



EUROPEAN COMMISSION
DIRECTORATE-GENERAL
CLIMATE ACTION
Directorate A International & Mainstreaming
Unit A.2 – Climate Finance, Mainstreaming, Montreal Protocol

CALL FOR TENDERS

CLIMA/A.2/SER/2017/00XXLV

SERVICE CONTRACT FOR

Evaluating EU import data for HFCs from different sources to support the implementation of the F-gas Regulation

TENDER SPECIFICATIONS

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1. INFORMATION ON TENDERING

1.1. Participation

Participation in this tender procedure is restricted to the invited candidates only.

1.2. Contractual conditions

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

1.3. Compliance with applicable law

The tender must comply with applicable environmental, social and labour law obligations established by Union law, national legislation, collective agreements or the international environmental, social and labour conventions listed in Annex X to Directive 2014/24/EU¹.

1.4. Joint tenders

A joint tender is a situation where a tender is submitted by a group of economic operators (natural or legal persons). Joint tenders may include subcontractors in addition to the members of the group.

In case of joint tender, all members of the group assume joint and several liability towards the Contracting Authority for the performance of the contract as a whole, i.e. both financial and operational liability. Nevertheless, tenderers must designate one of the economic operators as a single point of contact (the leader) for the Contracting Authority for administrative and financial aspects as well as operational management of the contract.

After the award, the Contracting Authority will sign the contract either with all members of the group, or with the leader on behalf of all members of the group, authorised by the other members via powers of attorney.

1.5. Subcontracting

Subcontracting is permitted but the contractor will retain full liability towards the Contracting Authority for performance of the contract as a whole.

Tenderers are required to identify all subcontractors and provide an indication of the proportion of subcontracting. See Annex 2, questionnaire for joint bids and subcontracting.

¹ Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC (OJ L 94, 28.3.2014, p. 65).

During contract performance, the change of any subcontractor identified in the tender or additional subcontracting will be subject to prior written approval of the Contracting Authority.

1.6. Structure and content of the tender

The tenders must be presented as follows:

Part A: Identification of the tenderer (see section 1.7)

Part B: Non-exclusion (see section 2.2)

Part C: Selection (see section 2.3)

Part D: Technical offer (see section 3)

Part E: Financial offer (see section 2.6)

1.7. Identification of the tenderer

The tender must include a cover letter signed by an authorised representative presenting the name of the tenderer (including all entities in case of joint tender) and identified subcontractors if applicable, and the name of the single contact point (leader) in relation to this procedure. Coherence must be ensured between the information in the cover letter and in Annex 1.

In case of joint tender, the cover letter must be signed either by an authorised representative for each member, or by the leader authorised by the other members with powers of attorney. The signed powers of attorney must be included in the tender as well. Subcontractors that are identified in the tender must provide a letter of intent signed by an authorised representative stating their willingness to provide the service presented in the tender and in line with the present tender specifications.

The tenderer (and each member of the group in case of joint tender) must declare whether it is a Small or Medium Sized Enterprise in accordance with [Commission Recommendation 2003/361/EC](#). This information is used for statistical purposes only.

All tenderers (including all members of the group in case of joint tender) must provide a signed Legal Entity Form with its supporting evidence. The form is available on: http://ec.europa.eu/budget/contracts_grants/info_contracts/legal_entities/legal_entities_en.cfm

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

The tenderer (or the leader in case of joint tender) must provide a Financial Identification Form with its supporting documents. Only one form per tender should be submitted. No form

is needed for subcontractors and other members of the group in case of joint tender. The form is available on: http://ec.europa.eu/budget/contracts_grants/info_contracts/index_en.cfm

2. EVALUATION AND AWARD

2.1. Evaluation steps

The evaluation is based solely on the information provided in the submitted tender. It involves the following:

- Verification of non-exclusion of tenderers on the basis of the exclusion criteria
- Selection of tenderers on the basis of selection criteria
- Verification of compliance with the minimum requirements set out in these tender specifications
- Evaluation of tenders on the basis of the award criteria

The contracting authority may reject abnormally low tenders, in particular if it established that the tenderer or a subcontractor does not comply with applicable obligations in the fields of environmental, social and labour law.

The tenders will be assessed in the order indicated above. Only tenders meeting the requirements of one step will pass on to the next step.

2.2. Verification of non-exclusion

All tenderers must provide a declaration on honour (see Annex 5), signed and dated by an authorised representative, stating that they are not in one of the situations of exclusion listed in that declaration on honour.

In case of joint tender, each member of the group must provide a declaration on honour signed by an authorised representative.

In case of subcontracting, subcontractors whose capacity is necessary to fulfil the selection criteria must provide a declaration on honour signed by an authorised representative.

