should take place after the signature of the contract, second meeting after 6 months, if deemed necessary.

The chosen Medical Centre will work in close co-operation with the Medical Advisor of the FRA. For this purpose, a kick off meeting between FRA, the Medical Advisor and the chosen Medical Centre will be organised straight after signing of the contract.

3.2.4. – Procedure for request for services

Pre-employment medical examination request

The tenderer must be able to carry out the whole of pre-employment medical examination for one candidate within one single morning.

The Human Resources and Planning Department will send by e-mail in the English or German language the request to the contractor to carry out the pre-employment medical examination. The request will be sent with as much advance as possible and at least 3 working days before the date when the programme is to be carried out.

The successful contractor must confirm to the Human Resources and Planning by e-mail, within 24 hours, the acceptance of the request and the exact day and hour of the examination.

The successful contractor carries out the tests and exams with a customer oriented approach that limits delays and waiting lists. In principle, communications will be held in English.

The results of the tests together with the originals of all tests and exams must be dispatched, in a highly confidential manner, to the FRA's Medical Advisor, as soon as possible, and no later than 7 working days from the date when the pre-employment examination was carried out. The FRA's Medical Advisor will be responsible for checking the completeness of the documents, providing recommendations to the FRA on aptitude for work and managing the medical files.

In case further examinations are considered necessary by the successful contractor, it is requested to contact directly the Medical Advisor and give all necessary information on their reasons. Extra exams considered necessary by the Medical Centre and agreed by the FRA will be invoiced directly to the Agency.

The tenderer's capacity to dispatch the results of the tests before the time limit of 7 working days from the date when the programme was carried out, will be considered favourably.

The successful contractor is requested to provide the Agency, by the end of each month with the list of candidates who underwent the pre-employment medical examination the previous month, including the names and signatures of the candidates and the date on which they did it.

Medical annual examination

The Contractor must be able to carry out within the morning of one single day the standard laboratory programme described for the annual examination. If complementary tests and exams are necessary, they must be carried out only upon written request of the FRA's Medical Advisor, in duly justified cases.

The request of appointment shall be done by e-mail from the Human Resources and Planning Department in the English or the German language, clearly specifying the name and the type of medical visit (i.e. annual) with the details on the prescription of the examinations.

The Contractor will confirm the acceptance of the request and the exact day (or the range of dates) and hour of the examination.

The results of the tests together with the originals of all tests and exams must be dispatched, in a highly confidential manner, to the FRA's Medical Advisor, as soon as possible, and no later than 7 working days from the date when the annual medical examination was carried out. The FRA's Medical Advisor will be responsible for checking the completeness of the documents and managing the medical files.

Any complementary tests and exams or any additional laboratory tests carried out outside the aforementioned standard laboratory examinations will not be FRA's liability. The concerned staff members should be made aware of it in advance and charged personally.

The successful contractor is requested to provide FRA by the end of each month with the list of candidates who underwent the annual medical examination during the previous month, including the name and signature of the staff members - and the date in which they did it.

FRA may request an annual report regarding the number of staff, the type of medical examination underwent and the related costs.

Modification of requests for the pre-employment and annual medical examinations

The Contractor must be able to guarantee FRA a sufficient level of flexibility for the cancellation and request of modification of fixed appointments, in particular for pre-employment medical visits which are carried out for future staff members coming from abroad. This flexibility policy must be clearly indicated in the technical proposal.

3.2.6 Payment formalities

The services will be invoiced on the basis of the services provided on bimonthly basis against invoice.

4. Confidentiality – Personal data

While implementing the services, and especially when data is electronically processed, the contractor shall respect the applicable legislation concerning data protection as stated in Council Regulation 45/2001 of personal data protection.

Any medical information or associated medical information is strictly confidential and is relevant only to the person examined, to the Contractor and to the FRA's Medical Advisor. No information on medical issues can be disclosed without the permission of the person concerned.

Annex 1 to the Technical Specifications

Legal provisions governing pre-recruitment medical examination of the FRA staff

Article 13 of the Conditions of employment of Other Servants

Before being engaged, a member of the temporary staff shall be medically examined by one of the institution's medical officers in order that the institution may be satisfied that he fulfils the requirements of Article 12(2)(d).

Article 33 of the Staff Regulations shall apply by analogy.

Article 83 of the Conditions of employment of Other Servants

Before being engaged, a member of the contract staff shall be medically examined by one of the institution's medical officers in order that the institution may be satisfied that he fulfils the requirements of Article 82(3)(d).

Article 33 of the Staff Regulations shall apply by analogy.

Article 33 of the Staff Regulations

Before appointment, a successful candidate shall be medically examined by one of the institution's medical officers in order that the institution may be satisfied that he fulfils the requirements of Article 28(e).

