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ENVIRONMENT
Biodiversity
Nature Conservation

European Commission

Call for tenders ENV/2023/OP/0022

Service Contract for providing technical and scientific support in relation to the delivery and development of wild bird indicators for the EU (2023-2026)

Open procedure

TENDER SPECIFICATIONS

TABLE OF CONTENTS

1.	SCOPE AND DESCRIPTION OF THE PROCUREMENT	4
1.1.	Contracting authority: who is the buyer?	4
1.2.	Subject: what is this call for tenders about?	4
1.3.	Lots: is this call for tenders divided into lots?	4
1.4.	Description: what do we want to buy through this call for tenders?.....	4
1.5.	Place of performance: where will the contract be performed?.....	10
1.6.	Nature of the contract: how will the contract be implemented?	10
1.7.	Volume and value of the contract: how much do we plan to buy?	11
1.8.	Duration of the contract: how long do we plan to use the contract?.....	11
1.9.	Electronic exchange system: can exchanges under the contract be automated?	11
2.	GENERAL INFORMATION ON TENDERING.....	12
2.1.	Legal basis: what are the rules?.....	12
2.2.	Entities subject to restrictive measures and rules on access to procurement: who may submit a tender?.....	12
2.3.	Registration in the Participant Register: why register?.....	13
2.4.	Ways to submit a tender: how can economic operators organise themselves to submit a tender?	13
3.	EVALUATION AND AWARD	19
3.1.	Exclusion criteria.....	19
3.2.	Selection criteria.....	21
3.3.	Compliance with the conditions for participation and minimum requirements specified in the procurement documents	24
3.4.	Award criteria.....	25
3.5.	Award (ranking of tenders)	26
4.	FORM AND CONTENT OF THE TENDER	27
4.1.	Form of the tender: how to submit the tender?	27

4.2. Content of the tender: what documents to submit with the tender?	27
4.3. Signature policy: how can documents be signed?.....	28
4.4. Confidentiality of tenders: what information and under what conditions can be disclosed?	29
APPENDIX: LIST OF REFERENCES	31
ANNEXES	32
Annex 1. List of documents to be submitted with the tender or during the procedure	33
Annex 2. Declaration on Honour on exclusion and selection criteria.....	37
Annex 3. Agreement/Power of attorney.....	38
Annex 4. List of identified subcontractors and proportion of subcontracting	40
Annex 5.1. Commitment letter by an identified subcontractor	41
Annex 5.2. Commitment letter by an entity on whose capacities is being relied	42
Annex 6. Financial tender form.....	43
Annex 7. Travel and subsistence costs.....	44
Annex 8. Administrative Information Form	45

1. SCOPE AND DESCRIPTION OF THE PROCUREMENT

1.1. Contracting authority: who is the buyer?

This call for tenders is launched and managed by the European Commission, Directorate General for Environment, referred to as the contracting authority for the purposes of this call for tenders.

1.2. Subject: what is this call for tenders about?

The subject of this call for tenders is “Service Contract for providing technical and scientific support in relation to the delivery and development of wild bird indicators for the EU (2023-2026)”.

1.3. Lots: is this call for tenders divided into lots?

This call for tenders is not divided into lots.

1.4. Description: what do we want to buy through this call for tenders?

The purchases that are the subject of this call for tenders, including any minimum requirements, are described in detail below and hereafter referred to as *Technical specifications*.

Variants (alternatives to the model solution described in the tender specifications) are not allowed. The contracting authority will disregard any variants described in a tender.

1.4.1. Detailed characteristics of the purchase

1.4.1.1. General background

The implementation of EU biodiversity policy and legislation (cf. EU Biodiversity Strategy for 2030¹ and the EU Birds Directive²), as well as their effectiveness in achieving their objectives, is assessed through a set of policy-relevant indicators. These indicators include several EU-level Common Bird Indicators, which can help assess progress in implementing EU policies and legislation and prioritise conservation measures³.

Besides providing highly relevant indicators for measuring progress achieved under the EU Birds Directive, EU Common Bird Indicators may also contribute to monitoring progress on various restoration targets under the EU Biodiversity Strategy for 2030, in particular where

¹ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A52020DC0380>

² <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32009L0147>

³ <https://www.eea.europa.eu/ims/common-bird-index-in-europe>

these targets aim to increase the contribution of agriculture and forestry to maintaining and enhancing biodiversity.

The Common Bird Indicator is also one of the headline indicators for monitoring progress towards the 8th Environment Action Programme⁴ (8th EAP). The Farmland Bird Index is also one of the indicators used in the Commission proposal on a Regulation for Nature Restoration for establishing restoration targets for agricultural ecosystems (COM(2022) 304 final).

By providing updates to the species-specific indicators for common bird species for the period 2023-2026, this contract will provide additional up-to-date information about the trends of these species, thereby complementing the information that Member States submit every 6 years about the status and trends of bird species in the frame of their reporting under Article 12 of the Birds Directive.

By providing updates to the Common Farmland and Forest Birds Indicators for the contract period, this contract will help monitor the impact of the Common Agricultural Policy on farmland and forest biodiversity, using common birds as proxies for the overall trend of biodiversity in Europe's agricultural and forestry lands. It will also contribute to monitoring progress towards the targets of the Nature Restoration Law.

By providing a new Common Urban Birds indicator, this contract will help monitor the target for urban greening under the EU Biodiversity Strategy for 2030.

By developing additional flyway specific indicators for a selected group of declining migratory bird species, the contract will help providing policy relevant information for the ongoing process of the EU Task Force on the Recovery of Birds⁵.

The results of the contract can help raise the profile of biodiversity and the importance of agricultural policy and practice to biodiversity recovery, paving the way for more biodiversity-friendly farming techniques. Currently, most Natura 2000 semi-natural grasslands as well as other habitats and species depending on agroecosystems are not in good conservation status, with many still further deteriorating. More ambitious action is therefore required to sustain and restore them and to assist their recovery.

This contract can help improving the implementation by EU Member States of the EU Birds Directive and stimulating further actions to improve the conservation status of common birds and the habitats they depend on.

This contract approach will be based on collecting and recording validated bird data at EU level, to allow a cost-effective and regular updating of a set of Common bird indicators. Moreover, it will contribute to improve bird monitoring and indicator reporting by Member

⁴ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32022D0591>

⁵ https://circabc.europa.eu/ui/group/e21159fc-a026-4045-a47f-9ff1a319e1c5/library/2e8bdb2d-d948-4ce0-b16c-6c07b1e1fc62?p=1&n=10&sort=modified_DESC

States and stakeholders by increasing the geographical coverage and density of records, thereby increasing the representativeness and stakeholder acceptance of the indicators.

Results of this contract will be used to inform policy debates, improve policy implementation and raise the profile and public awareness of nature conservation and species protection.

1.4.1.2 Specific objectives

The specific objectives of this contract are:

- to produce and update EU policy-relevant Common bird indicators for bird species groups linked to farmlands, forests and urban ecosystems, covering the European territory of the EU Member States;
- to produce and update species-specific Common bird indicators for all common bird species across the European territory of EU Member States; as a minimum, the list of species shall cover all species that are used for the elaboration of the above Common Farmland, Forest and Urban bird indicators;
- to develop flyway-specific indicators for a selected group of (at least 5) long-distance migratory bird species using several flyways on their migration, with a preferential focus on huntable and declining long-distance migratory species;
- to accompany the provision of these indicators with relevant information explaining how these indicators have been developed, to ensure transparency on the methodology used for calculating the indicators.

1.4.1.3. Tasks

The contract will focus on the following main tasks:

Task 1. Produce and provide to the Commission bird indicators in a format that is ready for publication

Objectives

- To update, on an annual basis information on EU-level population size and trend data for all 170 bird species defined as Common Bird species by the European Bird Census Council (EBCC)⁶, and produce species-specific indicators for each of these species;
- To update on an annual basis, the following existing EU-level bird indicators:
 - the EU Common birds indicator;
 - the EU Common farmland birds indicator;
 - the EU Common forest birds indicator;
 - the EU Common urban birds indicator.
- To produce additional flyway-specific indicators for a selected group of (at least 5) common long-distance migratory bird species.

Description

⁶ <https://pecbms.info/trends-and-indicators/species-trends/>

EU-level Common bird indicators have to be produced in a standard methodology by combining national species population indices (e.g. using TRIM software - Van Strien, A.J., Pannekoek, J. et Gibbons, D.W. (2001): Indexing European bird population trends using results of national monitoring schemes: a trial of a new method. Bird Study 48: 200–213).

Updates for all species-specific, ecosystem-specific indicators should be submitted annually and in a ready-for-use format to the Commission, at the latest 12 months after the end of the annual monitoring season. The reporting format (Excel, CSV, etc.) and the type of information to be provided for each indicator (use of confidence intervals, etc.) will be agreed with the Commission within the first 6 months of the contract period.