The tender foresees that the successful bidder will obtain access to company data that may be commercially sensitive and may allow the identification of the commercial activities of individual companies to carry out the foreseen activities. For this reason, any applicant should declare in their offer whether they could have a potential conflict of interest, e.g. due to business relations, or similar, with any company active in trading hydrofluorocarbons or equipment containing hydrofluorocarbons or because they are active in such a trade themselves. They must also alert the Commission if they become aware, at any stage of the procedure of a risk of potential conflict of interest. During the procedure the Commission may further ask how and which mitigation measures will be put in place in case such a conflict of interest is likely to materialize during the implementation of the contract in case of a successful bid.

The Contracting Authority reserves the right to verify whether the successful tenderer is in one of the situations of exclusion by requiring, at any point during the procedure, the supporting documents listed in the declaration on honour.

The obligation to submit supporting evidence does not apply to international organisations.

A tenderer (or a member of the group in case of joint tender, or a subcontractor) is not required to submit the documentary evidence if it has already been submitted for another procurement procedure and provided the documents were issued not more than one year before the date of their request by the contracting authority and are still valid at that date. In such cases, the tenderer must declare on its honour that the documentary evidence has already been provided in a previous procurement procedure, indicate the reference of the procedure and confirm that there has been no change in its situation.

A tenderer (or a member of the group in case of joint tender, or a subcontractor) is not required to submit a specific document if the contracting authority can access the document in question on a national database free of charge.

2.3.Selection criteria

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

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

2.3.1. Declaration and evidence

The tenderers (and each member of the group in case of joint tender) and subcontractors whose capacity is necessary to fulfil the selection criteria must provide the declaration on honour (see Annex 5), signed and dated by an authorised representative, stating that they fulfil the selection criteria applicable to them individually. In case of joint tender or subcontracting, the criteria applicable to the tenderer as a whole will be verified by combining the various declarations for a consolidated assessment.

This declaration is part of the declaration used for exclusion criteria (see section 2.2) so only one declaration covering both aspects should be provided by each concerned entity.

The Contracting Authority will evaluate selection criteria on the basis of the declaration on honour and evidence submitted for the legal and regulatory, financial and economic and technical and professional capacity of the tenderers.

A tenderer (or a member of the group in case of joint tender, or a subcontractor) is not required to submit the documentary evidence if it has already been submitted for another procurement procedure and provided the documents were issued not more than one year before the date of their request by the contracting authority and are still valid at that date. In such cases, the tenderer must declare on its honour that the documentary evidence has already

been provided in a previous procurement procedure, indicate the reference of the procedure and confirm that there has been no change in its situation.

A tenderer (or a member of the group in case of joint tender, or a subcontractor) is not required to submit a specific document if the contracting authority can access the document in question on a national database free of charge.

2.3.2. Legal and regulatory capacity criteria and evidence

Tenderers must prove that they are allowed to pursue the professional activity necessary to carry out the work subject to this call for tenders. The tenderer (including each member of the group in case of joint tender) must provide the following information in its tender if it has not been provided with the Legal Entity Form:

- For legal persons, a legible copy of the notice of appointment of the persons authorised to represent the tenderer in dealings with third parties and in legal proceedings, or a copy of the publication of such appointment if the legislation applicable to the legal person requires such publication. Any delegation of this authorisation to another representative not indicated in the official appointment must be evidenced.
- For natural persons, if required under applicable law, a proof of registration on a professional or trade register or any other official document showing the registration number.

2.3.3 Economic and financial capacity criteria and evidence

The tenderer must have the necessary economic and financial capacity to perform this contract until its end. The tenderer must comply with the following selection criteria:

Annual turnover of the last two financial years above EUR 50.000 (fifty thousand euros); this criterion applies to the tenderer as a whole, i.e. the combined capacity of all members of a group and identified subcontractors in case of a joint tender.

On request from the contracting authority, the tenderer should be able to provide the following evidence at short notice.

- Copy of the profit and loss accounts for the last two years for which accounts have been closed from each concerned legal entity;
- Failing that, appropriate statements from banks;
- If applicable, evidence of professional risk indemnity insurance.

If, for some exceptional reason which the Contracting Authority considers justified, a tenderer is unable to provide one or other of the above documents, it may prove its economic and financial capacity by any other documents which the Contracting Authority considers appropriate. In any case, the Contracting Authority must at least be notified of the exceptional reason and its justification. The Commission reserves the right to request any other document enabling it to verify the tenderer's economic and financial capacity.

