

[FRA, AT-1040 Vienna; Schwarzenbergplatz 11]

ANNEX A

Open call for tender FRA-CAR-2009-T02

Provision of AV and Multimedia Products and Services for the EU Agency for Fundamental Rights

TENDER SPECIFICATIONS

1 Title of Framework Contract

The title of the framework contract is: "Provision of AV and Multimedia Products and Services for the EU Agency for Fundamental Rights".

- Lot 1 – Audiovisual Products and Services
- Lot 2 - Multimedia Products and Services

Related to 2009/S 188-269887 contract notice of 30/09/2009

2 Purpose and context of the Framework Contract

The purpose of this tender is to to conclude framework contracts with economic operators in order to allow the Agency to carry out these tasks. An economic operator can submit a tender for one lot or for more lots. However, a separate tender must be submitted for each lot and each tender must cover all the tasks in the lot to which it refers.

3 Subject of Framework Contract

The subject of the tender is to award maximum four framework contracts per lot for the provision of the following products and services: Audiovisual (AV) Services and Products as well as Multimedia Solutions and Products. For both lots the Agency will award minimum 3 (three) multiple framework contracts with reopening competition, provided that sufficient number of admissible tenders meet the award criteria.

4 Technical Specifications

The tenderer must present the technical offer (Annex C.4 – Technical Offer) according to the Technical Specifications in Annex A.1.

5 Starting of the Framework Contract and duration

The Multiple Framework Contract resulting from the present call for tenders shall enter into force the date it is signed by the last contracting party.

Each multiple framework contract is concluded for one year and may be extended automatically up to a maximum of three (3) times, each time for a period of twelve (12) months, unless written notification to the contrary is sent by one of the contracting parties at least three (3) months before expiry of the framework contract. The framework contract is extended under the same conditions.

The duration of the Multiple Framework Contract shall not exceed four (4) years. Implementation of the Framework Contract through specific contracts may not start before the date on which the framework contract enters into force.

6 Participation in the tendering procedure

Participation in tendering procedures is open on equal terms to all natural and legal persons coming within the scope of the Treaties and to all natural and legal persons in a third country which has a special agreement with the Communities in the field of public procurement on the conditions laid down in that agreement.

Where the Plurilateral Agreement on Government Procurement concluded within the WTO applies, the contracts are also open to nationals of the countries that have ratified this Agreement, on the conditions it lays down. In that connection, it should be noted that the services under Annex IIB to Directive 2004/18/EC and the R&D services listed in category 8 of Annex IIA to that Directive are not caught by the Agreement.

7 Consortia or Group of service providers

Joint tenders submitted by several economic operators (a consortium) are allowed. In such cases, one of members must be designated as the group leader or group manager (see points 25.1 and 25.2).

8 Visits to premises or briefing

Not applicable

9 Volume of the Framework Contract

The maximum volume of the Framework Contract for 4 years is estimated at 2,600,000 EUR.

Lot 1: Audiovisual Products and Services - 1,400,000 EUR.

Lot 2: Multimedia Products and Services - 1,200,000 EUR.

10 General terms and conditions for the submission of tenders

Submission of a tender implies that the Contractor accepts all the terms and conditions set out in these specifications (including the annexes and the technical specifications) and waives all other terms of business.

Submission of a tender binds the Contractor to whom the contract is awarded during performance of the contract.

Once the Agency has accepted the tender, it shall become the property of the Agency and the Agency shall treat it confidentially.

The Agency shall not reimburse expenses incurred in preparing and submitting tenders.

11 No obligation to award the contract

The tendering procedure shall not involve the Contracting Authority in any obligation to award the contract.

No compensation may be claimed by tenderers whose tender has not been accepted, including when the Contracting Authority decides not to award the contract.

12 Cancellation of the tender procedure

In the event of cancellation of the tender procedure, tenderers will be notified of the cancellation by the Contracting Authority. If the tender procedure is cancelled before the outer envelope of any tender has been opened, the unopened and sealed envelopes will be returned to the tenderers.

In no event shall the Contracting Authority be liable for any damages whatsoever including, without limitation, damages for loss of profits, in any way connected with the cancellation of a tender procedure even if the Contracting Authority has been advised of the possibility of damages.

13 Variants

Variants are not accepted.

14 Place of performance

The place of performance of the tasks shall be the Contractor's premises or any other place indicated in the tender.