During the first six months of the contract period, the contractor will liaise with the contracting authority to propose and agree on a list of long-distance migratory bird species for which the contract is expected to produce flyway-specific indicators by the end of the contract period at the very latest.

Task 2: Assist the Commission with the publication of all data and information produced as part of this contract on the Commission website, and engage into further relevant communication and dissemination activities

Objectives:

- To make contract results available, attractive to decision-makers and to the wider public at the European and national level;
- To make contract results convincing and scientifically credible to the scientific and conservation communities, as well as to policy makers at EU and national levels.

Description

Throughout the contract lifetime, the contract will produce yearly updates of population size and trend information for common bird species at both EU and national levels, and submit this information, together with updated EU-level Common bird indicators, to the Commission's General Directorate for the Environment (DG ENV – the contracting authority).

DG ENV will publish all information produced through this contract on its website and ensure the further dissemination of the contract outputs and results, e.g. to the General Directorate for Agriculture (DG AGRI), the European Environment Agency (EEA) and Eurostat (ESTAT) and beyond.

As soon as possible after contract signature, the contractor shall assist the Commission with the set-up of one or several dedicated webpage(s), focussing on the contract objectives and the presentation of the contract results. These webpages should provide an easy access to all indicator outputs of the contract, as well as EU population size and trend data for individual species (on which the indicators are based). If relevant, any related scientific publications that the contractors would have produced during the contract period should also be made available on these webpages.

Contract outputs should provide policy users with scientifically and statistically sound support for their decision-making and preparation of relevant assessments, researchers for further research, which in turn brings new knowledge and understanding of biodiversity and can be used further in conservation and decision-making.

Furthermore, a scientific publication, to be produced by the contractor, will serve as an independent control of data quality and transparency (the papers are peer reviewed by independent anonymous experts).

In the Commission webpage(s) and in its own scientific publication(s), the contractor should address specific concerns that have previously been raised in relation to the reliance of the Common bird indicators on volunteer data collection schemes, selection of species for the EU-level indicators, alleged geographical and time gaps and alleged lack of data harmonisation.

The contractor is free to use additional communication efforts to disseminate the contract results, including on its own websites, through dedicated workshops, videos, etc. The Commission should be informed about any such efforts in the technical reports for this contract. In all these communication efforts, EU financial support through the contract must be acknowledged appropriately.

When providing information to the contracting authority for online publication, the contractor must be aware that all contents published online on the Commission webpage(s) must comply with the [Europa Web Guide](#), and in particular with the rules on accessibility and data protection. All content must be published using the [Commission's tools](#), and in particular the [web content management system](#) and the [web tools](#) for data visualisation.

A publication is a distinct text or graphic-based work, in whatever medium and whatever format, made available to a public wider than the publishing institution. Publications created by DG Environment or on behalf of DG Environment must be published through the Publications Office following the Publication Office rules and guidelines:

[04. Publications - WEBGUIDE - EC Public Wiki \(europa.eu\)](#)

Task 3: Reporting

Objectives:

- To report on contract development and progress to the Commission;
- To report on contract progress and results to other policy relevant stakeholders.

Description

Unit D.3 (Nature Conservation) in DG ENV as the contracting authority remains the central reporting hub for the contractor.

In addition, the contractor is asked to inform other policy-relevant stakeholders about releases of updates of contract outputs and publications (examples: DG AGRI, ESTAT, EEA and JRC).

Furthermore, the contractor will set up a meeting with representatives from DG ENV, DG AGRI, ESTAT, EEA and JRC, with the aim to clarify any possible criticisms or issues about outputs, methods, data availability and data ownership etc.

1.4.2. Deliverables

The contractor will produce an **inception report** (to be submitted 6 weeks after the contract start), a **progress report** (to be submitted 1.5 years after the contract start date) and a **final report** (to be submitted no later than 36 months after contract signature), describing the progress in the work at the time of reporting, as well as any difficulties encountered. All reports must be written in English and drafted in a clear and easily understandable language. The presentation of the texts, tables and graphs has to be clear and complete and correspond to commonly recognised standards for publication.

All reports will be delivered in e-format, preferably via a collaborative platform.

Representatives of the contract implementing organisations will meet with the contracting authority as follows: 1) a kick-off meeting at the beginning of the contract period to fine-tune the deliverables, work plan and timetable; 2) another two meetings will take place at the beginning of each year (year 2 and 3); and a final meeting will take place at the end of the contract period. Details of the implementation as well as potential difficulties will be discussed at the meetings. The updated work plan for the forthcoming year will be approved at the meetings.

All meetings for the coordination of the project are organised by videoconferencing to limit (air) travel, unless otherwise specified by the Commission. Meeting logistics will be provided by the Commission.

The contract management methodology followed shall be OpenPM2⁷ promoted by the European Commission or an equivalent. Its tailoring on expected deliverables and monitoring shall be discussed at the contract kick off meeting.

The contractor will ensure to read and take into account the [European Commission Digital Strategy](#) so that all the tasks and deliverables are aligned. In particular the contractor will apply the principles of the [European Interoperability Framework](#) such as data portability.

The contractor will deliver content and materials for the output dissemination (*such as communication materials, website, social media, etc.*) in line with the Europa Web Guide along with the available interactive services and tools therein.

Intermediate deliverables and meetings

- **Kick-off meeting:** expected to be called by the Commission within one month after the signature of the contract, to discuss the contractor's detailed plans for the tasks, as well as the first assignments. The template for the technical notes will also be provided. The meeting shall take place by videoconferencing unless otherwise specified by the Commission. The contractor will be expected to draft minutes of this meeting and submit them to the Commission within two weeks of the meeting taking place.
- **Inception report:** to be received by the Commission 6 weeks after the kick-off meeting. It shall report on the work carried out in the first part of the contract period. The inception

⁷ https://ec.europa.eu/isa2/solutions/open-pm2_en
https://ec.europa.eu/isa2/sites/isa2/files/docs/publications/leaflet_open_pm2.pdf
<https://publications.europa.eu/en/publication-detail/-/publication/0e3b4e84-b6cc-11e6-9e3c-01aa75ed71a1>

report shall be submitted electronically in Word format and PDF. (The Commission is currently using Microsoft Word 2016).

- **Progress reports:** a mid-term report focusing in particular on data and communication issues to be received by the Commission 18 months after the kick-off meeting. Supplementing the approved technical notes, it shall report on the work carried out in the first half of the contract period and highlight issues and difficulties that may have emerged in developing any of the deliverables required up to then. The progress report shall be submitted electronically (Word and PDF format).
- **Progress meetings:** two meetings are expected to be called by the Commission with a view to addressing the difficulties highlighted in the progress report as well as any other issue that may have emerged, and to give guidance for the preparation of further deliverables. The meetings shall take place by videoconferencing, unless otherwise specified by the Commission. The contractor will be expected to draft short minutes of this meeting and submit them to the Commission within two weeks after the meeting.

Final output and deliverables

- **The final report**, supplementing the approved technical notes, will describe the work done, all deliverables and lessons learned. It shall be delivered electronically in Word and PDF no later than 36 months after contract signature and follow the [European Commission's visual identity guidelines](#).

In addition to the final report, the contractor will **deliver:**

- all raw data and information used to execute tasks and build deliverables, in a structured format (not only textual/pdf data or graphic) so that it can be stored by European Commission IT services.
- source code (where available), the installation manual and/or users manuals of the developed software(s), scripts, algorithms so that EC IT services can host and maintain them for further usage.

1.5. Place of performance: where will the contract be performed?

The services will be performed at the contractor's premises.

1.6. Nature of the contract: how will the contract be implemented?

The procedure will result in the conclusion of a direct contract.

In direct contracts all the terms governing the provision of the services, supplies or works are defined at the outset. Once signed, they can be implemented directly without any further contract procedures.

Tenderers need to take full account of the full set of procurement documents, including the provisions of the draft contract as the latter will define and govern the contractual relationship to be established between the contracting authority and the successful tenderer[s]. Special attention is to be paid to the provisions specifying the rights and obligations of the contractor, in particular those on payments, performance of the contract, confidentiality, and checks and audits.

⚠ Please be aware that if a tenderer to whom the contract is awarded (any of the group members in case of a joint tender) has established debt(s) owed to the Union, the European Atomic Energy Community or an executive agency when the latter implements the Union budget, such debt(s) may be offset, in line with Articles 101(1) and 102 of [Regulation \(EU, Euratom\) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union \(Financial Regulation\)](#)⁸ and the conditions set out in the draft contract, against any payment due under the contract. The contracting authority will verify the existence of overdue debts of the successful tenderer[s] (any of the group members in case of a joint tender), and, if any such debt is found, will inform the tenderer (the group leader in case of a joint tender who will then have the obligation to inform all other group members before signing the contract) that the debt(s) may be offset against any payment due under the contract.

