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DIRECTORATE-GENERAL
HUMAN RESOURCES AND SECURITY
Directorate HR.D - Workplace & Wellbeing
Unit HR.D.7 – Greening, Safety & Buildings

European Commission

Call for tenders HR/2023/OP/0302

Prevention of psychosocial risks at work:

Awareness raising for managers, risk identification and analysis

2024 – 2028

Open procedure

TENDER SPECIFICATIONS

Model version of 06-07-2022

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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 Human Resources and Security (DG HR), 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 “Prevention of psychosocial risks at work: Training for managers, risk identification and risk analysis 2024-2028”.

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.

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. Background and objectives

As part of its Human Resources’ Strategy, the European Commission has undertaken to raise awareness amongst its managerial staff of conditions and measures to prevent psychosocial risks at work. Strategic and priority measures in this respect are implemented by DG HR.

Within DG HR, Unit HR.D.7 is responsible for establishing the policy on the prevention of psychosocial risks at work. The aim is to use a structured approach to raise awareness of, identify, analyse, and prevent such risks.

Managers at the Commission often come across situations that may involve psychosocial risks, whether directly or indirectly. Psychosocial risks may arise from poor work design, organisation and management, as well as a poor social context of work, and these may result in negative psychological, physical and social outcomes such as work-related stress, burnout or depression. Managers interact with their teams on a daily basis and can therefore act quickly should a potential problem arise. While it is not the role of managers to be psychologists or counsellors, they can play an exemplary role and hence contribute greatly to a better working environment.

In this context, the training of managers plays an essential role. It reflects the Commission’s duty of care, on the one hand, and fulfils the obligations deriving from the applicable

provisions and legislation¹, on the other. To support its strategic approach in terms of risk analysis, and facilitate the design of any follow-up actions, DG HR also needs support to analyse specific information, statistics, and/or sets of (raw) data, deriving for example from targeted surveys.

1.4.2. Detailed characteristics of the purchase

The purpose of this contract is:

- to prepare and provide an awareness-raising training to managers concerning the prevention of psychosocial risks at work and mental well-being of staff;
- to analyse available data, to identify and analyse risks, and to propose preventive measures pertaining to psychosocial risks within the Commission.

The services to be provided are divided into four blocks:

Block 1: Identification of psychosocial risks

The contractor carries out, in close cooperation with Unit HR.D.7, a structured identification of the psychosocial risks and specific needs in terms of awareness-raising, support, and prevention in the relevant Directorates-General and Services (hereafter DGs and Services). This work is carried out prior to the provision of training services for managers (Block 2).

For each situation involving the identification of risks, Unit HR.D.7 will organise one or two meetings (lasting one or two hours each) with the contractor and the Human Resource Correspondents (herein after HRCs) of the relevant DGs and Services. For Brussels (Belgium) based DGs and Services, these meetings may take place online or in person, or in a hybrid manner. For entities located in other Commission sites, meetings take place online.

In identifying risks, the contractor will be requested to analyse and take into account any statistics, data or other relevant information which may be provided by the Commission, such as:

- the results of staff satisfaction surveys, specific psychosocial surveys and/or staff discussion groups, in particular answers to open-ended questions;
- quantitative data relating to the psychosocial risks in the DGs and Services in question (e.g., absence rates, duration of absences, overtime, appeals against administrative and appraisal decisions, staff turnover rates, excessive workload, recourse to support services);

¹ Commission Decision C(2006) 1623 of 18th April 2006 establishing a harmonised policy for Health and Safety at Work for all Commission Staff – *annex 7*

Decision of Director-general 'Staff and Administration', Claude Chène, n°3248 of 22 April 2008 – *annex 8*

[Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work](#)

- the outcome of the meeting(s) between the contractor and Unit HR.D.7 and the HRCs of the relevant DGs and Services.

The contractor applies a **methodology** to each **risk identification** and uses an **evaluation grid**, that are approved by Unit HR.D.7.