2.3.4 Technical and professional capacity criteria and evidence

a. Criteria and evidence relating to tenderers

Tenderers (in case of a joint tender the combined capacity of all members of the group and identified subcontractors) must comply with the criteria listed below:

The project references indicated below consist of a list of relevant services provided in the past three years, with the sums, dates and clients, public or private, accompanied by statements issued by the clients.

- **Criterion A1:** The tenderer must prove experience in the field of customs data, EUROSTAT data and/or reporting data of chemicals as well as in data analyses and drafting reports and recommendations

Evidence A1: the tenderer must provide references for 1 project delivered in these fields in the last five years with a minimum value for each project of €30.000.

- **Criterion A2:** The tenderer must prove capacity to draft reports in English.

Evidence A2: the tenderer must provide one document of at least 10 pages (report, study, etc.) in this language that he has drafted and published or delivered to a client in the last three years.

In order to prove their capacity, the tenderer must submit with its tender the evidence listed above.

b. Criteria and evidence relating to the team delivering the service:

The team delivering the service should include, as a minimum, the following profiles:

Criterion B1 - Language quality check: at least 1 member of the team should have at least C1 level in the Common European Framework for Reference for Languages² in English.

Evidence B1: CV

Criterion B2 - Expert in customs import data, EUROSTAT data and/or reporting of chemicals: Relevant higher education degree or equivalent professional experience and at least 3 years' professional experience in the field.

Evidence B2: CV

In order to prove their capacity, the tenderer must submit with its tender the evidence listed above.

² See http://www.coe.int/t/dg4/linguistic/Cadre1_en.asp

2.4. Compliance with the minimum requirements

The technical offer must cover all aspects and tasks required in the technical specifications and provide all the information needed to apply the award criteria. Offers deviating from the requirements or not covering all requirements may be rejected on the basis of non-compliance with the tender specifications and will not be evaluated.

2.5. Award criteria

The contract will be awarded according to the 'best price-quality ratio' award method. The quality of the tender will be evaluated based on the following criteria. The maximum total quality score is 100 points.

A maximum of 70 points will be attributed to criterion 1, a maximum of 20 points will be attributed to criterion 2, and a maximum of 10 points will be attributed to criterion 3. In addition a minimum threshold will be set up under this system of points:

- Technical sufficiency levels: Selected companies will have to score a minimum of 35, 10 and 5 points under criteria 1, 2 and 3 respectively, with a minimum total of 65 points.

Assessment of the tenders will focus on the quality of the proposed services therefore tenderers 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 Commission may decide to give a zero mark for the relevant qualitative award criteria.

1 Quality of the proposed methodology (70 points – minimum threshold 50%)

The degree to which the methodology shows the capacity to collect, analyse, review and evaluate the relevant data, in accordance with the needs of the contracting authority. The tender must demonstrate the capacity to examine the issue underlying the tender in a realistic and well-structured way and show whether the methods proposed are suited to the needs set out in the Technical Description. The proposed methodology for each of the tasks as listed in the Technical Description will be assessed under this criterion.

2 Organisation of the work and allocation of resources (20 points – minimum threshold 50%)

This criterion assesses the global allocation of time and resources to the project and to each task or deliverable, and whether this allocation is adequate for the work. The tender should provide details on the allocation of time and resources and the rationale behind the choice of this allocation. Details should be provided as part of the technical offer and not simply as part of the financial offer.

3 Quality control measures (10 points – minimum threshold 50%)

This criterion will assess the quality control system applied to the service foreseen in these tender specifications concerning the quality of the deliverables, the language quality check, and continuity of the service in case of absence of a member of the team. The quality control system should be detailed in the tender and specific to the tasks at hand; a generic quality control system will result in a low score.

2.5.1 Ranking and Award

Having examined the tenders from a technical point of view, the evaluation committee will proceed considering which is the economically most advantageous offer taking into account **only those tenders that have obtained at least 65 out of the 100 points that are available for the technical quality of the bid**. The evaluation committee will then proceed with the financial comparison of the tenders retained for further consideration according to the ranking procedure below.

The bid offering the best value for money will be chosen, provided that the minimum number of points cited above is achieved. The ranking of the tenders will be calculated as follows:

- All bids that do not reach the stated technical sufficiency levels for each individual award criteria will not be considered for contract award.
- All bids that have passed the individual levels and score 65 or higher are deemed to be technically sufficient. Then the price is divided by the total number of points awarded to obtain the price-quality ratio. The award of the contract will be made in accordance with the lowest ratio.

The Commission reserves the right not to select any tender if the amounts tendered exceed the budget envisaged for this project.

Reserve clause:

Please note that signature of the contract is subject to the adoption by the College of Commissioners at its absolute discretion of the financing decision for the LIFE programme for 2017 (expected by March 2017).