Where a negative medical opinion is given as a result of the medical examination provided for in the first paragraph, the candidate may, within 20 days of being notified of this opinion by the institution, request that his case be submitted for the opinion of a medical committee composed of three doctors chosen by the appointing authority from among the institution's medical officers. The medical officer responsible for the initial negative opinion shall be heard by the medical committee. The candidate may refer the opinion of a doctor of his choice to the medical committee. Where the opinion of the medical committee confirms the conclusions of the medical examination provided for in the first paragraph, the candidate shall pay 50% of the fees and of the incidental costs

Legal provisions governing sick-leave related matters for FRA staff

Articles 16 and 91 of the Conditions of employment of Other Servants

Articles 42a, 42b and 55 to 61 of the Staff Regulations, concerning leave, hours of work, overtime, shift-work, stand-by duty at place of work or at home and public holidays, shall apply by analogy. Special leave and parental and family leave shall not extend beyond the term of the contract.

The paid sick-leave provided for in Article 59 of the Staff Regulations shall not, however, exceed three months or the length of time worked by the member of the temporary staff, where the latter is longer. The leave shall not extend beyond the term of his contract.

On expiry of these time-limits, a servant whose contract is not terminated, notwithstanding that he is unable to resume his duties, shall be placed on unpaid leave.

However, where a servant contracts an occupational disease or sustains an accident in the performance of his duties, he shall continue to receive his full remuneration throughout the period during which he is incapable of working until such time as he is awarded an invalidity pension under Article 33.

Article 59 of the Staff Regulations

1. An official who provides evidence of being unable to carry out his duties by reason of illness or accident shall be entitled to sick leave.

The official concerned shall notify his institution of his incapacity as soon as possible and at the same time state his current address. He shall produce a medical certificate if he is absent for more than three days. This certificate must be sent on the fifth day of absence at the latest, as evidenced by the date as

postmarked. Failing this, and unless failure to send the certificate is due to reasons beyond his control, the official's absence shall be considered as unauthorised.

The official may at any time be required to undergo a medical examination arranged by the institution. If the examination cannot take place for reasons attributable to the official, his absence shall be considered as unauthorised as from the date that the examination is due to take place.

If the finding made in the examination is that the official is able to carry out his duties, his absence shall, subject to the following sub-paragraph, be regarded as unjustified from the date of the examination.

If the official considers the conclusions of the medical examination arranged by the Appointing Authority to be unjustified on medical grounds, he or a doctor acting on his behalf may within two days submit to the institution a request that the matter be referred to an independent doctor for an opinion.

The institution shall immediately transmit the request to another doctor agreed upon by the official's doctor and the institution's medical officer. Failing such agreement within five days of the request, the institution shall select a person from a list of independent doctors to be established for this purpose each year by common consent of the Appointing Authority and the Staff Committee. The official may within two working days object to the institution's choice, whereupon the institution shall choose another person from the list, which choice shall be final.

The independent doctor's opinion given after consultation of the official's doctor and the institution's medical officer shall be binding. Where the independent doctor's opinion confirms the conclusion of the examination arranged by the institution, the absence shall be treated as unjustified from the date of that examination. Where the independent doctor's opinion does not confirm the conclusion of that examination, the absence shall be treated for all purposes as having been justified.

2. If, over a period of 12 months, an official is absent for up to three days because of sickness for a total of more than 12 days, he shall produce a medical certificate for any further absence because of sickness. His absence shall be considered to be unjustified as from the thirteenth day of absence on account of sickness without a medical certificate.

3. Without prejudice to the application of the rules on disciplinary proceedings, where appropriate, any absence considered to be unjustified under paragraphs 1 and 2 shall be deducted from the annual leave of the official concerned. In the event that the official has no outstanding leave entitlement, he shall lose the benefit of his remuneration for the corresponding period.

4. The Appointing Authority may refer to the Invalidation Committee the case of any official whose sick leave totals more than 12 months in any period of three years.

5. An official may be required to take leave after examination by the institution's medical officer if his state of health so requires or if a member of his household is suffering from a contagious disease.

In cases of dispute, the procedure laid down in the fifth to seventh subparagraph of paragraph 1 shall apply.

6. Officials shall undergo a medical check-up every year either by the institution's medical officer or by a medical practitioner chosen by them. In the latter case, the practitioner's fees shall be payable by the institution up to a maximum amount fixed for a period of no more than three years by the Appointing Authority after consulting the Staff Regulations Committee.

Article 60 of the Staff Regulations

Except in case of sickness or accident, an official may not be absent without prior permission from his immediate superior. Without prejudice to any disciplinary measures that may apply, any unauthorised absence which is duly established shall be deducted from the annual leave of the official concerned. If he has used up his annual leave, he shall forfeit his remuneration for an equivalent period.

If an official wishes to spend leave elsewhere than at the place where he is employed he shall obtain prior permission from the appointing authority.