1.7. Volume and value of the contract: how much do we plan to buy?

The maximum total amount of all purchases under this call for tenders is indicated under Section II.1.5 of the contract notice. The maximum budget allocated to this contract is fixed at **EUR 300 000,-** (three hundred thousand EURO), including the fees, travel and all other costs and excluding VAT. Any tenders received that do not respect this maximum budget will be automatically excluded from the evaluation procedure.

Within three years following the signature of the contract resulting from the current call for tenders, the contracting authority may use the negotiated procedure under point 11.1.e of Annex 1 to the Financial Regulation to procure new services from the contractor up to a maximum of 50 % of the initial contract value. These services would consist in the repetition of similar services entrusted to the contractor and would be awarded under the conditions to be specified in the tender specifications of the negotiated procedure.

1.8. Duration of the contract: how long do we plan to use the contract?

The contract resulting from this call for tenders will be concluded for at most **36 months**.

1.9. Electronic exchange system: can exchanges under the contract be automated?

For all exchanges with the contractors during the implementation of the contract resulting from this call for tenders as well as for future possible subsequent proceedings, including, but not limited to, for the purposes of EDES ([European Union's Early Detection and Exclusion System](#)), the contracting authority may use an electronic exchange system meeting the requirements of Article 148 of the Financial Regulation. At the request of the contracting authority, the use of such a system shall become mandatory for the contractor[s] at no additional cost for the contracting authority. Details on specifications, access, terms and conditions of use will be provided in advance.

⁸ Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012 (OJ L 193 of 30.07.2018, p.1).

2. GENERAL INFORMATION ON TENDERING

2.1. Legal basis: what are the rules?

This call for tenders is governed by the provisions of the Financial Regulation.

The contracting authority has chosen to award the contract resulting from this call for tenders through an open procedure pursuant to Article 164(1) (a) of the Financial Regulation. In an open procedure any interested economic operator (any natural or legal person who offers to supply products, provide services or execute works) may submit a tender.

2.2. Entities subject to restrictive measures and rules on access to procurement: who may submit a tender?

Tenderers must ensure that no involved entities (see Section 2.4) nor any subcontractors, including those which do not need to be identified in the tender (see Section 2.4.2), are subject to [EU restrictive measures](#) adopted under Article 29 of the Treaty on the European Union (TEU) or Article 215 of the Treaty on the Functioning of the EU (TFEU)⁹, consisting of a prohibition to make available or transfer funds or economic resources or to provide financing or financial assistance to them directly or indirectly, or of an asset freeze. The prohibition applies throughout the whole performance of the contract.

Participation in this call for tenders is open on equal terms to all natural and legal persons coming within the scope of the [Treaties](#), as well as to international organisations.

It is also open to all natural and legal persons established in a third country provided that it has a special agreement with the European Union in the field of public procurement on the conditions laid down in that agreement.

As the Agreement on Government Procurement¹⁰ concluded within the World Trade Organisation applies, the participation to this call for tenders is also open to all natural and legal persons established in the countries that have ratified this Agreement, on the conditions laid down therein.

Since this call for tenders implements the LIFE programme established with Regulation (EU) 2021/783 of the European Parliament and of the Council of 29 April 2021 establishing a Programme for the Environment and Climate Action (LIFE), it is also open to all natural and legal persons established in a third country eligible for funding under this programme. Currently third countries are negotiating association to the programme; these countries will be treated as associated countries provided that the association agreement with the third country concerned applies at the time of contract award.

⁹ Please note that the EU Official Journal contains the official list and, in case of conflict, its content prevails over that of the [EU Sanctions Map](#).

¹⁰ https://www.wto.org/english/tratop_e/gproc_e/gp_gpa_e.htm.

The rules on access to procurement do not apply to entities on whose capacity tenderers rely to fulfil the selection criteria nor to subcontractors. Subcontracting may not be used with the intent or effect to circumvent the rules on access to procurement.

To enable the contracting authority to verify the access, each tenderer must indicate its country of establishment (in case of a joint tender – the country of establishment of each group member) and must present the supporting evidence normally acceptable under the law of that country. The same document(s) could be used to prove the country/-ies of establishment and the delegation(s) of the authorisation to sign, as described in Section 4.3.

2.3. Registration in the Participant Register: why register?

Any economic operator willing to participate in this call for tenders must be registered in the [Participant Register](#) - an online register of organisations and natural persons (participants) participating in calls for tenders or proposals of the European Commission and other EU institutions/bodies.

On registering each participant obtains a Participant Identification Code (PIC, 9-digit number), which acts as its unique identifier in the Participant Register. A participant needs to register only once – the information provided can be further updated or re-used by the participant in other calls for tenders or calls for proposals of the European Commission and other EU institutions/bodies.

⚡ Each participant needs to ensure that its SME status in the Participant Register is registered and kept up to date.

At any moment during the procurement procedure, the Research Executive Agency Validation Services (hereafter *the EU Validation Services*) may contact the participant and ask for supporting documents on legal existence and status. The requests will be made through the register's messaging system to the e-mail address of the participant's contact person indicated in the register. It is the responsibility of the participant to provide a valid e-mail address and to check it regularly. The documents that may be requested by *the EU Validation Services* are listed in the [EU Grants and Tenders Rules on Legal Entity Validation, LEAR appointment and Financial Capacity assessment](#).

⚡ Please note that a request for supporting documents by the *EU Validation Services* in no way implies that the tenderer has been successful.

2.4. Ways to submit a tender: how can economic operators organise themselves to submit a tender?

Economic operators can submit a tender either as a sole economic operator (sole tenderer) or as a group of economic operators (joint tender)¹¹. In either case subcontracting is permitted.

¹¹ Each economic operator participating in the joint tender is referred to as “group member”.

Tenders must be drawn and submitted in complete independence and autonomously from the other tenders. A declaration in this regard by each tenderer (in case of a joint tender, by each of its members) shall be requested.

A natural or legal person cannot participate at the same time and within the same procedure either as member of two or more groups of economic operators or as a sole tenderer and member of another group of economic operators. In such case, all tenders in which that person has participated, either as sole tenderer or as member of a group of economic operators, will be rejected.

Economic operators linked by a relationship of control or of association (e.g. belonging to the same economic/corporate group) are allowed to submit different and separate tenders provided that each tenderer is able to demonstrate that its tender was drawn independently and autonomously.

A natural or legal person may act as subcontractor for several tenderers as long as the tenders are drawn and submitted in complete independence and autonomously from each other. However, **cross subcontracting among tenderers is forbidden**, more precisely an entity “A” may participate as tenderer (either as sole tenderer or as member of a group of economic operators) and as subcontractor to another tenderer “B” within the same procurement procedure. However, in this case it is forbidden that tenderer “B” (or any of its participating members in case of a group of economic operators) is at the same time subcontractor for tenderer “A” (or for the group of economic operators in which “A” participates) within the same procurement procedure. In this case, both tenders A and B shall be rejected.

In order to fulfil the selection criteria set out in Section 3.2 the tenderer can rely on the capacities of subcontractors (see Section 2.4.2) or other entities that are not subcontractors (see Section 2.4.3).

An **“involved entity”** is any economic operator involved in the tender. This includes the following four categories of economic operators:

- sole tenderer,
- group members (including group leader),
- identified subcontractors (see Section 2.4.2), and
- other entities (that are not subcontractors) on whose capacity the tenderer relies to fulfil the selection criteria.

The role of each entity involved in a tender must be clearly specified in the eSubmission application: i) sole tenderer, ii) group leader (in case of a joint tender), iii) group member (in case of a joint tender), or iv) subcontractor¹².

For an entity on whose capacities the tenderer relies to fulfil the selection criteria (that is not a subcontractor), this role is defined in the commitment letter (*Annex 5.2*)

¹² Only identified subcontractors (see Section 2.4.2) must be specified in the eSubmission application.

2.4.1. Joint tenders

A joint tender is a situation where a tender is submitted by a group (with or without legal form) of economic operators regardless of the link they have between them in the group. The group as a whole is considered a tenderer¹³.

All group members assume joint and several liability towards the contracting authority for the performance of the contract as a whole.

Group members must appoint from among themselves a group leader (the group leader) as a single point of contact authorised to act on their behalf in connection with the submission of the tender and all relevant questions, clarification requests, notifications, etc., that may be received during the evaluation, award and until the contract signature. All group members (including the group leader) must sign an Agreement/Power of attorney drawn up in the model attached in *Annex 3*.

The joint tender must clearly indicate the role and tasks of each group member, including those of the group leader who will act as the contracting authority's contact point for the contract's administrative or financial aspects and operational management. The group leader will have full authority to bind the group and each of its members during contract execution.