2.6. Financial offer

The maximum budget allocated to this contract is fixed at € 40.000 (forty thousand Euros) excluding VAT (including fees, travel and all other costs. **NB Travel and subsistence expenses should be part of the lump sum and will not be refunded separately**). Any offers received that do not respect this maximum budget will be automatically excluded from the evaluation procedure. For guidance purposes see Annex 3.

The price for the tender must be quoted in euro. Tenderers from countries outside the euro zone have to quote their prices in euro. The price quoted may not be revised in line with exchange rate movements. It is for the tenderer to assume the risks or the benefits deriving from any variation.

Prices must be quoted free of all duties, taxes and other charges, including VAT, as the European Union is exempt from such charges under Articles 3 and 4 of the Protocol on the

privileges and immunities of the European Union. The amount of VAT may be shown separately.

3. TECHNICAL SPECIFICATIONS

- *General background*

Regulation (EU) No 517/2014 on fluorinated greenhouse gases (the F-gas Regulation)³ foresees, *inter alia*, a step-wise reduction (phase-down) of the supply of hydrofluorocarbons (HFCs) to the EU market.

The Commission is implementing the HFC phase-down at EU level.⁴ Since 1 January 2015 a quota is required for producers and importers placing at least 100 tonnes of CO₂ equivalent of HFCs in bulk on the market in a calendar year. The Commission allocates annual quotas in tonnes CO₂ equivalent to producers and importers of bulk HFCs in accordance with Article 16, as well as Annexes V and VI, of the F-gas Regulation. The Commission also has put in place a Registry in order to enable implementation of the phase-down. Registration is compulsory for *inter alia* importers of HFCs and importers of HFC-precharged equipment.

Article 19 of the F-gas Regulation requires that *inter alia* production, imports and exports of bulk HFCs as well as imports of precharged equipment are reported annually before 31 March, for the previous calendar year.⁵ Reporting on F-gas-related activities is done via an electronic tool ("F-gas Portal") accessible on the DG CLIMA website⁶. A compliance check between the allocated HFC quotas and the amount placed on the market as determined by ex-post reporting is carried out annually by the Commission.

Refrigeration, air conditioning and heatpump equipment precharged with HFCs must since 1 January 2017 also be accounted for under the quota system (Article 14 of the F-gas Regulation). According to ex-post reporting, about 7% of the overall HFCs placed on the market are imported in this way.

The data reported to the Commission shows that companies are staying within the overall quota limit.⁷ However, there may be companies that neither register nor report to the Commission despite the legal obligation to do so. To investigate if this is happening, and if so to what degree, the current tender aims to compare our dataset to other datasets available holding similar data, in particular those import data held at EUROSTAT and in the REACH database.

Existing support

³ http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2014.150.01.0195.01.ENG

⁴ http://ec.europa.eu/clima/policies/f-gas/legislation/index_en.htm

⁵ More information available here: https://ec.europa.eu/clima/sites/clima/files/f-gas/docs/faq_reporting_en.pdf

⁶ http://ec.europa.eu/clima/policies/f-gas/reporting_en

⁷ https://ec.europa.eu/clima/sites/clima/files/f-gas/docs/phase-down_progress_en.pdf

General technical support for the implementation of the F-gas Regulation and F-gas/ODS international issues is currently still ensured through a service contract which will expire in 2018.

- General and specific objectives

General objective

- To ensure a smooth implementation of the HFC phase-down and monitor compliance.

Specific objectives

- To investigate if there are indications of illegal trade in HFCs based on different available data sources;
- To find ways of improving the data basis for monitoring the HFC phase-down.

- Tasks

T1 – EUROSTAT data: The tenderer should examine an extracted EUROSTAT dataset on the import of hydrofluorocarbons (including precharged equipment) for the years 2013-16 as regards its value for monitoring the implementation of the HFC phase-down pursuant to the F-gas Regulation. This analysis should highlight shortcomings of the data as regards an optimal use for supporting the compliance monitoring of the F-gas Regulation. This task also comprises establishing an overview of all data held at EUROSTAT with a view to identifying and collecting other relevant EUROSTAT data in this context.

T2 – REACH data: The tenderer should examine an extracted REACH dataset on the import of hydrofluorocarbons for the years 2013-16 as regards its value for monitoring the implementation of the HFC phase-down as legislated by the F-gas Regulation. This analysis should highlight existing data gaps and data shortcomings.