After each risk identification, the contractor draws up a **detailed report with a standardised structure** in English, that is approved by Unit HR.D.7.

Block 2: Training for managers

The objectives of the training for managers are:

- to raise awareness of psychosocial risks at work (primary prevention) and to provide the managers with the adequate tools (secondary prevention) to identify persons and situations of risk;
- to foster mental wellbeing at the workplace on all levels;
- to gather specific information relating to the DG or Service concerned, which will subsequently be used to conduct a detailed analysis of the identified risks (Block 3).

Number of participants per session: between 7 and 15.

Language arrangements: In view of the multilingual environment at the Commission, training sessions are given in English or in French, according to the preference of the DG or Service concerned. Notwithstanding, the trainers must be fluent in both English and French to address all requests. The trainers must therefore have excellent language skills in both English and French, in accordance with the selection criteria set out in this tender specification.

Number of trainers per session: Each training session must be given by **two trainers** who work closely together to optimise communication and interaction with the participants and to gather as much information as possible.

Duration: The training session will last for **half a working day (four hours)**, that will include an obligatory 15-to-30-minutes break. Preference is given to the following working hours: 09h00 to 13h00. Notwithstanding, flexibility is necessary for managers of DGs and Services who can only participate in training in the afternoons due to specific work reasons and for managers who are operating in different time zones.

Content: The training session must comprise a theoretical part and a practical part. In addition to the core content, it must be adapted to the needs of each DG or Service on the basis of the risks identified and possibly of any analysed data (Block 1).

(a) The **theoretical part** must include the following topics as a minimum:

- (i) Key concepts, in particular:
 - the principal sources of risks (organisation of work, working conditions, working environment, content of work, interpersonal relationships at work, etc.);

- warning signs indicating situations of risk;
 - understanding and managing stress.
- (ii) The obligations of management with regards to preventing psychosocial risks.
- (iii) Ways to prevent psychosocial risks and to remedy problematic situations, including:
- the policies in place at the Commission (this information will be provided to the contractor after signature of the contract);
 - the support structures in place at the Commission (this information will be provided to the contractor after signature of the contract).

The contractor must prepare and provide the participants with training material in English **and** French, summarising all the topics covered during the training session.

- (b) The **practical and participatory section** will focus on reflections, interactive exchanges, and sharing participants' experiences.

The contractor must include exercises relating to personal and professional priorities, as well as means and tools for resolving difficult situations and conflicts in a preventive and corrective manner.

Evaluation and continuous adaptation of the training programme: The contractor must adapt the core content of the training programme according to the feedback given by the Commission, at least once a year.

Block 3: Conclusion: analysis of psychosocial risks, and proposed follow-up measures

Following the training sessions, the contractor will draw up a draft **report with a standardised structure** per DG or Service, in English, that is approved by Unit HR.D.7. This report will include: (i) a detailed risk analysis based on the risk identification and data analysis undertaken (Block 1) and the information gathered during the training sessions (Block 2), as well as (ii) proposed follow-up measures.

Unit HR.D.7 will then organise one to two meetings with the contractor and the HRCs of the relevant DGs and Services to discuss the content of the draft report.

The contractors will finalise the report taking into account any feedback provided during the meetings.

For Brussels (Belgium) based DGs and Services, these meetings take place in person, or online, or in a hybrid manner. For entities located in other Commission sites, meetings take place online.

Block 4: Synthesis reports

Based on the data analysis, psychosocial risk analysis, and reports delivered for individual DGs and Services during the first calendar year of the framework contract, the contractor

draws up a comprehensive synthesis report in English, which includes at least a summary of the findings for the DGs and Services concerned, an overview of the main preventive measures which were suggested, including common trends observed and analysed; frequent questions raised during the identification of risks and the training sessions; specific situations, etc. The synthesis report is updated every year of the framework contract with new information acquired during that period.