If the joint tender is successful, the contracting authority shall sign the contract with the group leader, authorised by the other members to sign the contract also on their behalf via the Agreement/Power of attorney drawn up in the model attached in *Annex 3*.

Changes in the composition of the group during the procurement procedure (after the deadline for submission of tenders and before contract signature) shall lead to rejection of the tender, with the exception of the following case[s]:

- case of a merger or takeover of a group member (universal succession), provided that the following cumulative conditions are fulfilled:
 - the new entity is not subject to restrictive measures, has access to procurement (see Section 2.2) and is not in an exclusion situation (see Section 3.1),
 - all the tasks assigned to the former entity are taken over by the new entity member of the group,
 - the group meets the selection criteria (see Section 3.2),
 - the change must not make the tender non-compliant with the procurement documents,
 - the terms of the originally submitted tender are not altered substantially and the evaluation of award criteria of the originally submitted tender are not modified,
 - the new entity undertakes to replace the former entity for the implementation of the contract, in case of an award.

¹³ References to *tenderer* or *tenderers* in this document shall be understood as covering both sole tenderers and groups of economic operators submitting a joint tender.

2.4.2. Subcontracting

Subcontracting is the situation where the contractor enters into legal commitments with other economic operators, which will perform part of the contract on its behalf. The contractor retains full liability towards the contracting authority for performance of the contract as a whole.

The following shall not be considered subcontracting:

- a) Use of workers posted to the contractor by another company owned by the same group and established in a Member State (“intra-group posting” as defined by Article 1, 3, (b) of [Directive 96/71/EC concerning the posting of workers in the framework of the provision of services](#)).
- b) Use of workers hired out to the contractor by a temporary employment undertaking or placement agency established in a Member State (“hiring out of workers” as defined by Article 1, 3, (c) of [Directive 96/71/EC concerning the posting of workers in the framework of the provision of services](#)).
- c) Use of workers temporarily transferred to the contractor from an undertaking established outside the territory of a Member State and that belongs to the same group (“intra-corporate transfer” as defined by Article 3, (b) of [Directive 2014/66/EU on the conditions of entry and residence of third-country nationals in the framework of an intra-corporate transfer](#)).
- d) Use of staff without employment contract (“self-employed persons working for the contractor”), without the tasks of the self-employed persons being particular well-defined parts of the contract.
- e) Use of suppliers and/or transporters by the contractor, in order to perform the contract at the place of performance, unless the economic activities of the suppliers and/or the transporting services are within the subject of this call for tenders (see Section 1.4).
- f) Performance of part of the contract by members of an EEIG (European Economic Interest Grouping), when the EEIG is itself a contractor or a group member.

The persons mentioned in points a), b), c) and d) above will be considered as “personnel” of the contractor as defined in the contract.

All contractual tasks may be subcontracted unless the procurement documents expressly reserve the execution of certain critical tasks to the sole tenderer itself, or in case of a joint tender, to a group member.

By filling in the form available in **Annex 4** (List of identified subcontractors), tenderers are required to give an indication of the proportion of the contract that they intend to subcontract, as well as to identify and describe briefly the envisaged contractual roles/tasks of subcontractors meeting any of these conditions (hereafter referred to as *identified subcontractors*):

- subcontractors on whose capacities the tenderer relies upon to fulfil the selection criteria as described under Section 3.2;
- subcontractors whose intended individual share of the contract, known at the time of submission, is above **20 %**.

Any such subcontractor must provide the tenderer with a commitment letter drawn up in the model attached in **Annex 5.1** and signed by its authorised representative.

☞ Each tenderer shall identify *such* subcontractors and provide the commitment letters with its tender. The information must be true and correct at the time of submitting the tender. Any changes or additions regarding the envisaged subcontractors after the deadline for submission of tenders must be justified to the contracting authority.

The above rules apply also where the economic operators, which will perform part of the contract on behalf of a successful tenderer, belong to the same economic/corporate group as the sole tenderer or a member of the group submitting the joint tender.

Changes concerning subcontractors identified in the tender (withdrawal/replacement of a subcontractor, additional subcontracting) during the procurement procedure (after the submission deadline and before contract signature) require the prior written approval of the contracting authority subject to the following verifications:

- any new subcontractor is not subject to restrictive measures, has access to procurement if the rules on access to procurement apply also to subcontractors (see Section 2.2) and is not in an exclusion situation (see Section 3.1),
- the tenderer still fulfils the selection criteria and the new subcontractor fulfils the selection criteria applicable to it individually, if any;
- the terms of the originally submitted tender are not altered substantially, i.e. all the tasks assigned to the former subcontractor are taken over by another involved entity, the change does not make the tender non-compliant with the tender specifications, and the evaluation of award criteria of the originally submitted tender is not modified.

Subcontracting to subcontractors identified in a tender that was accepted by the contracting authority and resulted in a signed contract, is considered authorised.

2.4.3. Entities (not subcontractors) on whose capacities the tenderer relies to fulfil the selection criteria

In order to fulfil the selection criteria a tenderer may also rely on the capacities of other entities (that are not subcontractors), regardless of the legal nature of the links it has with them. It must in that case prove that it will have at its disposal the resources necessary for the performance of the contract by producing a commitment letter in the model attached in **Annex 5.2**, signed by the authorised representative of such an entity, and the supporting evidence that those other entities have the respective resources¹⁴.

☞ The above rules apply also where the economic operators on whose capacities the tenderer relies to fulfil the selection criteria (that are not subcontractors) belong to the same economic/corporate group as the sole tenderer or a member of the group submitting the joint tender.

¹⁴ This does not apply to subcontractors on whose capacity the tenderer relies to fulfil the selection criteria – for these the documentation required for subcontractors must be provided.

2.4.4. Rules common to subcontractors and entities (not subcontractors) on whose capacities the tenderer relies to fulfil the selection criteria

If a successful tenderer intends to rely on another entity to meet the minimum levels of economic and financial capacity, the contracting authority may require the entity to sign the contract or, alternatively, to provide a joint and several first-call financial guarantee for the performance of the contract.

With regard to technical and professional selection criteria, a tenderer may only rely on the capacities of other entities where the latter will perform the works or services for which these capacities are required, i.e. the latter will either assume the role of subcontractors or will fall within the exceptions listed in Section 2.4.2 and will then assume the role of entities (not subcontractors) on whose capacities the tenderer relies to fulfil the selection criteria.

☞ Relying on the capacities of other entities is only necessary when the capacity of the tenderer is not sufficient to fulfil the required minimum levels of capacity. Abstract commitments that other entities will put resources at the disposal of the tenderer will be disregarded.

3. EVALUATION AND AWARD

The evaluation of the tenders that comply with the submission conditions will consist of the following elements:

- Check if the tenderer is not subject to restrictive measures and has access to procurement (see Section 2.2);
- Verification of administrative compliance (if the tender is drawn up in one of the official EU languages and the required documents signed by duly authorised representative(s) of the tenderer);
- 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 specified in the procurement documents;
- Evaluation of tenders on the basis of the award criteria.

The contracting authority will evaluate the abovementioned elements in the order that it considers to be the most appropriate.

If the evaluation of one or more elements demonstrates that there are grounds for rejection, the tender will be rejected and will not be subjected to further full evaluation. The unsuccessful tenderers will be informed of the ground for rejection without being given feedback on the non-assessed content of their tenders. Only tenderers for whom the verification of all elements did not reveal grounds for rejection can be awarded the contract resulting from this call for tenders.

The evaluation will be based on the information and evidence contained in the tenders and, if applicable, on additional information and evidence provided at the request of the contracting authority during the procedure. If any of the declarations or information provided proves to be false, the contracting authority may impose administrative sanctions (exclusion or financial penalties) on the entity providing the false declarations/information.

For the purposes of the evaluation related to exclusion and selection criteria the contracting authority may also refer to publicly available information, in particular evidence that it can access on a national database free of charge.

3.1. Exclusion criteria

The objective of the exclusion criteria is to assess whether the tenderer is in any of the exclusion situations listed in Article 136(1) of the Financial Regulation.

Tenderers found to be in an exclusion situation will be rejected.

As evidence of non-exclusion, each tenderer¹⁵ needs to submit with its tender a Declaration on Honour¹⁶ in the model available in *Annex 2*.¹⁷ The declaration must be signed by an

¹⁵ See Annex 1 which of the involved entities participating in a tender need to provide the Declaration on Honour.

authorised representative of the entity providing the declaration. Where the declaration has been signed by hand, the original does not need to be submitted to the contracting authority, but the latter reserves the right to request it from the tenderer at any time during the record-keeping period specified in Section 4.3.

The initial verification of non-exclusion of tenderers will be done on the basis of the submitted declarations and consultation of the [European Union's Early Detection and Exclusion System](#).