15 Prices

Prices shall be expressed in euro.

For lot 1 and lot 2 : Prices are subject to the reopening competition system which will be applied.

According to Articles 3 and 4 of the Protocol on the Privileges and Immunities of the European Communities, the Communities are exempt from all charges, taxes and dues, including value added tax; such charges may not therefore be included in the calculation of the price quoted; the VAT amount must be indicated separately.

The price tendered must be all-inclusive and expressed in Euros. For tenderers in countries which do not belong to the Euro zone, the price quoted may not be revised in line with exchange rate movements. It is for the tenderer to select an exchange rate and assume the risks or the benefits deriving from any variation.

Costs incurred in preparing and submitting tenders are borne by the tenderers and cannot be reimbursed.

16 Subcontracting

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Any intention to subcontract part of the contract must be clearly stated in the tender. Tenderers must indicate the maximum percentage of the contract they intend to subcontract and the identity of the partners they intend to work with, and clearly state the nature of their links to those partners

Where, in a bid, the amount of subcontracting exceeds 20% of the contract, the subcontractor(s) must provide all the necessary documents for assessing the bid as a whole with regard to the exclusion criteria and selection criteria. Where subcontracting represents less than 20% of the contract, subcontractors shall not be required to provide documents on their financial and economic capacity.

The bid must clearly identify the subcontractor(s) and document their willingness to accept the tasks and their acceptance of the terms and conditions set out in article 10 above, in particular article 2.14 of the standard Framework Contract.

Tenderers must inform the subcontractor(s) and include in their subcontracting documents that Article 2.14 of the standard Framework Contract (Annex B) may be applied to sub-contractors.

Once the contract has been signed, Article 2.14 of the above-mentioned Framework Contract shall govern the subcontracting.

17 Date and place of opening of the tenders

Tenders will be opened at **10:30 on 10/11/2009** at the following location:

FRA address:

European Union Agency for Fundamental Rights
Schwarzenbergplatz 11
Vienna 1040 - Austria

An authorised representative of each tenderer may attend the opening of the bids. Companies wishing to attend are requested to notify their intention by sending a fax or e-mail at least 48 hours in advance to the fax or e-mail given under article 21. This notification must be signed by an authorised officer of the tenderer and specify the name of the person who will attend the opening of the bids on the tenderer's behalf.

18 Evaluation of the tender

18.1 Exclusion criteria

Candidates or tenderers shall be excluded from participation in a 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 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;

d) they have not fulfilled 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 with 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 or any other illegal activity detrimental to the Communities' financial interests;

f) following another procurement procedure or grant award procedure financed by the Community budget, they have been declared to be in serious breach of contract for failure to comply with their contractual obligations.

Contracts may not be awarded to tenderers who, during the procurement procedure:

g) are subject to a conflict of interest;

h) are guilty of misrepresentation in supplying the information required by the contracting authority as a condition of participation in the contract procedure or fail to supply this information.

The contracting authority shall accept as satisfactory evidence that the tenderer is not in one of the situations described:

18.1.1 for (a), (b), (c), (d), (e) and (f) above, a declaration on the tenderer's honour, duly signed and dated, stating that they are not in anyone of the situations listed. (Annex C.2.1 of the Standard Submission Form - SSF);

18.1.2 for (g) and (h) above, a declaration on the tenderer's honour, duly signed and dated, stating that they are not in anyone of the situations listed. (Annex C.2.2 of the SSF);

Furthermore, the tenderer to whom the contract is to be awarded shall provide, within fifteen (15) calendar days and preceding the signature of the contract, evidence related to paragraph 18.1.1.

The contracting authority shall accept as satisfactory evidence that the tenderer is not in one of the situations described:

18.1.3 for (a), (b) and (e) above, recent extract(s) from the judicial record or, failing that an equivalent document(s) recently issued by a judicial or administrative authority in the country of origin or provenance showing that those requirements are satisfied.

18.1.4 for (d) above, a recent certificate issued by the competent authority of the State concerned.

Where the document or certificate referred to in paragraphs 18.1.1 and 18.1.2 is not issued in the country concerned and for the other cases of exclusion, it may be replaced by a sworn or, failing that, a solemn statement made by the interested party before a judicial or administrative authority, a notary or a qualified professional body in his country of origin or provenance.

The contracting authority waives the obligation of a tenderer to submit the documentary evidence referred to in the paragraph above if such evidence has already been submitted to it for the purposes of another procurement procedure and provided that the documents are not more than one year old starting from their issuing date and that they are still valid.

18.2 **Selection criteria**

For each lot, tenderers will be selected if they can prove that they have sufficient economic and financial capacity, on the one hand, and sufficient technical and professional capacity, on the other hand.

18.2.1 Economic and financial capacity (please select the appropriate ones)

Proof of economic and financial capacity shall be furnished by the following documents:

- a) appropriate statements from banks or evidence of professional risks indemnity insurance; A minimum coverage of €245,000 for Lot 1 and of €145,000 for Lot 2 is required
- b) the presentation of the balance sheets or extracts from balance sheets for at least the last two years for which accounts have been closed shall be presented where publication of the balance sheets is required under the company law of the country in which the economic operator is established;

It is necessary that the extracts from balance sheets to be dated, signed and stamped by the representatives of the tenderer.

- c) a statement of the overall turnover and turnover concerning the services and supplies relating to the last two financial years. A minimum turnover €245,000 for Lot 1 and of €145,000 for Lot 2 during the last two years is required

18.2.2 Technical and professional capacity (please select the appropriate ones)

Evidence of the technical and professional capacity of economic operators shall be furnished on the basis of the following documents:

- a) the educational and professional qualifications of the service provider or contractor and/or those of the firm's managerial staff and, in particular, those of the person or persons responsible for providing the services or carrying out the works; in accordance with the Technical Specifications in Annex A1.
- b) a description of the technical equipment and tools to be employed by the firm for performing a service or works contract;
- c) an indication of the technicians or technical bodies involved, whether or not belonging directly to the firm, especially those responsible for quality control;
- d) a description of the measures employed to ensure the quality of supplies and services: the tenderer shall provide the ISO certificate for the services in this respect
- e) if the tender intends to subcontract any part of the services, an indication of the proportion of the contract which the service provider may intend to subcontract.

18.3 Technical Evaluation – Award Criteria

The tenderers must present a technical offer (Annex C.4, C.4.1 and C.4.2 of the SSF), according to the Technical Specifications and the instructions as it follows:

18.3.1 Instructions for the Contents of the Technical Proposal

Tenderers are invited to propose their best organisation and resource allocation to carry out the different tasks. The tenders are requested to provide their technical proposal based on the following scenarios.

The tenderers shall explain which will be the approach envisaged, the methodology to be used, the activities to be undertaken, the project plan and the different profiles of the staff proposed to carry out the work under each scenario.

5.1 Scenario 1 for Lot 1 - Audiovisual (AV) Services and Products

Introduction

Tenderers are requested to describe the approach and methodology that will be followed for scenario 1 as described below.

Description of the scenario 1 for Lot 1: Production of a film promoting FRA (in English)

Scenario 1 consists of 3 steps for which the renderers are requested to provide a technical and financial proposal.

The tenderers shall consider for their offer the necessity to film and interview 2 persons in Brussels as well as 2 FRA staff members at the FRA premises or in any location in Vienna (in English). The maximum duration of the movie shall be 10 minutes. It will be used to be displayed on TV as well as a sequential loop of all language versions at the

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FRA infoPoint and shorter versions of maximum 3 minutes shall be available for the FRA website.

Step 1 Concept development

For the purpose of this scenario tenderers shall - based on the specificity of FRA, its role and mandate - develop a concept on how best communicate FRA activities, impact and added value to the area of fundamental rights for the general public.

The concept shall describe the storyboard, the draft script incl. a list of staff members and other relevant persons to be interviewed with the key messages for the interviews as well as a description of the locations. FRA shall have the possibility to comment twice on the concept before considered as final.

Step 2 Gathering material, filming

Step 2 includes the gathering of additional materials like pictures, films from third parties as well as the filming and producing of raw material based on the concept. It shall describe the process of getting hold of the different people, the crew and technical equipment needed.

Step 3 Cutting and Production

The final step includes the cutting of the final version in close cooperation with the Agency. FRA shall have the possibility to comment 3 times on the proposal.

This step also includes the production of the final film as well as the inclusion of subtitles for the other 22 EU-languages.

A short version of the film of 3 minutes shall be rendered to be used on the FRA website - here 3 language versions have to be prepared (in German, French and English).

The open files shall be provided to FRA on a DVD-ROM to allow FRA to reuse the material.