1.4.3. Requirement of specific knowledge by the contractor's experts and trainers

Given the European Commission's commitment to comply with applicable national provisions and legislation, the contractor's experts and trainers must be acquainted with and take into consideration any provisions and legislation deriving from Belgian, and possibly Luxembourgish law in the area of psychosocial risks at work.

1.4.4. Data protection

In delivering the services, which might imply the processing and/or storing of sensitive data, the contractor will fully comply with the data protection provisions which are included in the framework contract.

1.4.5. Deliverables

The reports and documents listed below must be provided by the contractor during the performance of the framework contract and together with the invoices.

Type of deliverable	Reference	Minimum content and format	Language	Submission deadline
Psychosocial risk identification reports	I.4.2 Block 1	<ul style="list-style-type: none"> The reports must have a standardised structure and include as a minimum: (1) the risks identified in detail; (2) the methodology used; (3) all sources used, including any analysed data Electronic format 	English	<ul style="list-style-type: none"> Each draft report to be submitted within five working days after the meeting with the DG or Service concerned
Pedagogical material for training participants	I.4.2 Block 2	<ul style="list-style-type: none"> The material must include: (1) a summary; (2) key words; (3) references for all topics covered Electronic format 	English and French	<ul style="list-style-type: none"> To be submitted to DG HR.D.7 at least four working days before the date of the training session or meeting in question To be provided to participants on the day of the training session
Reports on the analysis of the psychosocial risks identified and proposed follow-up measures	I.4.2 Block 3	<ul style="list-style-type: none"> The reports must have a standardised structure and be drawn up on the basis of the risks identified and the discussions held during 	English	<ul style="list-style-type: none"> Each draft report to be submitted within eight working days after the last training session Each final report to be submitted within five

		<p>the training sessions</p> <ul style="list-style-type: none"> • The reports must include as a minimum: (1) any analysed data, (2) the risks identified; (3) a risk analysis; (4) proposals for preventive measures • Electronic format 		working days after the closing meeting
Synthesis report	I.4.2 Block 4	<ul style="list-style-type: none"> • Drawn up after the first year and updated after each following year of the framework contract, based on the risks identified, their analysis, and the discussions held during the training sessions during the covered year. • Including at least (1) a summary of the findings for the DGs or Services met during the respective year, (2) an overview of the main preventive measures proposed, (3) any common trends, frequent questions, or elements of singularity. 	English	<ul style="list-style-type: none"> • According to the provisions of the order form

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

The services will be performed at the following locations:

- the contractor's premises and/or online
- the Commission's buildings in Brussels (Belgium) and in Luxembourg (Luxembourg)

The estimated distribution of services among the different locations is indicated in the financial offer form in **Annex 6**, with a majority of the trainings taking place online. These are estimates only and entail no commitment for the contracting authority.

Note: All expenses related to the contractor's participation in any meetings with the Commission will be at their own cost. No expense will be reimbursed.

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

The procedure will result in the conclusion of a single framework contract.

A framework contract (FWC) establishes a mechanism for future repetitive purchases by the contracting authority to be awarded in the form of specific contracts². The signature of a framework contract does not impose an obligation on the contracting authority to conclude specific contracts with a framework contractor.

The single framework contract will be concluded with one contractor. Specific contracts shall be awarded on the basis of the terms laid down in the framework contract, refined or, in duly justified circumstances, supplemented to reflect the particular circumstances of the specific contract. The details are set out in the draft contract.

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. 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 \(Financial Regulation\)](#)³ 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 (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 under due the contract.

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

An indicative estimate of the volumes to be ordered over the whole duration of the framework contract is given in the financial offer form in **Annex 6**. These volumes are estimates only and there is no commitment as to the exact quantities to be ordered. The actual volumes will depend on the quantities, which the contracting authority will order through specific contracts. In any case, the *framework contract ceiling*, i.e. the maximum amount to be spent under the framework contract, shall not be exceeded.