T3 – Data comparison: The tenderer should compare the extracted EUROSTAT and REACH data sets from task 1 and 2 to data available from company reporting according to Article 19 of the F-gas Regulation at the EEA Business Data Repository (BDR) (2013-2016), as well as data available from Chinese export data and possibly any other available relevant data sources the tenderer can identify. This analysis should describe the nature of each data set (granularity, aggregation level, parameters monitored, comparability between data sets etc.). In particular, any discrepancies between the different data sources should be highlighted and examined why such discrepancies exist. The aim is to see if there are any indications of illegal trade from the perspective of the F-gas Regulation (i.e. non-compliance with the HFC quota-system and/or reporting obligations) and if so, provide a quantification as well as, if possible, identify any non-compliant companies. The comparison should also include data on pre-charged equipment, where available.

T4 – Recommendations: The tenderer should draft recommendations on how the quality of the different data sets could be improved or what other data could be collected in order to be fit-for-purpose as regards implementation and compliance monitoring of the HFC phase-down.

- Input by the Contracting Authority

The Commission will provide the relevant import data based on company reporting from the EEA Business Data Repository (BDR) according to Article 19 of the F-gas Regulation.

The Commission will also provide an extracted dataset of EUROSTAT, REACH data and Chinese export data, as available. It will also facilitate access to the EUROSTAT and REACH databases as needed.

- Intermediate Deliverables

D1 – Analysis of EUROSTAT dataset (report as WORD docx/pdf; end of month 2)

D2 – Analysis of REACH dataset (report as WORD docx/pdf; end of month 2)

D3 – Inter-comparison of BDR company reporting, EUROSTAT dataset, REACH data, Chinese export data and other relevant data (report as WORD docx/pdf; any additional data as xls; end of month 4)

D4 – Recommendations (report as doc/pdf; end of month 4)

The Commission is currently using WORD and EXCEL versions 2010.

- Final output

A final report (docx/pdf) should be produced summarising the data collection process, the analysis and evaluations undertaken, the findings, recommendations and conclusions and should also contain the deliverables D1-D4.

- Delivery time and progress meetings

The contract should be concluded within 4 months. A kick-off meeting and up to three progress meetings may be held, but should preferably be organised by telephone or video conference.

- Confidentiality

Some of the data and information may be confidential and contain commercially relevant information. The contractor will have to treat such data and information as fully confidential, in particular in its disaggregated form, and not use such data and information for any other purpose than fulfilling its obligations under the contract.

Duration of the tasks

The tasks should be completed within 4 months of the signature of the contract. The execution of the tasks may not start before the contract has been signed.

Place of performance

The place of performance of the tasks shall be the contractor's premises or any other place indicated in the tender, with the exception of the Commission's premises.

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ANNEX 1 - ADMINISTRATIVE INFORMATION FORM

(To be signed by the tenderer only or the lead tenderer in the case of joint bids)

Organisation or individual:

NAME:

ADDRESS:

Address where contract should be sent to (if different from above):

.....

PERSON AUTHORISED TO SIGN CONTRACT:

Name and position:

PERSON FOR ROUTINE CONTACT:

Name and position:

ADDRESS:

Telephone and E-mail:

Signature of Tenderer

ANNEX 2 – QUESTIONNAIRE FOR JOINT BIDS AND SUBCONTRACTING

(To be completed and signed by the lead tenderer)

Joint bid (refer to paragraph 1.4)

1. Does your bid involve more than one tenderer? Yes No

Questions 2 - 4 shall be answered only if you have answered yes to question 1.

2. Please fill in the name of the company having power of attorney for the group of tenderers and acting as a co-ordinator:

3. Please fill in the names of the other companies taking part in the joint offer:

4. If a consortium or similar entity exists, please fill in the name and the legal status of the entity:

Subcontracting (refer to paragraph 1.5)

5. Does your bid involve subcontracting? Yes No

If the answer is yes, please complete question 6, and the next page per sub-contractor.

6.

List of sub-contractors:

Percentage of subcontracting:

.....

.....

.....

.....

Reasons, roles, activities and responsibilities of sub-contractors.

Please complete this page for each sub-contractor (one page per sub-contractor):

Name of the sub-contractor:

.....

Official legal form:

.....

Country of registration:

.....

Statutory registration number:

.....

(Internet address, if applicable):

.....

Official address in full:

.....

.....

Contact person:

.....

Telephone number:

.....

Reasons for subcontracting:

.....

Role, activities and responsibilities of the sub-contractor:

.....

The volume or the proportion of the sub-contracting:

.....

Do you intend to rely on capacities from the sub-contractor in order to fulfil the selection criteria? If yes, specify which selection criterion - financial and economic capacity or technical and professional capacity - and be aware that the tenderer must provide the documents which make it possible to assess the selection criteria.

.....

Tenderer:

Date:

Signature:

ANNEX 3 – FINANCIAL OFFER TEMPLATE

(To be completed and signed by the tenderer only or the lead tenderer in the case of joint bids)

(for guidance purposes only)

Price and Estimated budget breakdown

Calculation of the costs (incl. travel, overheads, consumables and any other related costs)

| Type of service provider | Position within the project team | Number of working days | Allocation of tasks | Proportion of the contract in % | Costs in € |
|---|----------------------------------|------------------------|---------------------|---------------------------------|------------|
| Lead contractor | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | <i>Sub-total</i> | ..... |  | ..... | ..... |
| Sub-contractor 1 | | | | | |
| | | | | | |
| | | | | | |
| | <i>Sub-total</i> | ..... |  | ..... | ..... |
| Sub-contractor 2 | | | | | |
| | | | | | |
| | | | | | |
| | <i>Sub-total</i> | ..... |  | ..... | ..... |
| Sub-contractor 3 | | | | | |
| | | | | | |
| | | | | | |
| | <i>Sub-total</i> | ..... |  | ..... | ..... |
| Travel/other costs¹ (if applicable) | | | | | |
| | Total | ..... |  | ..... | ..... |

Signature of Tenderer

.....

Date

.....

¹ Will be reimbursed on a lump-sum basis.

ANNEX 4 - LEGAL ENTITY AND FINANCIAL IDENTIFICATION FORMS

These forms can be downloaded from

http://ec.europa.eu/budget/contracts_grants/info_contracts/legal_entities/legal_entities_en.cfm
m (Legal entity form)

(To be signed by the tenderer and all members of the group in the case of joint tender (not necessary for subcontractors))

http://ec.europa.eu/budget/contracts_grants/info_contracts/financial_id/financial_id_en.cfm
(financial identification form)

(One form per offer to be signed by the tenderer or lead tender in the case the of joint tender)

**ANNEX 5 - DECLARATION ON HONOUR ON
EXCLUSION CRITERIA AND SELECTION CRITERIA**

(To be completed by the tenderer, all members of a joint tender and any subcontractor whose capacity is necessary to fulfil the selection criteria)

Comments [*in grey italics in square brackets*] are to be deleted and/or replaced by appropriate data.

The undersigned [*insert name of the signatory of this form*], representing:

| | |
|---|---|
| <i>(only for natural persons)</i> himself or herself | <i>(only for legal persons)</i> the following legal person: |
| ID or passport number: (‘the person’) | Full official name: Official legal form: Statutory registration number: Full official address: VAT registration number: (‘the person’) |

I – SITUATION OF EXCLUSION CONCERNING THE PERSON

| ➤ declares that the above-mentioned person is in one of the following situations: | YES | NO |
|--|--------------------------|--------------------------|
| a) it is bankrupt, subject to insolvency or winding up procedures, its assets are being administered by a liquidator or by a court, it is in an arrangement with creditors, its business activities are suspended or it is in any analogous situation arising from a similar procedure provided for under national legislation or regulations; | <input type="checkbox"/> | <input type="checkbox"/> |
| b) it has been established by a final judgement or a final administrative decision that the person is in breach of its obligations relating to the payment of taxes or social security contributions in accordance with the law of the country in which it is established, with those of the country in which the contracting authority is located or those of the country of the performance of the contract; | <input type="checkbox"/> | <input type="checkbox"/> |
| c) it has been established by a final judgement or a final administrative decision that the person is guilty of grave professional misconduct by having violated applicable laws or regulations or ethical standards of the profession to which the person belongs, or by having engaged in any wrongful conduct which has an impact on its professional credibility where such conduct denotes wrongful intent or gross negligence, including, in particular, any of the following: | | |

| | | |
|--|--------------------------|--------------------------|
| (i) fraudulently or negligently misrepresenting information required for the verification of the absence of grounds for exclusion or the fulfilment of selection criteria or in the performance of a contract; | <input type="checkbox"/> | <input type="checkbox"/> |
| (ii) entering into agreement with other persons with the aim of distorting competition; | <input type="checkbox"/> | <input type="checkbox"/> |
| (iii) violating intellectual property rights; | <input type="checkbox"/> | <input type="checkbox"/> |
| (iv) attempting to influence the decision-making process of the contracting authority during the award procedure; | <input type="checkbox"/> | <input type="checkbox"/> |
| (v) attempting to obtain confidential information that may confer upon it undue advantages in the award procedure; | <input type="checkbox"/> | <input type="checkbox"/> |
| d) it has been established by a final judgement that the person is guilty of the following: | | |
| (i) fraud, within the meaning of Article 1 of the Convention on the protection of the European Communities' financial interests, drawn up by the Council Act of 26 July 1995; | <input type="checkbox"/> | <input type="checkbox"/> |
| (ii) corruption, as defined in Article 3 of the Convention on the fight against corruption involving officials of the European Communities or officials of EU Member States, drawn up by the Council Act of 26 May 1997, and in Article 2(1) of Council Framework Decision 2003/568/JHA, as well as corruption as defined in the legal provisions of the country where the contracting authority is located, the country in which the person is established or the country of the performance of the contract; | <input type="checkbox"/> | <input type="checkbox"/> |
| (iii) participation in a criminal organisation, as defined in Article 2 of Council Framework Decision 2008/841/JHA; | <input type="checkbox"/> | <input type="checkbox"/> |
| (iv) money laundering or terrorist financing, as defined in Article 1 of Directive 2005/60/EC of the European Parliament and of the Council; | <input type="checkbox"/> | <input type="checkbox"/> |
| (v) terrorist-related offences or offences linked to terrorist activities, as defined in Articles 1 and 3 of Council Framework Decision 2002/475/JHA, respectively, or inciting, aiding, abetting or attempting to commit such offences, as referred to in Article 4 of that Decision; | <input type="checkbox"/> | <input type="checkbox"/> |
| (vi) child labour or other forms of trafficking in human beings as defined in Article 2 of Directive 2011/36/EU of the European Parliament and of the Council; | <input type="checkbox"/> | <input type="checkbox"/> |
| e) the person has shown significant deficiencies in complying with the main obligations in the performance of a contract financed by the Union's budget, which has led to its early termination or to the application of liquidated damages or other contractual penalties, or which has been discovered following checks, audits or investigations by an Authorising Officer, OLAF or the Court of Auditors; | <input type="checkbox"/> | <input type="checkbox"/> |
| f) it has been established by a final judgment or final administrative decision that the person has committed an irregularity within the meaning of Article 1(2) of Council Regulation (EC, Euratom) No 2988/95; | <input type="checkbox"/> | <input type="checkbox"/> |
| g) for the situations of grave professional misconduct, fraud, corruption, other criminal offences, significant deficiencies in the performance of the contract or | <input type="checkbox"/> | <input type="checkbox"/> |

| | | |
|---|--|--|
| <p>irregularity, the applicant is subject to:</p> <ul style="list-style-type: none"> i. facts established in the context of audits or investigations carried out by the Court of Auditors, OLAF or internal audit, or any other check, audit or control performed under the responsibility of an authorising officer of an EU institution, of a European office or of an EU agency or body; ii. non-final administrative decisions which may include disciplinary measures taken by the competent supervisory body responsible for the verification of the application of standards of professional ethics; iii. decisions of the ECB, the EIB, the European Investment Fund or international organisations; iv. decisions of the Commission relating to the infringement of the Union's competition rules or of a national competent authority relating to the infringement of Union or national competition law; or v. decisions of exclusion by an authorising officer of an EU institution, of a European office or of an EU agency or body. | | |
|---|--|--|

II – SITUATIONS OF EXCLUSION CONCERNING NATURAL PERSONS WITH POWER OF REPRESENTATION, DECISION-MAKING OR CONTROL OVER THE LEGAL PERSON

Not applicable to natural persons, Member States and local authorities

| ➤ declares that a natural person who is a member of the administrative, management or supervisory body of the above-mentioned legal person, or who has powers of representation, decision or control with regard to the above-mentioned legal person (this covers company directors, members of management or supervisory bodies, and cases where one natural person holds a majority of shares) is in one of the following situations: | YES | NO | N/A |
|---|--------------------------|--------------------------|--------------------------|
| Situation (c) above (grave professional misconduct) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Situation (d) above (fraud, corruption or other criminal offence) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Situation (e) above (significant deficiencies in performance of a contract) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Situation (f) above (irregularity) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

III – SITUATIONS OF EXCLUSION CONCERNING NATURAL OR LEGAL PERSONS ASSUMING UNLIMITED LIABILITY FOR THE DEBTS OF THE LEGAL PERSON

| ➤ declares that a natural or legal person that assumes unlimited liability for the debts of the above-mentioned legal person is in one of the following situations: | YES | NO | N/A |
|---|--------------------------|--------------------------|--------------------------|
| Situation (a) above (bankruptcy) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

| | | | |
|---|--------------------------|--------------------------|--------------------------|
| Situation (b) above (breach in payment of taxes or social security contributions) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|

IV – GROUNDS FOR REJECTION FROM THIS PROCEDURE

| | | |
|---|--------------------------|--------------------------|
| ➤ declares that the above-mentioned person: | YES | NO |
| h) has distorted competition by being previously involved in the preparation of procurement documents for this procurement procedure. | <input type="checkbox"/> | <input type="checkbox"/> |

V – REMEDIAL MEASURES

If the person declares one of the situations of exclusion listed above, it must indicate measures it has taken to remedy the exclusion situation, thus demonstrating its reliability. This may include e.g. technical, organisational and personnel measures to prevent further occurrence, compensation of damage or payment of fines. The relevant documentary evidence which illustrates the remedial measures taken must be provided in annex to this declaration. This does not apply for situations referred in point (d) of this declaration.