5.2 Scenario 2 for Lot 2 - Multimedia Solutions and Products

Introduction

The purpose of this scenario is to allow the tenderers to describe the activities, time frame and work efforts required to design, develop and produce a communication instrument aiming at promoting the collection of reports and publications produced by the EUMC and FRA from its creation onwards.

The tenderers are requested to describe the approach and methodology that will be followed for scenario 2 as described below.

Description of the scenario 2 for Lot 2: Development of a tool to promote FRA output

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The tool shall be designed to be used on FRA website as well as to be distributed on USB sticks.

Scenario 2 consists of 4 steps for which the renderers are requested to provide a technical and financial proposal.

Step 1 Gathering and preparing material

For the purpose of this scenario it should be assumed that the contractor will receive all available products from the Agency in different format and on different supports (this includes: MS-Word, Quark-Xpress, Indesign, PDF files, all possible graphic formats, AV materials and paper based materials).

The work includes the synchronisation of the different supports provided guaranteeing constant quality of the output. It also includes the digitalisation of products (based on Optical Character Recognition - OCR standard) which are only available in print form. A total of 200 reports consisting in 5.000 A4 pages - of which 500 can be expected to be delivered on paper support – shall be the basis for the technical and financial proposal.

Step 2 Analysing and concept development

Step 2 includes the analysing of the material received, the development of a visual and navigation concept for the presentation of the kind of materials, it also includes screen design, artwork, editing for introduction pages and promotional texts. Pictures and videos should be used and provided. This shall end with the development of a concept and mock-ups to be presented to the Agency at FRA premises.

Step 3 Development and scripting

Based on discussions and feedback by FRA on the concept proposal and mock-ups the system shall be developed allowing the Agency two further rounds for comments by electronic means of communication. A master shall be produced. And a concept for the promotion of the product which includes editing of promotional text for the website, a flyer and a poster shall be developed.

Step 4 Production

The final step includes the preparation of the system to be included on FRA website as well as the production and shipment to Agencies' premises of 1.000 USB sticks containing the tool.

The tenderers shall provide FRA with all open files templates and scripts on a DVD-ROM to allow FRA to further develop and update the system with new products.

5.3 Scenario 3 for Lot 2 – Creation of an e-book version of existing FRA report

Introduction

The purpose of this scenario is to allow the tenderers to describe the activities, time frame and work efforts required to transform FRA's Report on "Homophobia and
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Discrimination on Grounds of Sexual Orientation and Gender Identity in the EU Member States: Part II The social situation” into an e-book version accessible by the FRA audience including also by visually-impaired people.

The report can be found under the following link:

http://fra.europa.eu/fraWebsite/attachments/FRA_hdgso_report-part2_en.pdf

The tenderers are requested to describe the approach and methodology that will be followed for scenario 3 as described below.

Description of the scenario 3 for Lot 2: Creation of an e-book version of an existing FRA report

Scenario 3 consists of the creation and production of an e-book version of a specific report. The e-book shall be based on PDF technology and allow to browse through the text, to follow all internal references, external links, footnotes, it shall provide higher resolution versions of tables and graphs. The information should also be accessible by visually-impaired-people.

For the purpose of this scenario the tenderers can assume that FRA will provide electronic versions of the report in MS-Word form as well as of the graphs and pictures used in the report.

18.3.2 Award criteria

Tenders will be evaluated on the basis of the following award criteria:

The maximum final score a tender offer can reach are 100 points. Tenders scoring less than 60% in the overall points total or less than 60% in the points awarded for a single criterion will not be admitted to the next stage of the evaluation procedure.

Tenders should elaborate on all points addressed by these specifications in order to score as many points as possible. The mere repetition of mandatory requirements set out in these specifications, without going into details or without giving any added value, will only result in a very low score. In addition, if certain essential points of these specifications are not expressly covered by the tender, the Contracting Authority may decide to give a zero mark for the relevant qualitative award criteria.

Lot 1 – Audiovisual (AV) Services and Products

- **Methodology:** the tenderer shall explain how it will organise its work in order to meet the FRA’s expectations on all AV services and products.
- **Quality of SLA and of onsite technical support presence**
- **Delivery time:** the tenderer shall indicate the delivery time (from the receipt of the order from the FRA to the delivery of products to the FRA) for the product presented in above Scenario 1 for Lot 1.

Lot 2 - Multimedia Solutions and Products

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- **Methodology:** the tenderer shall explain how it will organise its work in order to meet the FRA's expectations on multimedia services and products. The tenderer shall also explain how to ensure accessibility of the relevant products.
- **Quality of SLA and of onsite technical support presence**
- **Delivery time:** the tenderer shall indicate the delivery time (from the receipt of the order from the FRA to the delivery of products to the FRA) for the product presented in above Scenario 2 and 3 for Lot 2.

	Technical award criteria For LOT 1	Mark	Weighting in %	Minimum points to reached for each single criteria
	Total technical points		100	-
	Methodology	0-100	70	42
	Quality of SLA and of onsite technical support presence	0-100	25	15
	Delivery time	0-100	5	3
	Minimum points to reached for the overall criteria			60

	Technical award criteria for LOT 2	Mark	Weighting in %	Minimum points to reached for each single criteria
	Total technical points		100	-
	Methodology	0-100	60	36
	Quality of SLA and of onsite technical support	0-100	30	18
	Delivery time	0-100	10	6
	Minimum points to reached for the overall criteria			60

18.4 Financial evaluation

Tenderers are required to fill in Annex C.3 – Financial Proposal of the SSF.

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Tenderers must provide the daily rate per profile as stated in the financial sheet in Annex C.3. The prices for the services are fixed prices and thus include all fees and project related costs (project management, quality control, back-up resources, etc) directly or indirectly connected with the provision of the service. The daily rates are fixed and include all travel expenses for travelling from the tenderer's place of business to Vienna and from Vienna to the tenderer's place of business. The daily rates are not subject to price indexation.

The price used to determine the tender which offers the best value for money must be the total price of the evaluation scenario stated in the Technical Specifications in Annex A1

Tenderer's attention is drawn to the fact that the sole objective of each evaluation scenario is to provide a fair, non-discriminatory basis for comparing the financial offers.

For Scenario 1 for Lot 1 :

For their financial proposal the tenderers shall calculate with all the costs mentioned above. The cost for copyright of third party material as pictures or short film sequences shall not be considered.

For Scenario 2 for Lot 2 :

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For their financial proposal the tenderers shall calculate with all costs mentioned above. The copying of the final tool on the USB sticks shall not be considered.

For Scenario 3 for Lot 2 :

For their financial proposal the tenderers shall calculate with all costs mentioned above. The copying of the final tool on the USB sticks shall not be considered.

19 Awarding

For each lot, the framework contract will be awarded to the tender that offers the best value for money based on the quality/price ratio of each tender, calculated as follows:

Score for tender X	=	$\frac{\text{cheapest evaluation scenario}}{\text{evaluation scenario of tender X}}$	*	quality score (out of 100) for all criteria of tender X
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Awarding after reopening competition

For the purposes of the specific contracts for Lots 1 and 2, the following technical weighting will be applied after reopening competition: is as it follows:

I. Production and Delivery time per item. Item with shortest delivery time will obtain highest marks. Weighting 50%

II. Compliance with the request of services. Weighting 40 % (highest quality higher marks)

III Measures to support accessibility of services and products to various target groups. Weighting 10% (highest level of accessibility will obtain higher marks)

The contract will be awarded to the tender that offers the best value for money on the basis of the quality and the price in accordance with the following formula:

Score for tender X	=	$\frac{\text{Lower price}}{\text{Price of tender X}}$	*	quality score (out of 100) for all criteria of tender X
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Tender Specifications

20 Information For Tenderers

The Contracting Authority will inform tenderers of decisions reached concerning the award of the contract, including the grounds for any decision not to award a contract or to recommence the procedure.

If a written request is received, the Contracting Authority will inform all rejected tenderers of the reasons for their rejection and all tenderers submitting an admissible tender of the characteristics and relative advantages of the selected tender and the name of the successful tenderer.

However, certain information may be withheld where its release would impede law enforcement or otherwise be contrary to the public interest, or would prejudice the legitimate commercial interests of economic operators, public or private, or might prejudice fair competition between them.

21 Contacts between the tenderer and the FRA

In principle, no contact is permitted between the FRA and the tenderers during the contract award procedure.

However, in exceptional circumstances contact may be made on the tenderers' initiative before the final date for the receipt of bids, in order (and only for this reason) to clarify the nature of the contract.

Such requests for further information may be made to the address below by fax or e-mail.

European Union Agency for Fundamental Rights
Invitation to tender No: FRA-CAR-2009-T02
Administration
Schwarzenbergplatz 11
Vienna 1040 – Austria
Fax: +43 (0)1 580 30 91 ; e-mail: procurement@fra.europa.eu

Insofar as it has been requested in good time, the additional information will be sent simultaneously to all economic operators who requested specifications or showed interest in submitting a bid no later than six calendar days before the deadline for the receipt of bids or, in the case of requests for information received less than eight calendar days before the deadline for the receipt of bids, as soon as possible after the request for information has been received.

The answers to the requests for additional information can also be found at the following Internet address: <http://fra.europa.eu/>

Similarly, contact may in exceptional circumstances be made on the Agency's initiative:

- a. before the final date for the receipt of bids, in order to inform interested parties of an error, a lack of precision, an omission or any other material shortcoming in the drawing up of the documents of the invitation to tender;
- b. or, after the opening of bids, where a bid requires clarification or in order to correct material errors made in drawing up a bid.

Please note that in any event such contact may not result in a modification of the terms of the bid.

22 Terms of payment Terms of payment

Payments under the framework contract shall be made as follows:

- A pre-financing payment of 30 per cent of the total value of the contract within 30 days of the receipt by the Contracting Authority of a request for pre-financing with a relevant invoice .
- An interim payment of 50 per cent of the total value of the contract after a provisional acceptance of the services/supplies by the Contracting Authority.
- The balance payment after acceptance of the services/supplies by the Contracting Authority, as indicated in the Technical Specifications

Payments shall be executed only if the contractor has fulfilled all his contractual obligations by the date on which the invoice is submitted. Payment requests may not be made if payments for previous periods have not yet been executed as a result of default or negligence on the part of the contractor.

Payments under the Contract shall be made in accordance with Article 1.4 and Article 2.5 of the Framework Contract in Annex B. Payments shall be executed only if the Contractor has fulfilled all his contractual obligations by the date on which the invoice is submitted. Payment requests may not be made if payments for previous periods have not been executed as a result of default or negligence on the part of the Contractor.

23 Deposits and guarantees

- The submission of a tender is not subject to lodging a preliminary deposit.
- The current Contract is not subject to the submission of a performance guarantee. A pre-financing guarantee for the total amount of pre-financing payment for pre-financing in excess of €150,000.00 is required.

24 Data protection

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Processing your reply to the invitation to tender will involve the recording and processing of personal data (such as your name, address and CV). Such data will be processed pursuant to Regulation (EC) No 45/2001 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data. Unless indicated otherwise, your replies to the questions and any personal data requested are required to evaluate your tender in accordance with the specifications of the invitation to tender and will be processed solely for that purpose by the FRA. You are entitled to obtain access to your personal data on request and to rectify any such data that is inaccurate or incomplete. If you have any queries concerning the processing of your personal data, you may address them to FRA's Data Protection Officer. You have the right of recourse at any time to the European Data Protection Supervisor for matters relating to the processing of your personal data.

25 Structure of the tender

All tenders must be presented as follows:

25.1 Administrative details (Annex C.1.X)

- a) Where a tender involves several service providers, they may choose between:
 - making a joint bid, in which case all the providers must be considered as tenderers and, if theirs is the successful bid, as contractors (in this case, one of the tenderers must be put forward as coordinator to manage the contract) (Annex C.1.1 or C.1..2);
- and
- making a bid in the name of only one tenderer, who is then the sole contractor if the bid is successful, the other service providers being considered as subcontractors (see article 16 of the tender specifications) (Annex C.1.3).

Whichever type of bid is chosen (joint bid or bid in the name of one tenderer), the tenderer(s) must stipulate the role, qualifications and experience of each service provider and, where relevant, the monitoring arrangements that exist between them.