At any time during the procurement procedure¹⁸, the contracting authority may request the documents mentioned in the Declaration on Honour as supporting evidence on non-exclusion (the documentary evidence). It may also request information on natural or legal persons that are members of the administrative, management or supervisory body or that have powers of representation, decision or control, including legal and natural persons within the ownership and control structure and beneficial owners, and appropriate evidence that none of those persons are in one of the exclusion situations referred to in Section A point (1) (c) to (f) of the Declaration on Honour.

All tenderers are **invited to prepare in advance the documentary evidence**, since they may be requested to provide such evidence within a short deadline. In any event, the tenderers proposed by the evaluation committee for the award of the contract will be requested to provide such evidence.

☞ If the tenderer does not provide valid documentary evidence within the deadlines set by the contracting authority, the latter reserves the right to reject the tender. In any event, in case a tenderer proposed for the award of the contract fails to comply with the above evidence requirement, its tender will be rejected, unless the tenderer can justify the failure on the grounds of material impossibility to provide such evidence.

Annex I specifies which of the involved entities participating in a tender need to provide the Declaration on Honour and, when requested by the contracting authority, the supporting evidence.

¹⁶ The European Single Procurement Document (ESPD) may not be used yet in European Commission's calls for tenders.

¹⁷ Unless the same declaration has already been submitted for the purposes of another award procedure of the European Commission, the situation has not changed, and the time elapsed since the issuing date of the declaration does not exceed one year.

¹⁸ The obligation to provide the supporting evidence will be waived in the following situations:

- if the same documents have already been provided in a previous award procedure of the European Commission, have been issued no more than one year before the date of their request by the contracting authority and are still valid at that date;
- if such evidence can be accessed by the contracting authority on a national database free of charge, in which case the economic operator shall provide the contracting authority with the internet address of the database and, if needed, the necessary identification data to retrieve the document;
- if there is a material impossibility to provide such evidence.

Please note that a request for evidence in no way implies that the tenderer has been successful.

3.2. Selection criteria

The objective of the selection criteria is to assess whether the tenderer has the legal, regulatory, economic, financial, technical and professional capacity to perform the contract.

The selection criteria for this call for tenders, including the minimum levels of capacity, the basis for assessment and the evidence required, are specified in the following subsections.

Tenders submitted by tenderers not meeting the minimum levels of capacity will be rejected.

When submitting its tender each tenderer shall declare on honour that it fulfils the selection criteria for this call for tenders. The model Declaration on Honour available in *Annex 2* shall be used.

The initial assessment of whether a tenderer fulfils the selection criteria will be done on the basis of the submitted declaration(s).

The subsections below specify which selection criteria evidence must be provided with the tender or may be requested later, at any time during the procurement procedure, within a deadline given by the contracting authority¹⁹.

The evidence must be provided in accordance with the applicable basis for assessment of each criterion: in case of a consolidated assessment – only by the involved entities who contribute to the fulfilment of the criterion, and in case of individual assessment – by each entity to whom the criterion applies individually.

In case not all selection criteria evidence is requested with the tender, all tenderers are **invited to prepare in advance the documentary evidence**, since they may be requested to provide such evidence within a short deadline. In any event, the tenderers proposed by the evaluation committee for the award of the contract will be requested to provide such evidence.

☞ If the tenderer does not provide valid documentary evidence within the deadlines set by the contracting authority, the contracting authority reserves the right to reject the tender. In any event, in case a tenderer proposed for the award of the contract fails to comply with the above evidence requirement, its tender will be rejected, unless there is a ground for a waiver.

Please note that a request for evidence in no way implies that the tenderer has been successful.

¹⁹ The obligation to provide the supporting evidence will be waived in the following situations:

- if the same documents have already been provided in a previous award procedure of the European Commission and are still up-to-date;
- if such evidence can be accessed by the contracting authority on a national database free of charge, in which case the economic operator shall provide the contracting authority with the internet address of the database and, if needed, the necessary identification data to retrieve the document.

3.2.1. Legal capacity

Tenderers can be natural or legal persons. Tenderers are not obliged to take a specific legal form in order to submit their tenders.

Where tenderers submit a tender through an entity, which lacks legal personality (e.g., a branch), the compliance with the exclusion criteria, selection criteria, the rules on access to procurement as well as the absence of restrictive measures shall be assessed at the level of the tenderers.

Tenderers must prove that they have legal capacity to perform the contract to pursue the professional activity necessary to carry out the work subject to this call for tenders.

The legal capacity shall be proven by the evidence listed below:

- Proof of enrolment in a relevant trade or professional register
- Proof of authorisation that the tenderer is authorised to perform the contract in its country of establishment

In addition, involved entities (see Section 2.4) and all subcontractors, including those which do not need to be identified in the tender (see Section 2.4.2), must not be subject to [EU restrictive measures](#) adopted under Article 29 of the Treaty on the European Union (TEU) or Article 215 of the Treaty on the Functioning of the EU (TFEU)²⁰ that constitute a legal impediment to perform the contract. This requirement will be assessed by reference to the EU restrictive measures in force. Therefore, the tenderer is not required to submit any evidence of not being subject to EU restrictive measures.

👉 The evidence of legal capacity must be provided with the tender.

3.2.2. Economic and financial capacity

Tenderers must comply with the following selection criteria in order to prove that they have the necessary economic and financial capacity to perform the contract.

Criterion F	
Minimum level of capacity	Average yearly turnover of the last two financial years above EUR 200 000.
Basis for assessment	This criterion applies to the tenderer as a whole, i.e. a consolidated assessment of the combined capacities of all involved entities will be carried out.
Evidence	Copy of the profit and loss accounts and balance sheets for the last two years for which accounts have been closed from each concerned involved entity, or, failing that, appropriate

²⁰ Please note that the EU Official Journal contains the official list and, in case of conflict, its content prevails over that of the [EU Sanctions Map](#).

	statements from banks. The most recent year must have been closed within the last 18 months.
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⚡ All of the above-specified evidence of economic and financial capacity must be provided with the tender.

3.2.3. Technical and professional capacity

⚡ With regard to technical and professional selection criteria, a tenderer may only rely on the capacities of other entities where the latter will perform the works or services for which these capacities are required. The entity on whose capacity the tenderer relies will either assume the role of a subcontractor or fall within the exceptions listed in Section 2.4.2.

Tenderers must comply with the following selection criteria in order to prove that they have the necessary technical and professional capacity to perform the contract:

Criteria A – evidence relating to tenderers	
<p>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:</p> <p>The project references indicated below consist of a list of relevant services provided (i.e. not ongoing but fully completed) in the past 5 years, with the sums, dates and clients, public or private, accompanied by statements issued by the clients. These statements should certify that the tenderer participated in the referenced project, state the amount and duration and confirm that the contract was executed according to the contractual terms.</p> <p>Criterion A1: The tenderer must prove experience in the field of bird species monitoring as well as in survey techniques, data collection, statistical analyses and in drafting reports and recommendations.</p> <p>Evidence A1: The tenderer must provide references for 3 projects delivered in these fields in the last three years with a minimum value for each project of EUR 150 000.</p> <p>Criterion A2: The tenderer must prove capacity to work in English, German and Spanish.</p> <p>Evidence A2: The tenderer must provide references for 3 projects delivered in the last five years showing the necessary language coverage.</p> <p>Criterion A3: The tenderer must prove capacity to draft reports in English.</p> <p>Evidence A3: The tenderer must provide one document of at least 10 pages (report, study, etc.) in this language that it has drafted and published or delivered to a client in the last two years. The verification will be carried out on 5 pages of the document.</p> <p>Criterion A4: The tenderer must prove its capacity to work in 10 EU countries.</p> <p>Evidence A4: The tenderer must provide references for 3 projects delivered in the last 5 years. The combination of projects must cover the required geographical scope.</p>	
Basis for assessment	This criterion applies to the tenderer as a whole, i.e. the consolidated assessment of combined capacities of all involved entities will be carried out.

Criteria B – evidence relating to the team

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

Criterion B1 - Project Manager: At least 5 years' experience in project management, including overseeing project delivery, quality control of delivered service, client orientation and conflict resolution experience in projects of a similar size (at least € 250 000,-) and coverage (at least 10 countries covered), with experience in management of teams of at least 5 people.

Evidence B1: CV

Criterion B2 - Language requirements: At least 3 members of the team should have at least C1 level in the Common European Framework for Reference for Languages²¹ in English.

Evidence B2: A language certificate or past relevant experience.

Criterion B3 - Experts in bird species monitoring, data collection and survey techniques: At least 5 years of professional experience. Relevant higher education degree or equivalent professional experience and at least 3 years' professional experience in the field.