VI – EVIDENCE UPON REQUEST

Upon request and within the time limit set by the contracting authority the person must provide information on the persons that are members of the administrative, management or supervisory body. It must also provide the following evidence concerning the person itself and concerning the natural or legal persons which assume unlimited liability for the debt of the person:

For situations described in (a), (c), (d) or (f), production of a recent extract from the judicial record is required or, failing that, an equivalent document recently issued by a judicial or administrative authority in the country of establishment of the person showing that those requirements are satisfied.

For the situation described in point (a) or (b), production of recent certificates issued by the competent authorities of the State concerned are required. These documents must provide evidence covering all taxes and social security contributions for which the person is liable, including for example, VAT, income tax (natural persons only), company tax (legal persons only) and social security contributions. Where any document described above is not issued in the country concerned, it may be replaced by a sworn statement made before a judicial authority or notary or, failing that, a solemn statement made before an administrative authority or a qualified professional body in its country of establishment.

The person is not required to submit the evidence if it has already been submitted for another procurement procedure. The documents must have been issued no more than one year before the date of their request by the contracting authority and must still be valid at that date.

The signatory declares that the person has already provided the documentary evidence for a previous procedure and confirms that there has been no change in its situation:

| Document | Full reference to previous procedure |
|---|--------------------------------------|
| <i>Insert as many lines as necessary.</i> | |

VII – SELECTION CRITERIA

| | | | |
|--|--------------------------|--------------------------|--------------------------|
| ➤ declares that the above-mentioned person complies with the selection criteria applicable to it individually as provided in the tender specifications: | YES | NO | N/A |
| (a) It has the legal and regulatory capacity to pursue the professional activity needed for performing the contract as required in section 2.3.2 of the tender specifications; | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| (b) It fulfills the applicable economic and financial criteria indicated in section 2.3.3 of the tender specifications; | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| (c) It fulfills the applicable technical and professional criteria indicated in section 2.3.4 of the tender specifications. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

| | | | |
|--|--------------------------|--------------------------|--------------------------|
| ➤ if the above-mentioned person is the sole tenderer or the leader in case of joint tender , declares that: | YES | NO | N/A |
| (d) the tenderer, including all members of the group in case of joint tender and including subcontractors if applicable, complies with all the selection criteria for which a consolidated assessment will be made as provided in the tender specifications. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

VII – EVIDENCE FOR SELECTION

The signatory declares that the above-mentioned person is able to provide the necessary supporting documents listed in the relevant sections of the tender specifications and which are not available electronically upon request and without delay.

The person is not required to submit the evidence if it has already been submitted for another procurement procedure. The documents must have been issued no more than one year before the date of their request by the contracting authority and must still be valid at that date.

The signatory declares that the person has already provided the documentary evidence for a previous procedure and confirms that there has been no change in its situation:

| Document | Full reference to previous procedure |
|---|--------------------------------------|
| <i>Insert as many lines as necessary.</i> | |

The above-mentioned person may be subject to rejection from this procedure and to administrative sanctions (exclusion or financial penalty) if any of the declarations or information provided as a condition for participating in this procedure prove to be false.

Full name

Date

Signature

ANNEX 6 - ACKNOWLEDGEMENT OF RECEIPT



EUROPEAN COMMISSION
DIRECTORATE-GENERAL CLIMATE ACTION
Directorate A International & Mainstreaming
Unit A.2 – Climate Finance, Mainstreaming, Montreal Protocol

(Please fill in your address)

ACKNOWLEDGEMENT OF YOUR TENDER

Our reference: [CLIMA/A.2/AK/2017/00XXLV]

Your reference:

We wish to confirm the receipt and opening of your offer¹. Your offer will now be evaluated by the Commission and its experts. You will be informed of the result in due course.

We thank you for your interest.

Philip OWEN
Head of Unit

¹ Your personal contact data has been recorded in a database used by the Markets Team of unit SRD.2 for the administrative management of offers. The Commission is bound by Regulation 45/2001 on the protection of individuals with regard to the processing of personal data by the Union institutions and bodies. For more information, and to exercise your rights to access and eventually correct data concerning you, please don't hesitate to contact us.