The *framework contract ceiling* shall be determined by the total amount of the successful tenderer's financial tender for the overall estimated volume of purchases, corresponding to the maximum duration of the framework contract, increased by a reserve of 20 % to cover price indexation and unforeseen needs.

² Any reference to specific contracts applies also to order forms (a simplified form of specific contract).

³ 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).

Within three years following the signature of the framework contract resulting from the current call for tenders, the contracting authority may use the negotiated procedure under point 11.1.e of *Annex I* to the Financial Regulation to procure new services from the contractor up to a maximum of 50 % of the initial *framework contract ceiling*. These services would consist in the repetition of similar services entrusted to the contractor and would be awarded under the conditions which will be provided with the invitation to negotiate.

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

The framework contract resulting from this call for tenders will be concluded for at most 48 months. The details of the initial contract duration and possible renewals are set out in the draft contract.

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

For all exchanges with the contractor during the implementation of the framework 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 at no additional cost for the contracting authority. Details on specifications, access, terms and conditions of use will be provided in advance.

1.10. Security

When performing tasks for the contracting authority in execution of the contract, the contractor and its personnel shall comply with the contracting authority's applicable security requirements.

For the Commission (and, when relevant - for the Executive Agencies), the applicable security requirements include:

- ✓ [Commission Decision \(EU, Euratom\) 2015/443](#) of 13 March 2015 on Security in the Commission, as well as all its subsequent versions;

Specific security rules for the contractor's personnel are set out in Article I.12 of the draft contract.

Any financial burden for complying with the security measures (e.g. security background checks, security clearance etc.) will be entirely at the expense of the contractor and not of the contracting authority.

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)⁴, 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 Procurement⁵ 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.

The rules on access to procurement apply also to subcontractors and entities on whose capacity tenderers rely to fulfil the technical and professional capacity selection criteria, i.e. only economic operators with access to procurement may be subcontractors or entities on whose technical and professional capacity tenderers rely.

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

⁴ 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](#).

⁵ https://www.wto.org/english/tratop_E/gproc_e/gp_gpa_e.htm.

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 [and financial capacity]. 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)⁶. In either case subcontracting is permitted.

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

⁶ Each economic operator participating in the joint tender is referred to as “group member”.

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) subcontractor⁷.

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*)

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 tenderer⁸.

⁷ Only identified subcontractors (see Section 2.4.2) must be specified in the eSubmission application.

⁸ 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.

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:

- 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.

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 15 % .

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 resources⁹.

♣ 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.

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.

⁹ 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.

☞ 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 above-mentioned 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 a tenderer 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 tenderer¹⁰ needs to submit with its tender a Declaration on Honour¹¹ in the model available in *Annex 2*.¹² The declaration must be signed by an

¹⁰ 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 procedure¹³, 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 tenderer 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.

¹¹ The European Single Procurement Document (ESPD) may not be used yet in European Commission's calls for tenders.

¹² 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.

¹³ 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 authority¹⁴.

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 tenderer 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.

¹⁴ 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 and regulatory 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 do not need to prove specific legal and regulatory capacity to perform the contract.

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)¹⁵ 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.

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 F1	
Minimum level of capacity	Average yearly turnover of the last two financial years above EUR 80.000,00 .
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 for the last two years for which accounts have been closed from each concerned involved entity, or, failing that, appropriate statements from banks. The most recent year must have been closed within the last 18 months.

👉 All of the above-specified evidence of economic and financial capacity must be provided with the tender.

¹⁵ 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](#).

