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ANNEX A

Inequalities and Multiple Discrimination in Access to Health

TENDER SPECIFICATIONS D/SE/10/09

1 Title of Services Contract

“Inequalities and multiple discrimination in access to health”.

Related to contract notice 2010/S 149-229382 of 04/08/2010

2 Purpose and context of the Contract

The purpose of this tender is to award a direct service contract for the provision of services as described in Annex A.1 Technical Specifications.

3 Subject of the Service Contract

The subject of the contract is the provision of services related to the inequalities and multiple discrimination in access to health experienced by vulnerable groups at the intersection of gender, age and ethnic origin, as described in Annex A.1 Technical Specifications.

4 Technical Specifications

The tenderer must present the technical offer, according to the Technical Specifications in Annex A.1 and to section 25 of the present document.

5 Starting and duration of the Contract

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

The Contract will have an initial duration of **eleven (11) months**.

The deadlines that apply for the different deliverables are clearly stated in Annex A.1 Technical Specifications.

Implementation of the Contract may not start before the date on which the 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 European Union 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.

8 Visits to premises or briefing

Visiting of the premises is not applicable.

9 Volume of the Contract

The indicative volume of the contract is estimated at **430,000.00 EUR (four hundred and thirty thousand)**. Depending on the budget availability and the needs of the FRA, this amount could be increased up to 50%.

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

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

Tender Specifications

Call for Tender D/SE/10/09

Page 3 of 17

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.

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

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 paragraph 10 above, in particular article 2.18 of the standard Service Contract.

Tenderers must inform the subcontractor(s) and include in their subcontracting documents that Article 2.18 of the standard Service Contract (Annex B) may be applied to sub-contractors.

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

17 Date and place of opening of the tenders

Tenders will be opened at **11:00 on 4 October 2010** at the following location:

Tender Specifications

Call for Tender D/SE/10/09

Page 4 of 17

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 European Union's financial interests;
- f) following another procurement procedure or grant award procedure financed by the European Union 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 candidates or 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 candidate's or 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 candidate's or 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 anyone of the situations described:

- 18.1.3 for points (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 point (d) above, a recent certificate issued by the competent authority of the State concerned.

Where the document or certificate referred to in article 18.1.3 and 18.1.4 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.

Tender Specifications

Call for Tender D/SE/10/09

Page 6 of 17

18.2.1 Economic and financial capacity

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

- a) 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; (Annex C.5.2.a);

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

- b) a statement of the overall turnover and turnover concerning the services covered by the tender during the last two financial years. A minimum of the overall turnover of €60,000.00 during the last two years is required (C.5.2.b of SSF);

18.2.2 Technical and professional capacity

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

1. the educational and professional qualifications of the service provider or contractor and/or those of the firm's managerial staff (Annex C.6.1 of SSF) and, in particular, those of the person or persons responsible for providing the services.
The CVs of the following persons must be submitted in Europass¹ format: project manager, senior experts, research experts.
2. a list of principle services provided in the past three years, with sums, dates and recipients, public or private (a minimum of two projects similar to the subject of the tender is required);
3. if the tenderer intends to subcontract any part of the services, an indication of the proportion of the contract which the service provider may intend to subcontract (Annex C.1.3. of SSF).

¹ To be downloaded from <http://europass.cedefop.europa.eu/>

18.3 Evaluation of tenders on the basis of the award criteria

The tenderers must present a technical offer (Annex C.4, C.4.1 and C.4.2 of the SSF), in which they will respond to Section 4 and Section 5 of the Technical Specifications (Annex A.1)

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 50 % in the points awarded for a single criterion will not be admitted to the next stage of the evaluation procedure.

As regards the scoring to be applied during the technical evaluation, the following has to be understood: the technical evaluation criteria, which might have several sub-criteria, will be applied to all tender offers. Each sub-criterion will be evaluated individually. The individual marks given will be weighted as described below. The final points to be awarded for the technical part of the tender offer will be calculated following the weighting of the marks given for sub-criteria.

Tenders will be assessed according to the above qualitative award criteria and the weighting applicable to each criterion.

(a) Project management

1. In the technical offer, the tenderer should present a clear **work programme** proposal indicating key stages of the project, their duration and expected milestones – covering all activities under section 4 and deliverables specified in section 5 in Annex A.1
2. The tenderers should present a proposal outlining the organisation and **composition of the project team** specifying the respective roles and contributions (see Annex A.1 – Technical Specifications, sections 6 and 8). The Technical Offer must indicate how the contractor intends to organise the research team, which must include one Project Manager, one Senior Expert and other Experts, as detailed in Section 8: (Personnel Requirements). The Project Manager is responsible for coordination and administrative tasks, as well as for contacting and informing the Agency about all aspects relating to the execution of the contract. The Senior Expert is responsible for the coordination of the research and the scientific quality of all final deliverables.

The contractor must supply Curricula Vitae for the members of the proposed research team outlining a list of their publications, as required in Section 8 (Personnel Requirements). Any changes in the composition of the team shall be notified to the Agency in writing. The Agency is not required to agree to the proposed changes. The agreement of the Agency needs to be in writing following a review of the Curriculum Vitae of the proposed replacements, which must comply with the requirements of the present Technical Specifications.