- b) To identify himself the tenderer must fill in the two forms attached as Annex C.1.4 and C.1.5:
 - The Legal Entity File, to be signed by a representative of the tenderer authorised to sign contracts with third parties. There is one form for individuals, one for private entities and one for public entities. A standard form is provided in Annex C.1.4

- a bank identification form filled in and signed by an authorised representative of the tenderer and his or her banker. A standard form is provided in Annex C.1.5

The Legal Entity File must be supported by the following documents relating to each tenderer in order to show its name, address and official registration number:

For private entities:

- A legible copy of the instrument of incorporation or constitution, and a copy of the statutes, if they are contained in a separate instrument, or a copy of the notices of such constitution or incorporation published in the national or other official journal, if the legislation which applies to the tenderer requires such publication;
- If the instruments mentioned in the above paragraph have been amended, a legible copy of the most recent amendment to the instruments mentioned in the previous indent, including that involving any transfer of the registered office of the legal entity, or a copy of the notice published in the relevant national or other official journal of such amendment, if the legislation which applies to the tenderer requires such publication.
- If the instruments mentioned in the first paragraph have not been amended since incorporation and the tenderer's registered office has not been transferred since then, a written confirmation, signed by an authorised representative of the tenderer, that there has been no such amendment or transfer;
- A legible copy of the notice of appointment of the persons authorised to represent the tenderer in dealings with third parties and in legal proceedings, or a copy of the publication of such appointment if the legislation which applies to the legal entity concerned requires such publication.
- If the above documents do not show the registration number, a proof of registration, as prescribed in their country of establishment, on one of the professional or trade registers or any other official document showing the registration number.
- If the above documents do not show the VAT number, a copy of the VAT registration document, where applicable.

For Individuals:

- A legible copy of their identity card or passport;.
- Where applicable, a proof of registration, as prescribed in their country of establishment, on one of the professional or trade registers or any other official document showing the registration number.

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- If the above documents do not show the VAT number, a copy of the VAT registration document, where applicable.

For Public Entities:

- A copy of the resolution decree, law, decree or decision or decision establishing the entity in question or failing that, any other official document attesting to the establishment of the entity.

All tenderers must provide their Legal Entities File as well as the evidence mentioned above.

Subcontractors are only obliged to provide the legal entity file, without the above mentioned evidence.

In case of joint bid, only the co-ordinator must return the financial identification form.

25.2 Application of exclusion criteria and exclusion of tenderers (Annex C.2.X)

To demonstrate there are no grounds for disqualification on the basis of the exclusion criteria, tenderer to whom the contract is to be awarded shall provide, within fifteen (15) calendar days and preceding the signature of the contract, the evidence listed in article 18.1 – Exclusion criteria of the Tender Specifications. Only when such evidence is not available, under the circumstances described in article 18.1 – Exclusion criteria of the tender specifications, can the standard form (Annex C.2.1) replace such evidence if it is filled in and signed in front of one of the third parties described in article 18.1 – Exclusion criteria of the tender specifications.

Administrative and financial penalties

By returning the form in Annex C.2.1, duly signed, tenderers confirm that they have been notified of the following points.

Administrative or financial penalties may be imposed by the Contracting Authority on tenderers who are in one of the cases of exclusion provided for in Annex A.1 Tender Specifications under article 18.1 after they have been given the opportunity to present their observations.

These penalties are detailed in Article 96 of the Financial Regulation (OJ L 248, page 1, of 16 September 2002) and Article 133 of the Regulation laying down the rules for the implementation of the Financial Regulation (OJ L 357, page 1, of 31 December 2002). We invite tenderers to read carefully those two articles.

25.3 Application of Selection Criteria (Selection Of Tenderers) (Annex C.3.X and C.4.X)

This part of the tender concerns the criteria and evidence relating to the technical, professional, economic and financial capacity of the service provider(s) involved in

the bid. It should also contain any other document that the tenderer(s) wish(es) to include by way of clarification.

The proper implementation of the contract requires a multiplicity of skills, capacities and different types of expertise to be combined in the performance of the various tasks and activities.

An economic operator may rely on the capacities of other entities, regardless of the legal nature of the links which it has with them. In that case, evidence must be provided, that it will have at its disposal the resources necessary for performance of the contract, for example by producing a clear undertaking on the part of those entities to place those resources at its disposal.

If several service providers are involved in the bid, each of them must have and show that they have a) the technical and professional capacity to perform the tasks assigned to them in the tender, and b) the required financial and economic capacity.

This rule applies to all service providers, regardless of the percentage of tasks they intend to execute, once they have chosen to be tenderers.

However, if the tender includes subcontractors whose tasks represent less than 20% of the contract, those subcontractors are not obliged to provide evidence of their financial and economic capacity.

Tenderers' attention is drawn to the fact that any total or partial omission of information for which one or more service providers involved in the tender are responsible may lead the Contracting Authority to exclude the tender from the rest of the procedure.