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:

Criterion T1	
The tenderer must prove experience in the field of training and prevention of psychosocial risks at work, for large enterprises (at least 500 employees) .	
Minimum level of capacity	At least three similar (in scope and complexity) projects completed in the last three years preceding the tender submission deadline, with a minimum value for each of them of € 20.000,00.
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.
Evidence	<p>A list of projects meeting the minimum level of capacity. The list shall include the following details:</p> <ul style="list-style-type: none"> - start and end project dates, - total project amounts, - project descriptions and scope, - size of clients, - amount invoiced. <p>In case of projects still ongoing, only the portion completed during the reference period will be taken into consideration.</p>

Criterion T2	
The tenderer must have at its disposal a team of 4 qualified trainers/experts in the field of prevention of psychosocial risks at work, for large enterprises (at least 500 employees) .	
Minimum level of capacity	<p>Tenderers must show that they have a team of at least four trainers who are experts in the field of prevention of psychosocial risks at work, with the following characteristics:</p> <p style="padding-left: 40px;">(a) Education</p> <p>Each trainer must hold a university degree in psychology</p>

and a diploma as a “Conseiller en prévention” for the prevention of psychosocial risks at work, as defined by Belgian law, or equivalent (such as a specialisation / Master’s degree in Organisational Psychology).

(b) Professional experience

Each member of the team must have at least **two years’ professional experience** as a trainer in the field of prevention of psychosocial risks at work, or as an expert on the prevention of psychosocial risks at work, acquired after obtaining the required degree and over the course of the last five years.

(c) Language skills

The trainers/experts must have language skills in English and French at the levels set out below as a minimum (as defined by the Council of Europe’s Common European Framework of Reference for Languages (CEFR) <http://europass.cedefop.europa.eu/en/resources/european-language-levels-cefr>:

- At least two trainers/experts with a minimum of level C1 (comprehension, speaking and writing) in English and B2 (comprehension, speaking and writing) in French;
- At least two trainers/experts with a minimum of level C1 (comprehension, speaking and writing) in French and B2 (comprehension, speaking and writing) in English.

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.
Evidence	The CVs of at least four trainers/experts, showing the minimum level of education, professional experience and language skills described above.

☞ 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.

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 – 40%

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 – 60%

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

Criterion and description	Weighting (maximum)	Threshold (minimum points required)
<p><u>Criterion 1: Clarity of the approach and relevance of the proposed methodology for all services</u></p> <p>Clarity of the approach, sources of information and other risk-identification factors; preparation, organisation and evaluation of customised training; analysis of risks identified, and preventive measures.</p> <p>Quality, relevance, adaptability of the proposed methodology to the public and multicultural nature of an organisation such as the European Commission.</p> <p><i>To be provided as part of the technical tender:</i></p> <ul style="list-style-type: none"> • <i>Detailed description of the approach for the implementation of the services (Blocks 1 to 4 of these tender specifications)</i> • <i>Methodology for identifying psychosocial risks</i> • <i>Prototype psychosocial risk identification report</i> • <i>Prototype report on the analysis of the psychosocial risks</i> 	40	24

<i>identified and proposed follow-up measures</i>		
Criterion 2: Relevance of the details in the evaluation grid for psychosocial risk factors	30	18
Quality of the evaluation grid (completeness, factors, grading, etc.), compatibility with proposed risk-identification methodology, applicability to Commission work environment. <i>To be provided as part of the technical tender:</i> <ul style="list-style-type: none"> • <i>Evaluation grid for psychosocial risk factors</i> 		
Criterion 3: Organisation of work and resources	20	12
Approach in terms of the organisation of work and resources for the various blocks of services described in section 1.4.2, distribution of tasks amongst the proposed trainers and/or experts, the contact point on the part of the tenderer, time limit for performing tasks. <i>To be provided as part of the technical tender:</i> <ul style="list-style-type: none"> • <i>Detailed description of the organisation of work and resources (Blocks 1 to 4 of these tender specifications)</i> 		
Criterion 4: Quality control measures	10	6
Approach proposed by tenderer in order to ensure a high level of quality in project management, management of orders and invoices, quality management and management of incidents. <i>To be provided as part of the technical tender:</i> <ul style="list-style-type: none"> • <i>Detailed description of the quality-control measures during the implementation of the services (Blocks 1 to 4 of these tender specifications)</i> 		
TOTAL	100	60

Only tenders that achieve the minimum threshold for each of the quality criteria and at least a total score of 60 out of 100 will be taken into consideration for the financial evaluation. Tenders failing to achieve the minimum quality thresholds will be rejected.