3. The tenderers should outline how the **inclusion of persons with disabilities** will be assured in the design or the implementation of the project. (see Annex A.1 – Technical Specifications, Section 4. Activity 2).

Project management	Mark	Weighting in % (= maximum points to be awarded)
(a1) Work Programme	0-100	10.00
(a2) Composition of the team	0-100	15.00
(a3) Inclusion of the target groups into project design	0-100	5.00
Total		30.00
Minimum points to be reached		15.00

(b) Quality of the methodology/fieldwork

Tenderers should demonstrate their understanding of the contract’s objectives and should clearly explain the reasons for their specific methodological choice. In particular, tenderers should explain:

1. The number of interviews should be outlined by the tenderers in their Technical Offer and should be at least 35 for each country; half of the interviews shall be conducted with people with disabilities; the other half with people who need to use health services frequently.

In reference to Activities 3-5, the tenderers are requested to provide the number of interviews both for health service users (activity 4) and health professionals (activity 5) they will deliver in order to collect necessary data and information.

Relating to health professionals, the contractor is allowed to substitute up to half of the one-on-one interviews with focus groups of maximum 4 persons. If so, the Technical Offer should clearly explain why and the criteria to be used for selecting people to participate in focus groups (e.g. focus groups homogeneous by discipline or multidisciplinary).

2. Choice and selection of sample profile of health service users

In reference to Activity 4 in Section 4 of Technical Specifications (Annex A.1) tenderers are invited to detail specifically in their Technical Offer the sample profile of health services users they intend to achieve.

In their Technical Offer tenderers should explain how they will identify the sample profile and how they will select interviewees. At the same time, tenderers should explain how they will identify hard to find members of vulnerable groups, because they make little use of conventional health services.

Tenderers should also select, as appropriate, people with disabilities and suggest how to do that in their Technical Offer.

3. Choice of one complementary subject:

In reference to Activity 4 in Section 4 of Technical Specifications (Annex A.1), tenderers are invited to suggest **one** complementary subject related to the situation of persons with physical disabilities. The inclusion of other kind(s) of disability should be based on a set of well-founded criteria, including human rights relevance, potential for policy making at the European level and lack of or limited available research.

4. In reference to Activity 3 and Activity 4 in Section 4 of Technical Specifications (Annex A.1), tenderers must describe in detail their proposed methodology for conducting of fieldwork. In particular tenderers should explain:

- How they will design, identify and select the sample of health professionals;
- How they will address the issue of interpretation and adapted communication during interviews and focus group discussions in order to ensure accuracy of meaning.
- How they will ensure that the ethical considerations of working with persons with disabilities are taken into account and addressed;
- How the peer review of interim deliverables will be organized.

5. Peer review – the contractor should propose a particular methodology for holding the peer review meeting.

Quality of the methodology/fieldwork	Mark	Weighting in % (= maximum points to be awarded)
(b1) Number of interviews	0-100	20.00
(b2) Choice and selection of sample profile of health service users	0-100	25.00
(b3) Choice of complementary subject	0-100	5.00
(b4) Methodology for conducting fieldwork	0-100	15.00
(b5) Peer review	0-100	5.00
Total		70.00
Minimum points to reach for the single criterion		35.00

18.4 Financial evaluation

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

Tenderers must provide one fixed price including 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 fixed price has to 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 where is necessary.

Meeting costs shall be covered by the contractor and included in the price offer.

19. Awarding

The contract will be awarded to the most economically advantageous offer on the basis of the following ratio between the quality and the price:

$$\text{Final Score} = \text{Quality points} * 70.00 \% + \text{Price points} * 30.00 \%$$

20. Information for Tenderers

Tender Specifications

Call for Tender D/SE/10/09

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 Agency

In principle, no contact is permitted between the Agency 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.

<p>European Union Agency for Fundamental Rights Invitation to tender No: D/SE/10/09 Administration Schwarzenbergplatz 11 Vienna 1040– Austria Fax: +43 (0)1 580 30 691 ; e-mail: procurement@FRA.europa.eu</p>

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://www.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

Tender Specifications

Call for Tender D/SE/10/09

Page 12 of 17

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

Payments under the contract shall be made as follows:

- A pre-financing payment of 40 percent of the total value of the contract within 30 days of the date on which the contract enters into force, **and** upon reception by the Contracting Authority of a duly constituted financial guarantee (e.g. bank guarantee).
- The balance payment within 30 days after acceptance of all final documents, as indicated in Section 7.9 of Annex A.1 – Technical Specifications by the Contracting Authority.

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.

The Contracting Authority shall have twenty (20) days from receipt to approve or reject the deliverable(s), and the Contractor shall have ten (10) days in which to submit additional information or a new deliverable(s).

23. Deposits and guarantees

- The submission of a tender is not subject to lodging a preliminary deposit
- A pre-financing guarantee is required in return for the payment of pre-financing.

24 Data protection

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 European Union 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 European Union Agency for Fundamental Rights. 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 Agency'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

- 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 themselves the tenderers 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

Tender Specifications

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.
- 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

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)

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.