Evidence B3: CV

Basis for assessment	This criterion applies to the tenderer as a whole, i.e. the consolidated assessment of combined capacities of all involved entities will be carried out.
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☛ All of the above-specified evidence of technical and professional capacity must be provided with the tender.

3.3. Compliance with the conditions for participation and minimum requirements specified in the procurement documents

By submitting a tender, a tenderer commits to perform the contract in full compliance with the terms and conditions of the procurement documents for this call for tenders. Particular attention is drawn to the minimum requirements specified in Section 1.4 of these specifications and to the fact that tenders must comply with applicable data protection, 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/EU.

The minimum requirements shall be observed throughout the entire duration of the contract. Compliance with these requirements is mandatory and cannot be subject to any assumptions, limitations, conditions, or reservations on the part of a tenderer.

²¹ See http://www.coe.int/t/dg4/linguistic/Cadre1_en.asp

Tenderers must declare when submitting their tenders in eSubmission whether their tenders comply with the minimum requirements specified in the procurement documents.

⚠ Tenders that are not compliant with the applicable minimum requirements shall be rejected.

3.4. Award criteria

The objective of the award criteria is to evaluate the tenders with a view to choosing the most economically advantageous tender.

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

1. Price - 50%

The price considered for evaluation will be the total price of the tender, covering all the requirements set out in the tender specifications.

2. Quality - 50%

The quality of the tender will be evaluated based on the following criteria:

The maximum total quality score is 100 points.

A maximum of 50 points will be attributed to criterion 1, a maximum of 30 points will be attributed to criterion 2, and a maximum of 20 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 25, 15 and 10 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 contracting authority may decide to give a zero mark for the relevant qualitative award criteria.

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

The degree to which the methodology shows the capacity to analyse, review and evaluate documents and figures, in accordance with the needs of the contracting authority will be assessed under this criterion. Furthermore, the tender must demonstrate the capacity to resolve the questions underlying in the tender in a realistic and well-structured way, as well as demonstrate that the methods proposed are suited to the needs set out by the Commission in the Technical Specifications (see section 1.4).

2 Organisation of the work and allocation of resources (30 points – minimum threshold 50%)

This criterion will assess how the roles and responsibilities of the proposed team and of the economic operators (in case of joint tenders, including subcontractors if applicable) are distributed for each task. It also 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 tender and not simply as part of the financial tender.

3 Quality control measures (20 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.

3.5. Award (ranking of tenders)

Having examined the tenders from a technical point of view, the evaluation committee will proceed considering which is the economically most advantageous tender 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 tender 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.
- Tenders shall be ranked according to the best price-quality ratio in accordance with the formula below:

The total price is divided by the total number of points awarded for quality to obtain the price-quality ratio. The award of the contract will be made in accordance with the lowest ratio.

Should the outcome of the formula lead to two or more tenders with the same result, the tenders with lower price will be ranked higher than the tenders with higher price.

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

📌 Detection of abnormally low tenders

Tenderers must be aware of Point 23 of Annex I to the Financial Regulation on abnormally low tenders and of the possibility for rejection of the tender based on it.

4. FORM AND CONTENT OF THE TENDER

4.1. Form of the tender: how to submit the tender?

Tenders are to be submitted via the eSubmission application according to the instructions laid down in the Invitation letter and the eSubmission Quick Guide available at the link below:

https://wikis.ec.europa.eu/display/FTPPortal/Open+procedures_EN

☞ Make sure you prepare and submit your tender in eSubmission early enough to ensure it is received within the deadline indicated under Section IV.2.2 of the contract notice and/or on TED eTendering.

4.2. Content of the tender: what documents to submit with the tender?

The documents to be submitted with the tender in eSubmission are listed in *Annex 1*.

The following requirements apply to the technical and financial tender to be uploaded in eSubmission:

- *Technical tender.*

The technical tender must provide all the information needed to assess the compliance with Section 1.4 of these specifications and the award criteria. Tenders deviating from the minimum requirements or not covering all the requirements may be rejected on the basis of non-compliance and not evaluated further.

Tenderers are free to choose where the personal data will be processed or stored as long as they comply with the contractual obligations on data processing (Art.I.9.1 and Art. II.9) and, in particular, with the requirements for transfer of personal data to third countries and international organisations laid down in Chapter V of Regulation (EU) 2018/1725²².

Tenderers must specify in their technical tender the location where the personal data will be processed and stored only where this location is outside the territory of the European Union or the European Economic Area. If no location is specified in the tender, the contracting authority will consider that the personal data will be processed and stored only within the territory of the European Union or the European Economic Area.]

- *Financial tender.*

A complete financial tender, including the breakdown of the price, needs to be submitted. For this purpose, the Financial Model in *Annex 6* shall be used.

²² [Regulation \(EU\) 2018/1725 of 23 October 2018](#) on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC, OJ L 295/39, 21.11.2018.

The financial tender shall be:

- expressed in euros. 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 bear the risks or the benefits deriving from any variation.
- quoted free of all duties, taxes and other charges, i.e. also free of VAT.

⚡ The European Union Institutions are exempt from such charges in the EU under Articles 3 and 4 of the Protocol on the Privileges and Immunities of the European Union of 8 April 1965 annexed to the Treaty on the Functioning of the European Union. Exemption is granted to the Commission by the governments of the Member States, either through refunds upon presentation of documentary evidence or by direct exemption.

In case of doubt about the applicable VAT system, it is the tenderer's responsibility to contact its national authorities to clarify the way in which the European Union is exempt from VAT.

4.3. Signature policy: how can documents be signed?

Where a document needs to be signed, the signature must be either hand-written or, preferably, a qualified electronic signature (QES) as defined in [Regulation \(EU\) No 910/2014 on electronic identification and trust services for electronic transactions in the internal market \(the eIDAS Regulation\)](#).

Tenderers are strongly encouraged to sign with a QES²³ all documents requiring a signature and only exceptionally to sign such documents by hand as hand-written signatures lead to an additional administrative burden for both the tenderer and the contracting authority. The originals of any hand-signed documents (other than the contract) do not need to be submitted to the contracting authority but the tenderer must keep them for a period of five years starting from the notification of the outcome of the procedure or, where the tenderer has been awarded a contract resulting from this call for tenders and the contract has been signed, the payment of the balance.

All documents must be signed by the signatories (when they are individuals) or by their duly authorised representatives.

For the following documents, when signed by representatives, tenderers must provide evidence for the delegation of the authorisation to sign:

- The Declaration on Honour of the tenderer (in case of a joint tender – the Declarations on Honour of all group members);
- (in the case of a joint tender) the Agreement/Power(s) of attorney drawn up using the model attached in **Annex 3**.

²³ See [here](#) how to apply a QES on a document exchanged with a European institution, body or agency.

The delegation of the authorisation to sign on behalf of the signatories (including, in the case of proxy(-ies), the chain of authorisations) must be evidenced by appropriate written evidence (copy of the notice of appointment of the persons authorised to represent the legal entity in signing contracts (together or alone), or a copy of the publication of such appointment if the legislation which applies to signatory requires such publication or a power of attorney). A document that the contracting authority can access on a national database free of charge does not need to be submitted if the contracting authority is provided with the exact internet link and, if applicable, the necessary identification data to retrieve the document.

4.4. Confidentiality of tenders: what information and under what conditions can be disclosed?

Once the contracting authority has opened a tender, it becomes its property and shall be treated confidentially, subject to the following:

- For the purposes of evaluating the tender and, if applicable, implementing the contract, performing audits, benchmarking, etc., the contracting authority is entitled to make available (any part of) the tender to its staff and the staff of other Union institutions, bodies and agencies, as well to other persons and entities working for the contracting authority or cooperating with it, including contractors or subcontractors and their staff, provided that they are bound by an obligation of confidentiality.
- After the signature of the award decision, tenderers whose tenders were received in accordance with the submission modalities, who are not subject to restrictive measures, have access to procurement, who are not found to be in an exclusion situation referred to in Article 136(1) of the FR, who are not rejected under Article 141 of the FR, whose tenders are not found to be incompliant with the procurement documents, and who make a request in writing, will be notified of the name of the tenderer to whom the contract is awarded, the characteristics and relative advantages of the successful tender and its total financial tender amount. The contracting authority may decide to withhold certain information that it assesses as being confidential, in particular where its release would prejudice the legitimate commercial interests of economic operators or might distort fair competition between them. Such information may include, without being limited to, confidential aspects of tenders such as unit prices included in the financial tender, technical or trade secrets²⁴.
- The contracting authority may disclose the submitted tender in the context of a request for public access to documents, or in other cases where the applicable law requires its disclosure. Unless there is an overriding public interest in disclosure²⁵, the contracting authority may refuse to provide full access to the submitted tender, redacting the parts (if any) that contain confidential information, the disclosure of which would undermine the protection of commercial interests of the tenderer, including intellectual property.