The tender must be complete and contain all information required to evaluate the award criteria. See below in section 4.2. the list of the documents to provide to submit a tender.

3.5. Award (ranking of tenders)

Tenders shall be ranked according to the best price-quality ratio in accordance with the formula below:

Score of tender X	=	The lowest price	*	40	+	Total score for quality (out of 100) for all the award criteria for tender X	*	<u>60</u>
		Price of tender X						100

Should the outcome of the formula lead to two or more tenders with the same result, the tenderer who has been awarded the highest marks for quality will be deemed to be the most economically advantageous tender. This approach will continue to be applied to each of the award criteria in the descending order listed in below until a most economically advantageous tender can be determined: Criterion 1, criterion 2, criterion 3, criterion 4.

☞ The contract shall be awarded to the tender ranked first, which complies with the minimum requirements specified in the procurement documents and is submitted by a tenderer not subject to restrictive measures, having access to procurement, not in an exclusion situation and fulfilling the selection criteria.

☞ 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*.

Those documents cannot be made available by means of public or restricted hypertext links from where the contracting authority is invited to download them.

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

4.2.1. Technical tender

The technical tender must provide all the information needed to assess the compliance with Section 1.4 Detailed characteristics of the purchase and Section 3.4 Award criteria of these tender specifications and include notably:

- a. **a detailed description of the approach for the implementation of the services (Blocks 1 to 4 of these tender specifications)**, that will be assessed on the basis of award criterion No 1.
- b. **a proposed methodology for identifying psychosocial risks**, that will be assessed on the basis of award criterion No 1.
- c. **a prototype psychosocial risk identification report**, that will be assessed on the basis of award criterion No 1.
- d. **a prototype report on the analysis of the psychosocial risks identified and proposed follow-up measures**, that will be assessed on the basis of award criterion No 1.
- e. **a proposed evaluation grid for psychosocial risk factors**, that will be assessed on the basis of award criterion No 2.
- f. **a detailed description of the organisation of work and resources (Blocks 1 to 4 of these tender specifications)**, that will be assessed on the basis of award criterion No 3.

- g. **a detailed description of the quality-control measures to be taken during the implementation of the services (Blocks 1 to 4 of these tender specifications), that will be assessed on the basis of award criterion No 4.**

Tenders deviating from the minimum requirements or not covering all the information necessary to evaluate the award criteria may be rejected from the procedure without further examination.

4.2.2. 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.

It is the responsibility of each tenderer to ensure that the total amount of the tender inserted in the eSubmission field “Total amount” corresponds to the amount indicated in the uploaded financial tender. In case of discrepancies, only the amount indicated in the financial tender will be taken into account.

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 QES¹⁶ 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*.

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

¹⁶ See [here](#) how to apply a QES on a document exchanged with a European institution, body or agency.

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 secrets¹⁷.

- 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 disclosure¹⁸, 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.

☞ 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.

¹⁷ 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](#).

¹⁸ See Article 4 (2) of the [Regulation \(EC\) No 1049/2001 regarding public access to European Parliament, Council and Commission documents](#).

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>Framework contract</i>	See Section 1.6
<i>Framework contract ceiling</i>	See Section 1.6
<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

Annex 2. Declaration on Honour on exclusion and selection criteria

Annex 3. Agreement/Power of attorney

Annex 4. List of identified subcontractors and proportion of subcontracting

Annex 5.1. Commitment letter by an identified subcontractor

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

Annex 6. Financial tender form

Annex 7. Commission Decision C(2006) 1623 of 18th April 2006 establishing a harmonised policy for Health and Safety at Work for all Commission Staff

Annex 8. Decision of Director-general 'Staff and Administration', Claude Chène, n° 3248 of 22 April 2008