²⁴ For the definition of trade secrets please see Article 2 (1) of [Directive \(EU\) 2016/943 on the protection of undisclosed know-how and business information \(trade secrets\) against their unlawful acquisition, use and disclosure](#).

²⁵ See Article 4 (2) of the [Regulation \(EC\) No 1049/2001 regarding public access to European Parliament, Council and Commission documents](#).

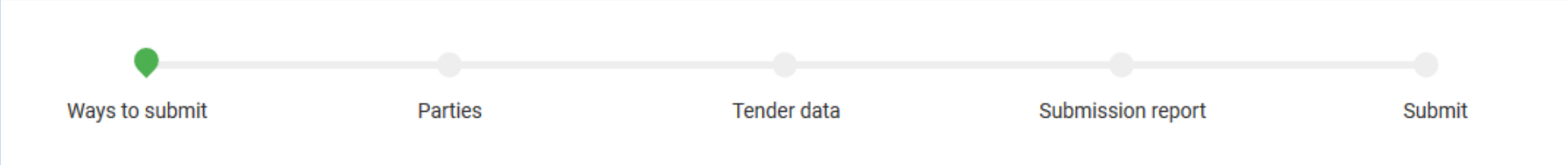
☞ The contracting authority will disregard general statements that the whole tender or substantial parts of it contain confidential information. Tenderers need to mark clearly the information they consider confidential and explain why it may not be disclosed. The contracting authority reserves the right to make its own assessment of the confidential nature of any information contained in the tender.

APPENDIX: LIST OF REFERENCES

<i>Award criteria</i>	See Section 3.4
<i>Contracting authority</i>	See Section 1.1
<i>Entities on whose capacities the tenderer relies to fulfil the selection criteria</i>	See Section 2.4.3
<i>EU Validation services</i>	See Section 2.3 EU Grants and Tenders Rules on Legal Entity Validation, LEAR appointment and Financial Capacity assessment
<i>Exclusion criteria</i>	See Section 3.1
<i>Financial Regulation</i>	Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union
<i>Group leader</i>	See Section 2.4.1
<i>Group member</i>	See Section 2.4.1
<i>Identified subcontractors</i>	See Section 2.4.2
<i>Involved entities</i>	See Section 2.4
<i>Joint tender</i>	See Section 2.4.1
<i>Participating entities</i>	See Section 1.1
<i>Participant Register</i>	See Section 2.3 https://ec.europa.eu/info/funding-tenders/opportunities/portal/screen/how-to-participate/participant-register
<i>Selection criteria</i>	See Section 3.2
<i>Sole tenderer</i>	See Section 2.4
<i>Subcontracting/subcontractor</i>	See Section 2.4.2
<i>Treaties</i>	The EU Treaties: https://europa.eu/european-union/law/treaties_en

ANNEXES

Annex 1. List of documents to be submitted with the tender or during the procedure

Description	Sole tenderer	Joint tender		Identified Subcontractor	Entity on whose capacity is being relied (that is not subcontractor)	When and where to submit the document?	Instructions for uploading in eSubmission (if applicable)	
		Group leader	Group member				How to name the file?	Where to upload?
<p>1. Identification and information about the tenderer.</p> <p><i>eSubmission view</i></p> 								
<p>Declaration on Honour on Exclusion and Selection Criteria (see Section 3.1)</p> <p><i>model in Annex 2</i></p>	☒	☒	☒	☒	☒	With the tender in eSubmission	'Declaration on Honour'	<p>With the concerned entity under 'Parties'</p> <p>→ 'Identification of the participant'</p> <p>→ 'Attachments' → 'Declaration on Honour'.</p> <p>For entities that are not subcontractors and on whose capacity the tenderer relies to fulfil the selection criteria, the document must be uploaded in the section of the sole tenderer or group leader:</p>

								→'Identification of the participant' →'Attachments'→'Other documents'.
Evidence that the person signing the documents is an authorised representative of the entity ²⁶ (see Section 4.3)	☒	☒	☒			With the tender in eSubmission	'Authorisation to sign documents'	With the concerned entity under 'Parties' →'Identification of the participant' →'Attachments'→'Other documents'.
Agreement/Power of attorney (see Section 2.4.1) <i>model in Annex 3</i>		☒	☒			With the tender in eSubmission	'Agreement_ Power of attorney'	In the group leader's section under 'Parties' →'Identification of the participant' →'Attachments'→'Other documents'.
List of identified subcontractors (see Section 2.4.2) <i>model in Annex 4</i>	☒	☒				With the tender in eSubmission	'List of identified subcontractors'	In the sole tenderer's or the group leader's section under 'Parties' →'Identification of the participant' →'Attachments'→'Other documents'.
Commitment letter (see Section 2.4.2 and 2.4.3)				☒ <i>(model in</i>	☒ <i>(model in Annex</i>	With the tender in eSubmission	'Commitment letter'	With the concerned entity under 'Parties' →'Identification of the participant'

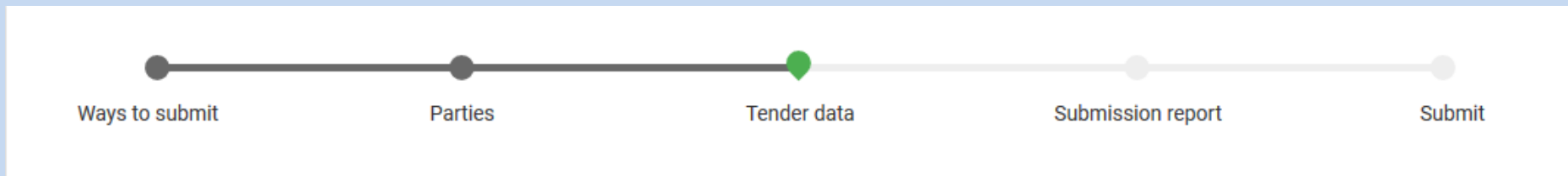
²⁶ A document that the contracting authority can access on a national database free of charge does not need to be submitted if the contracting authority is provided with the exact internet link and, if applicable, the necessary identification data to retrieve the document.

				<i>Annex 5.1)</i>	5.2)			→'Attachments'→'Other documents'.
Administrative Information Form (see Annex 8)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>				With the tender in e-Submission	'Administrative Information Form'	With the concerned entity under 'Parties' →'Identification of the participant' →'Attachments'→'Other documents'.
Evidence of non-exclusion (see Section 3.1)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Only upon request by <i>the Contracting authority</i>	Only upon request by <i>the Contracting authority</i>	Tenderers (sole tenderers/all group members in case of a joint tender) must provide the evidence when requested by the contracting authority and, in any event, if a tenderer is successful, before the award of the contract. Subcontractors and entities on whose capacity a tenderer relies to fulfil the selection criteria must provide the evidence only upon request by the contracting authority.	n.a.	n.a.
Evidence of legal existence and status (see Section 2.3)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>			Only upon request by <i>the EU Validation services</i> At any time during the procedure In the Participant Register	n.a.	n.a.
Evidence of legal capacity (see Section 3.2.1)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>				With the tender in eSubmission	No specific requirements how to name the file	With the concerned entity under 'Parties' →'Identification of the participant' →'Attachments'→'Legal capacity'.

Evidence of economic and financial capacity F (see Section 3.2.2)	<p style="text-align: center;">The documents must be provided</p> <p style="text-align: center;">only by the involved entities</p> <p style="text-align: center;">which contribute to reaching the minimum capacity level</p> <p style="text-align: center;">for criterion F</p>	With the tender in eSubmission	'Balance_sheet_entity_year' 'Profit_Loss_Account_entity_year'	With the group leader or the sole tenderer under 'Parties' →'Identification of the participant' →'Attachments'→'Economic and financial capacity'.
Evidence of technical and professional capacity A and B (see Section 3.2.3)	<p style="text-align: center;">The documents must be provided</p> <p style="text-align: center;">only by the involved entities</p> <p style="text-align: center;">who contribute to reaching the minimum capacity level</p> <p style="text-align: center;">for criteria A and B</p>	With the tender in eSubmission	'Project_reference_No.1" 'Project_reference_No.2"	With the group leader or the sole tenderer under 'Parties' →'Identification of the participant' →'Attachments'→'Technical and professional capacity'.

2. Tender data.

eSubmission view



Failure to upload the following documents in eSubmission will lead to rejection of the tender.

Technical tender (see Section 4.2)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>				With the tender in eSubmission	'Technical tender'	Under section 'Tender Data' →'Technical tender'
Financial tender (see Section 4.2) <i>model in Annex 6</i>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>				With the tender in eSubmission	'Financial tender'	Under 'Tender Data' →'Financial tender'

Annex 2. Declaration on Honour on exclusion and selection criteria

To be downloaded in Word format:

https://environment.ec.europa.eu/funding/calls-tenders_en

Annex 3. Agreement/Power of attorney

Call for tenders ENV/2023/OP/0022

Service Contract for providing technical and scientific support in relation to the delivery and development of wild bird indicators for the EU (2023-2026)

AGREEMENT/POWER OF ATTORNEY

The undersigned:

[- Signatory 1 (Name, Function, Legal entity name, Registered address, VAT Number)]

- Signatory 2 (Name, Function, Legal entity name, Registered address, VAT Number)

- ...

- Signatory N (Name, Function, Legal entity name, Registered address, VAT Number)]

having the legal capacity required to act on behalf of the entities they represent,

HEREBY AGREE TO THE FOLLOWING:

- 1) To submit a joint tender (the tender) as members of a group of tenderers (the group), constituted by ***[Insert names of Legal entity 1, Legal entity 2, ... Legal entity N – the name of the group leader must be included here!]*** (the group members), and led by ***[Insert name of Legal entity 1]*** (the group leader), in accordance with the conditions of the procurement documents and the terms of the tender to which this Agreement/Power of attorney is attached.
- 2) If the contracting authority awards a contract resulting from this call for tenders (the contract) to the group on the basis of the tender to which this Agreement/Power of attorney is attached, all group members (including the group leader) shall be considered parties to the contract in accordance with the following conditions:
 - (a) All group members (including the group leader) shall be jointly and severally liable towards the contracting authority for the performance of the contract.
 - (b) All group members (including the group leader) shall comply with the terms and conditions of the contract and ensure the proper delivery of their respective share of the services and/or supplies subject to the contract.
- 3) Payments by the contracting authority related to the services and/or supplies subject to the contract shall be made through the bank account of the group leader indicated in the contract.

- 4) The group members grant to the group leader all the necessary powers to act on their behalf in the submission of the tender and the conclusion of the contract, including:
- (a) The group leader shall submit the tender on its own behalf and on behalf of the other group members and indicate in the "Contact Person" section in eSubmission the name and e-mail address of an individual as a single point of contact authorised to communicate officially with the contracting authority in connection with the submitted tender on behalf of all group members, including in connection with all relevant questions, clarification requests, notifications, etc., that may be received during the evaluation, award and until the contract signature.
 - (b) The group leader shall sign any contractual documents — including the contract, [specific contracts] and amendments thereto — and shall warrant the submission of any invoices related to the performance of the contract on behalf of all group members.
 - (c) The group leader shall act as a single contact point with the contracting authority in the delivery of the services and/or supplies subject to the contract. It shall coordinate the delivery of the services and/or supplies by the group to the contracting authority, and shall see to a proper administration of the contract.

This Agreement/Power of attorney may be executed in counterparts, each of which shall be deemed to be an original, but all of which, taken together, shall constitute one and the same document.

Any modification to the present Agreement/Power of attorney shall be subject to the contracting authority's express approval. This Agreement/Power of attorney shall expire when all the contractual obligations of the group have ceased to exist. The parties cannot terminate it before that date without the contracting authority's consent.

Name
Function
Name of the legal entity

Name
Function
Name of the legal entity

signature[s]: _____

signature[s]: _____

Done at, **on**

Done at, **on**

Name
Function
Name of the legal entity

Name
Function
Name of the legal entity

signature[s]: _____

signature[s]: _____

Done at, **on**

Done at, **on**

Annex 4. List of identified subcontractors and proportion of subcontracting

Identification details	Roles/tasks during contract execution	Proportion of subcontracting (% of contract volume)
<i>[Full official name of the identified subcontractor, registered address, statutory registration number, VAT registration number]</i>		
<i>[Full official name of the identified subcontractor, registered address, statutory registration number, VAT registration number]</i>		
<i>[REPEAT AS MANY TIMES AS THE NUMBER OF IDENTIFIED SUBCONTRACTORS]</i>		
Other subcontractors that do not need to be identified under Section 2.4.2²⁷		
	TOTAL % of subcontracting	0,00%

²⁷ For this category of subcontractors, please provide in a general manner their intended roles/tasks during contract execution, as well as the aggregated % of contract volume for all non-identified subcontractors.

Annex 5.1. Commitment letter by an identified subcontractor

[Letterhead, if any]

EUROPEAN COMMISSION

Call for tenders Ref. ENV/2023/OP/0022

Attn:

[Insert date]

Commitment letter by identified subcontractor

I, the undersigned,

Name:

Function:

Legal entity:

Registered address:

VAT Number:

having the legal capacity required to act on behalf of *[insert name of the entity]*, hereby confirm that the latter agrees to participate as subcontractor in the tender of *[insert name of the tenderer]* for the call for tenders **ENV/2023/OP/0022** – Service Contract for providing technical and scientific support in relation to the delivery and development of wild bird indicators for the EU (2023-2026).

In the event that the tender of the aforementioned tenderer is successful, *[insert name of the subcontractor]* commits itself to make available the resources necessary for performance of the contract as a subcontractor and to carry out the services that will be subcontracted to it in compliance with the terms of the contract. It further declares that it is not subject to conflicting interests, which may negatively affect the contract performance, and that it accepts the terms of the procurement documents for the above call for tenders, in particular the contractual provisions related to checks and audits.

Done at:

Name:

Position:

Signature:

Annex 5.2. Commitment letter by an entity on whose capacities is being relied

[Letterhead, if any]

EUROPEAN COMMISSION

Call for tenders Ref. ENV/2023/OP/0022

Attn:

[Insert date]

Commitment letter by an entity on whose capacity is being relied

I, the undersigned,

Name:

Function:

Legal entity:

Registered address:

VAT Number:

having the legal capacity required to act on behalf of *[insert name of the entity]*, hereby confirm that the latter authorises the *[insert name of the tenderer]* to rely on its [financial and economic capacity] [technical and professional capacity] in order to meet the minimum levels required for the call for tenders **ENV/2023/OP/0022** – Service Contract for providing technical and scientific support in relation to the delivery and development of wild bird indicators for the EU (2023-2026).

In the event that the tender of the aforementioned tenderer is successful, *[insert name of the entity]* commits itself to make available the resources necessary for performance of the contract. It further declares that it is not subject to conflicting interests which may negatively affect the contract performance, and that it accepts the terms of the procurement documents for the above call for tenders, in particular the contractual provisions related to checks and audits.

Done at:

Name:

Position:

Signature:

Annex 6. Financial tender form

(for guidance purposes only)

(to be completed and signed by the sole tenderer or the group leader in the case of joint bids)

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 costs²⁸ (if applicable)					
	Total	.....		.....	.....

Signature of Tenderer

Date

²⁸ Will be reimbursed on a lump-sum basis.

Annex 7. Travel and subsistence costs

(Only applicable if the organisation of workshops/conferences is specified in the tender specifications –
Not applicable to contractor's own staff)

Travel costs must be based on the following:

- Train: first-class rail travel for journeys less than 400 km (one way).
- Flight: economy class air travel for distances of more than 400 km. Business class is allowed for a flight of 4 hours or more without stopovers.
- Private car: the travel shall be reimbursed at the same rate as the first-class rail ticket, or by default at the rate of 0.22 € per km.

Different travel options will not be accepted and will entail the refusal of the offer. Amounts must be quoted in EURO. Prices must be fixed amounts and be calculated exclusive of all duties and taxes.

Maximum rates for accommodation and meals.

Destination	Hotel ceiling in euros	Daily allowance in euros
Belgium	148	102
Bulgaria	135	57
Czech Republic	124	70
Denmark	173	124
Germany	128	97
Estonia	105	80
Ireland	159	108
Greece	112	82
Spain	128	88
France	180	102
Croatia	110	75
Italy	148	98
Cyprus	140	88
Latvia	116	73
Lithuania	117	69
Luxembourg	148	98
Hungary	120	64
Malta	138	88
Netherlands	166	103
Austria	132	102
Poland	116	67
Portugal	101	83
Romania	136	62
Slovenia	117	84
Slovak Republic	100	74
Finland	142	113
Sweden	187	117
United Kingdom	209	125

Rates for hotel and subsistence for countries not included in the above table will be provided by the Commission services if necessary.

Annex 8. Administrative Information Form

(To be filled in by the sole tenderer or the group leader in the case of joint bids)

Organisation or individual:

NAME:

ADDRESS:

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

.....

PERSON AUTHORISED TO SIGN CONTRACT:

Name and position:

PERSON FOR ROUTINE CONTACT:

Name and position:

ADDRESS:

Telephone and E-mail:

BANK DETAILS FOR CONTRACT:

(N.B. these must correspond to those encoded in the PIC register for this tender – see point 2.3)

Name of bank:

Full address of branch:.....

Account name:

Full account number including bank codes:

IBAN code: