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Directorate C: Rule of Law, Fundamental Rights and Democracy
Unit C2: Fundamental Rights Policy

European Commission

**Call for tenders JUST/2023/OP/0002 (internal reference:
JUST/2023/PR/PFRI/RIGH/0043)**

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Manual on Fundamental Rights in EU Funding

Open procedure

TENDER SPECIFICATIONS

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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 for Justice and Consumers, 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 a “Manual on Fundamental Rights in EU Funding”.

The purpose of this call for tenders is to provide high-quality learning materials on the Charter of Fundamental Rights of the European Union (the Charter), and more specifically to provide a **Manual on Fundamental Rights in EU Funding** to support the work of national managing authorities in charge of the implementation of EU funding provided by the European Union **in the framework of the EU Funds¹ covered by the Common Provisions Regulation (CPR)²**, as well as other public and private stakeholders involved in the implementation of EU funding throughout the programming process (e.g. local authorities, national human rights institutions, fundamental rights bodies, and civil society actors).

1.3. Lots: is this call for tenders divided into the 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 The Common Provisions Regulation covers the following funds: the European Regional Development Fund, the European Social Fund Plus, the Cohesion Fund, the Just Transition Fund and the European Maritime, Fisheries and Aquaculture Fund and financial rules for those and for the Asylum, Migration and Integration Fund, the Internal Security Fund and the Instrument for Financial Support for Border Management and Visa Policy.

² Regulation (EU) 2021/1060, OJ L 231, 30.6.2021, p. 159-706.

1.4.1. Background and objectives

In the Communication *A new, modern Multiannual Financial Framework for a European Union*³ that delivers efficiently on its priorities post-2020, the Commission recalled that the Union is a community of law, based on values. These values infuse the entire legal and institutional structure of the EU and its policies and programmes overall. Respect for these values must therefore be ensured in all Union policies. This includes the EU budget, where respect for fundamental values is an essential precondition for sound financial management and effective EU funding. Furthermore, in the Communication *Strategy to strengthen the application of the Charter of Fundamental Rights in the EU*⁴ (the Charter Strategy), the Commission stressed that EU funding is key to supporting the implementation of EU policies in the Member States. Member States must ensure that the EU-funded projects comply with the EU law, including the Charter.

A key innovation to ensure Charter compliance in EU-funded projects can be found in the CPR, which sets out the rules for the EU budget for 2021-2027. The CPR introduced a **horizontal enabling condition on the effective application and implementation of the Charter (the Charter HEC)**⁵. In accordance with this enabling condition, Member States are required to put in place **effective mechanisms to ensure compliance** of the programmes supported by the CPR Funds and their implementation with the relevant provisions of the Charter.

According to the CPR (Annex III thereof), effective mechanisms to ensure compliance with the Charter include:

- 1) Arrangements to ensure compliance of the programmes supported by the Funds and their implementation with the relevant provisions of the Charter; and
- 2) Reporting arrangements to the monitoring committee regarding cases of non-compliance of operations supported by the Funds with the Charter and complaints regarding the Charter.

As stated in the Charter Strategy, the Commission will support Member States in building the capacity of national and local staff to help them design and implement programmes disbursing EU Funds in a Charter-compliant manner, based on the Guidance developed in 2016 by the Commission to ensure the respect for the Charter in EU funding⁶. In particular,

³ COM (2018) 98 final.

⁴ COM (2020) 711 final. The 2020 Charter Strategy proposes specific actions, focusing on four strands: (1) Ensuring the effective application of the Charter by the Member States; (2) Empowering civil society organisations, right defenders and justice practitioners; (3) Fostering the use of the Charter as a compass for EU institutions; (4) Strengthening people's awareness of their rights under the Charter.

⁵ Article 15 and Annex III of the CPR.

⁶ C/2016/4384, OJ C 269, 23.7.2016, p. 1–19

the Commission has committed to developing training and providing technical assistance to ensure a coherent and effective implementation of the Charter HEC.

This call for tender aims specifically to develop training to ensure a coherent and effective implementation of the Charter HEC in the form of a digital training manual. The manual will provide support to the national managing authorities in charge of implementing CPR funds, and other public and private stakeholders involved in the implementation of EU funding at the different stages of the programming process.

The digital training manual must be suitable for a wide group of learners composed of programme managers, lawyers and other relevant staff from the national and local managing authorities, other public and private stakeholders, such as local authorities, national human rights institutions, fundamental rights bodies, and civil society organisations.

This project requires expertise both in the development of training, and expertise in EU law, fundamental rights law, EU funds in shared management and the development of interactive training tools. The tenderer needs to be able to deliver the highest professional standard with respect to content and language and must also avail of strong pedagogical expertise.

1.4.2. Detailed characteristics of the purchase

This call for tenders has as objective to develop a digital manual in English, tentatively called “Ensuring the application of the Charter in EU funding: a user’s manual”, which provides:

- (1) a general background on the legal framework concerning EU funding and fundamental rights, including:
 - a. the Charter, the fundamental rights enshrined therein, and its scope of application;
 - b. the functioning of shared management in general, the CPR, and the EU Funds covered by the CPR;
 - c. the obligations following from the CPR to respect the Charter in general (Article 9(1) CPR);
 - d. the creation of enabling conditions, the functioning of enabling conditions, and the innovations brought along with the creation of enabling conditions (Article 15 CPR);
- (2) a detailed analysis of the Charter HEC, including of:
 - a. the specific requirements for Member States to fulfil the Charter HEC by putting in place effective mechanisms to ensure compliance with the Charter, which include,
 - i. arrangements to ensure compliance of the programmes supported by the Funds and their implementation with the relevant provisions of the Charter, and

- ii. reporting arrangements to the monitoring committee regarding cases of non-compliance of operations supported by the Funds with the Charter and complaints regarding the Charter;

b. concrete examples of:

- i. effective and ineffective mechanisms to ensure compliance with the Charter;
- ii. compliance and non-compliance with the Charter for all the different CPR Funds and at the different stages of the programming process, which might have an impact on the fulfilment of the Charter HEC.

(3) a detailed fundamental rights checklist, which can be applied for all CPR Funds in general, and which covers the different stages of funding process from programming to implementation and evaluation.

In order to develop this manual, the tenderer is required to deliver the following tasks:

Task 1: The methodology

The tenderer is required to design and describe in detail the training methodology of the manual.

It needs to include an easy-to-access and attractive training presentation and employ a wide range of up-to-date methodologies of design, implementation, and evaluation. The manual needs to be in PDF format, as well as in Microsoft Word, to be made available for the target audiences through the European e-Justice Portal⁷, which also provides access to the relevant EU acquis instruments, such as the Charter and the CPR. The tenderer must apply a tailor-made approach that meets the needs of managing authorities and other public and private stakeholders involved in the implementation of CPR Funds and can reach the set learning objectives regarding the EU law substance.

The methodology must reflect the content of the manual to be delivered under this call for tender. It must be user-friendly and intuitive. It must apply a visual identity⁸ that is unique, easily recognisable, and uniform for the manual delivered under this call for tender.

- *Deliverable:* The tenderer will deliver a PDF and Microsoft Word document of maximum 20 pages in English presenting the detailed description of the methodology.

⁷ https://e-justice.europa.eu/581/EN/fundamental_rights.

⁸ https://www.eacea.ec.europa.eu/about-eacea/visual-identity/visual-identity-programming-period-2021-2027_en

Task 2: The topics of the manual

The tenderer is requested to determine the training needs of managing authorities and of other relevant public and private stakeholders, such as local authorities, national human rights institutions, fundamental rights bodies, and civil society organisations related to fundamental rights in CPR Funds based on consultations of a representational sample of relevant stakeholders. This may be done through surveys or interviews through different Commission networks e.g., the CPR Expert Group, the Charter Focal Points, Directorate-Generals⁹ or other bodies possibly involved in the implementation of EU funding, such as the European Network of National Human Rights Institutions (ENNHRI) and Equinet.

The manual must address how the Charter HEC can best be fulfilled and how compliance with the Charter can be ensured at different stages of the programming process, from programming to implementation and evaluation, by the national managing authorities and their partners. The manual must be designed for the needs of programme managers, lawyers, and staff from the national and local managing authorities, national human rights institutions, fundamental rights bodies, and civil society organisations. The tenderer is **required to use as a source of inspiration the 2016 Commission Notice Guidance** on ensuring the respect for the Charter when implementing the European Structural and Investment Funds¹⁰ **and the 2023 report on the role of national fundamental rights bodies in the EU funding cycle** produced by the Fundamental Rights Agency.

The tenderer must present a list of topics for the manual content and put it forward to the approval of the contracting authority. Each of the listed topics must be accompanied with the description of the identified need, EU law subjects, learning objective and expected learning outcome.

- *Deliverable:* The tenderer will deliver a list of topics for the manual.

Task 3: The manual outline

The tenderer is requested to develop a detailed manual outline, which must include a clear and logical division of the content in chapters, sections and subsections, which enable the creation of concise and to-the-point content under each title, avoiding walls of text. The manual outline must reflect the methodology and the topics of the manual to be delivered under this call for tender, as well as the particularities of fundamental rights in CPR funding as

⁹ In particular: Directorate-General for Justice and Consumers; Directorate-General for Agriculture and Rural Development; Directorate-General for Employment, Social Affairs and Inclusion; Directorate-General for Migration and Home Affairs, Directorate-General for Maritime Affairs and Fisheries; and Directorate-General for Regional and Urban Policy.

¹⁰ C/2016/4384, OJ C 269, 23 July 2016.

substance, and of the managing authorities, as well as other relevant public and private stakeholders as users. The manual outline must be approved by the contracting authority.

- *Deliverable:* The tenderer will deliver a manual outline.

Task 4: The manual

The tenderer is required to submit the manual in the form of a document of 40 to 80 pages maximum in English. The manual must implement the concept and the manual outline, must apply the technicalities and methodologies described above and must be developed for online reading. The document must be fully operational and accessible in PDF, as well as in Microsoft Word format, by the target audiences through the European e-Justice Portal¹¹. In addition, it needs to be accessible to persons with disabilities according to the Europa Web Guide¹². The manual must be presented in a structured, clear, and logical manner, in line with the approved manual outline. The content of the manual must be approved by the contracting authority.

- *Deliverable:* The tenderer will deliver a document of 40 to 80 pages in English according to the concept, the technicalities and methodologies, in a Microsoft Word and PDF-format.

1.4.3. Deliverables

The timeframe for the project must include the following deliverables:

Deliverable / Meeting	Deadline (Months / Weeks after contract signature)
Kick-off meeting	M1 / W2
Draft inception report and draft project plan, including: Task 1: the methodology	M2 / W5
Feedback on the draft inception report and draft project plan, including feedback on task 1	M2 / W8
Final inception report including final project plan	M3 / W10

¹¹ <https://e-justice.europa.eu/home.do>

¹² Guidelines <https://wikis.ec.europa.eu/display/WEBGUIDE/12.+Accessibility>

	Acceptance of the inception report by the Contracting Authority is a prerequisite for interim payment of 30%.
Task 2: the topics of the manual	M4 / W14
Feedback task 2	M5 / W17
Draft interim report, including: Task 3: the manual outline	M5 / W20
Interim meeting (including feedback on draft interim report and task 3)	M6 / W23
Final interim report	M7 / W26 Acceptance of the interim report by the contracting authority is a prerequisite for interim payment of 30%.
Task 4: the manual	M8 / W31
First feedback on task 4	M9 / W33
Draft final report, including the revised manual	M9 / W36
Final assessment meeting (including feedback on the draft final report and manual)	M11 / W40
Final report, including the final manual	M11 / W44 Acceptance of the final delivery by the contracting authority is a prerequisite for final payment of 40%

A detailed description of the implementation of all required tasks under this contract respecting the above list need to be provided in the offer. The timetable needs to take also into account the contract meetings and needed consultations with the stakeholders. The following requirements for reporting and deliverables are applicable:

The work carried out by the contractor will be subject of the following deliverables:

- Inception report
- Interim report

- Final report.

All the above listed reports will be submitted. All the reports shall describe the work carried out, outcomes and results obtained.

All reports and deliverables need to have a clear identification, containing:

- the contract number,
- the title,
- the version (draft, revision or final) and
- the date.

This identification must appear on the cover page and in the header or in the footer. All reports shall give information as detailed below on each of them.

The reports and the deliverables shall be in English, unless otherwise indicated in these tender specifications.

Inception report

The inception report will describe the project methodology and the outcome of the kick-off meeting, including integration of comments of the contracting authority during the kick-off meeting. It will also set the templates for further reporting, consolidated list of deliverables with dates linked and the time schedule for all relevant deliverables, which require approval of the contracting authority (final project plan).

In particular, the Inception report must include the following:

- Paper of maximum 20 pages in English presenting the detailed description of the methodology.

The inception report must be submitted to the contracting authority no later than 3 weeks following the kick-off meeting. The contracting authority has 3 weeks to make comments on the draft inception report, the tenderer must consider these comments in the final version.

Interim report

The interim report will summarise progress in the implementation of the contract. In particular, the interim report must include the following:

- the manual outline in English;
- An overall assessment of the activity's ability to meet the targeted objectives and the users' needs and requirements;
- Information on any deviations or delays and description of remedial measures taken (or proposed to be taken) by the tenderer.

The contracting authority has 3 weeks to make comments on the draft Interim report. The tenderer must consider these comments in the final version.

Final report

The final report will describe the work carried out, methods applied, results obtained, problems encountered, solutions found, and limitations encountered due to arising issues (if applicable) during the implementation of the project. The contracting authority has 4 weeks to make comments on the draft final report; the tenderer must consider these comments in the final version.

The Final report will also contain a list of all the deliverables submitted for review and their acceptance date. In addition, it will contain the following:

- Lessons learnt and possible suggestions regarding the execution of tasks for any update, support and maintenance;
- Links to all the deliverables developed.

The final report must include:

- An abstract of maximum 200 words and an executive summary of maximum 6 pages;
- Specific identifiers which must be incorporated on the cover page provided by the contracting authority

Timeframe and meetings

The tenderer will organise internal meetings (e.g. management meetings, expert meetings, teaching meetings) as required during the implementation of the contract.

A minimum of three (3) meetings will be organised by the tenderer with the contracting authority during the duration of the contract. The meetings will take place in Brussels or, when agreed between the parties, via videoconference.

At least the following meetings will take place:

- Kick-off meeting: the tenderer will present all the tasks to be implemented during the concerned phase together with the draft project plan. All the deliverables and the methodology behind the implementation of the tasks will be fine-tuned and agreed.
- Interim meeting: the tenderer will present the progress in the implementation of each contract phase.
- Final assessment meeting: to summarise and discuss the project implementation with the contracting authority. The aim is to evaluate the activities undertaken under the contract including all the materials produced. The meeting will take place within 4 weeks from the submission of the Final delivery.

Regular conference calls or web-meetings at least on bi-monthly basis will be organised by the tenderer during the contract's implementation with the contracting authority. Prior to each call/meeting, the tenderer will submit to the contracting authority an updated table on the progress of tasks and activities and a summary of any specific points that need to be discussed.

After each meeting, the tenderer shall submit the minutes and action points of the meeting to the contracting authority within 2 weeks from the meeting.

Publishable executive summary

The publishable executive summary must include an abstract. It must be provided in English and must include specific identifiers to be incorporated on the cover page of the final report and a disclaimer provided by the contracting authority.

Handover

At the end of the contract, or sooner if the project is terminated by one of the parties for whatever reason, the conditions for the deployment/handover below will apply as follows:

The tenderer will prepare a detailed deployment/handover plan including an inventory of all the reports and deliverables (manual) linked to the project performance.

- The tenderer will deploy all deliverables in the electronic format, following the contracting authority's approval of the deployment/handover plan. All the deliverables must be provided in final publishable version, and the complete source file.
- Regarding the deliverables, the relevant reports will be submitted to the contracting authority or its representative according to the timeframe for providing services, indicated above in Section 1.4.3.

The deployment/handover needs to also include the transfer of personal data to the contracting authority. After the cession of the contract, the tenderer is obliged to deploy all data related to participants to the contracting authority in a beforehand agreed form and delete these data from their system/records.

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

The services will be mostly 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 of the provisions of the draft contract as the latter will define and govern the contractual relationship(s) 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, 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 \(Financial Regulation\)](#)¹³ 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 due under the contract.

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

The estimated total amount of all purchases under this call for tenders is indicated under Section 2.1.3 of the contract notice.

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 eleven months.

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

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

¹³ 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)¹⁴, 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 Procurement¹⁵ 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 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

¹⁴ 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](#).

¹⁵ https://www.wto.org/english/tratop_e/gp_gpa_e.htm.

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 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)¹⁶. In either case subcontracting is permitted.

¹⁶ 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) subcontractor¹⁷.

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***)

¹⁷ 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 tenderer¹⁸.

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.

¹⁸ 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 resources¹⁹.

☞ 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

¹⁹ 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.

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.

👉 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 tenderer²⁰ needs to submit with its tender a Declaration on Honour²¹ in the model available in *Annex 2*.²² The declaration must be signed by an 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 procedure²³, 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

²⁰ See Annex 1 which of the involved entities participating in a tender need to provide the Declaration on Honour.

²¹ The European Single Procurement Document (ESPD) may not be used yet in European Commission's calls for tenders.

²² 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.

²³ 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.

requirement, its tender will be rejected, unless the tenderer can justify the failure on the grounds of material impossibility to provide such evidence.

Annex 1 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.

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 authority²⁴.

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

²⁴ 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.

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.

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

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

- Proof of enrolment in a relevant trade or professional register, to be provided by the tenderers, by each member of the group in case of a joint tender and the subcontractors whose individual share of the contract, known at the time of submission, is above 20% (please see Annex 1).

The evidence of legal and regulatory capacity does need not be provided with the tender but may be requested by the *Contracting authority* or the *EU Validation Services* at any time during the procedure. **Please note that a request for evidence in no way implies that the tenderer has been successful.**

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)²⁵ that constitute a legal impediment to perform the contract. This requirement will be assessed by reference to the EU

²⁵ 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](#).

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 350.000.
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 statements from banks. The most recent year must have been closed within the last 18 months.

👉 The evidence of economic and financial capacity does not need to be provided with the tender but may be requested by the contracting authority or the EU Validation Services at any time during the procedure.

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

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 the capacity to mobilize required experts in the proposed structure and have a capacity to rely on sufficient thematic competences, expertise, and language skills (including excellent command of English) of the Member States. The tenderer must show evidence that this coverage will be ensured and which member of the team and/or individual expert will provide which expertise.
The tenderer must prove the capacity to work in English, as well as the experience in the field of working in English, including drafting reports and/or articles in English.

The contracting authority will assess this criterion based on the options presented by the tenderer.	
Minimum level of capacity	Two similar (in scope and complexity) projects completed in the last five years preceding the tender submission deadline, with a minimum value for each of them EUR 300.000.
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	A summary description of the two projects meeting the minimum level of capacity. The summary description shall include details of their start and end date, total project amount and scope, role and amount invoiced. In case of projects still ongoing, only the portion completed during the reference period will be taken into consideration.

Criterion T2	
The tenderer must prove a minimum level of experience in the field of EU fundamental rights and EU funding in shared management.	
Minimum level of capacity	<p>1 project manager with minimum 3 years of relevant experience, including experience in managing teams.</p> <p>2 experts in fundamental rights with minimum 3 years of relevant experience (1 as backup).</p> <p>2 experts in EU Funds under shared management with minimum 3 years of relevant experience (1 as backup).</p> <p>2 experts in academia (research and education in EU law) with minimum 3 years of relevant experience (1 as backup).</p> <p>All experts need to have an advanced knowledge of English and advanced English writing skills (at least level C1).</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.
Evidence	CVs of all project participants meeting the minimum level of experience are required. The CVs shall be presented, preferably, according to the Europass curriculum vitae template (available at https://europass.cedefop.europa.eu/en/documents/curriculum-vitae/templates-instructions).

☞ 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 - 30%

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 – 70%

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

No	Quality award criteria	Weight
1	<p>This criterion will assess the quality and relevance of the methodology of the project design and implementation:</p> <ul style="list-style-type: none">• The activities proposed over the lifespan of the project are of high quality, pertinent and appropriate to achieve the objectives and foreseen results;• The proposed methodology and approach to tasks is innovative,	<p>30 points (Minimum score 60%)</p>

	<p>feasible and appropriate to achieve the expected results;</p> <ul style="list-style-type: none"> • The proposal is efficient and allocates appropriate resources to each activity; • The overall project design ensures consistency between project objectives, methodology, activities, and budget proposed; • The work plan is clear and realistic, with well-defined activities, realistic timelines, clear deliverables, and milestones. It demonstrates a logical and sound planning capacity and includes appropriate phases for preparation, implementation, evaluation, follow-up, and dissemination of results. 	
2	<p>Quality of the administrative arrangements and quality control:</p> <ul style="list-style-type: none"> • Challenges/risks of the proposal are clearly identified and mitigating actions properly addressed. Appropriate quality control measures, including indicators and benchmarks, are proposed to ensure that the project implementation is of high quality, completed in time and on budget. Reliable sources are given for verification of indicators to measure the outcomes of the action; • The quality control system applied to the service expected in this tender specification concerns the quality of the deliverables, the language quality check, and continuity of the service in case of absence of a member/members of the team. The quality control system needs to be detailed in the tender and specific to the tasks at hand; a generic quality system will result in a low score. 	<p>40 points (Minimum score 60%)</p>
3	<p>Quality of the project management arrangements</p> <p>The general management approach: organisation and coordination of the work, the administrative and co-ordination tasks involved in managing the contract, including the preparation of the various outputs and the organisation of seminars, and details of the processes proposed for the management and mobilisation of the pool of experts, ensuring the high quality of outputs and that deadlines are met.</p>	<p>30 points (Minimum score 60%)</p>
	Total points	100

Contractors must score minimum 60% for each criterion, and minimum 70% in total. Contractors that do not reach the minimum quality levels will be rejected and will not be ranked.

3.5. Award (ranking of tenders)

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

A weight of 70/30 is given to quality and the reference price.

Score of the tender X	=	cheapest price*	*	100	*	0.3	+	total quality score (out of 100) for all award criteria of tender X	*	0.7
		price of tender X								

*The cheapest price of the tenders which reach the minimum level required quality.

Price of tender X is the “reference price” in the financial tender (see Annex 6).

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 2
- Criterion 1
- Criterion 3

☞ 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 5.1.12 of the contract notice and/or on Funding & Tenders Portal (F&T Portal)²⁶.

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.

- *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.

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.

²⁶ <https://ec.europa.eu/info/funding-tenders/opportunities/portal/screen/home>

⚡ 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 QES²⁷ 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


²⁷ See [here](#) how to apply a QES on a document exchanged with a European institution, body or agency.

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 secrets²⁸.
- 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 disclosure²⁹, 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

²⁸ 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](#).

²⁹ See Article 4 (2) of the [Regulation \(EC\) No 1049/2001 regarding public access to European Parliament, Council and Commission documents](#).

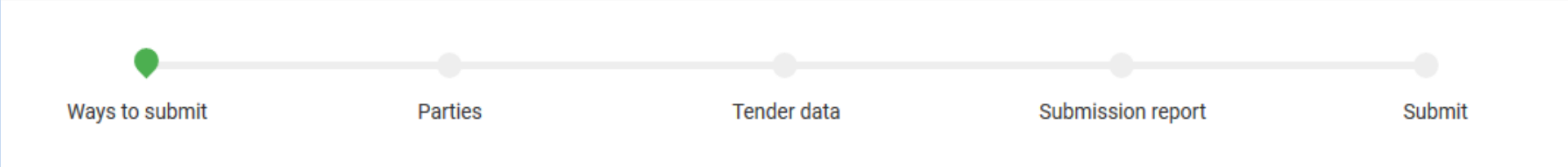
contracting authority reserves the right to make its own assessment of the confidential nature of any information contained in the tender.

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' →'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</p>

								or group leader: → 'Identification of the participant' → 'Attachments' → 'Other documents'.
Evidence that the person signing the documents is an authorised representative of the entity ³⁰ (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'.

³⁰ 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.

Commitment letter (see Section 2.4.2 and 2.4.3)				<input checked="" type="checkbox"/> <i>(model in Annex 5.1)</i>	<input checked="" type="checkbox"/> <i>(model in Annex 5.2)</i>	With the tender in eSubmission	'Commitment letter'	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"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	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)						Only upon request by the contracting authority or the EU Validation services At any time during the procedure	n.a.	n.a.

Evidence of economic and financial capacity F1 (see Section 3.2.2)	<p style="text-align: center;">The documents must be provided only by the involved entities which contribute to reaching the minimum capacity level for criterion F1</p>	<p>Only upon request by the contracting authority or the EU Validation services</p> <p>At any time during the procedure</p>	<p>n.a.</p>	<p>n.a.</p>
Evidence of technical and professional capacity T1 (see Section 3.2.3)	<p style="text-align: center;">The documents must be provided only by the involved entities who contribute to reaching the minimum capacity level for criterion T1</p>	<p>With the tender in eSubmission</p>	<p>“Project_reference_No. 1”</p> <p>“Project_reference_No. 2”</p>	<p>With the group leader or the sole tenderer under 'Parties'</p> <p>→'Identification of the participant'</p> <p>→'Attachments'→'Technical and professional capacity'.</p>
Evidence of technical and professional capacity T2 (see Section 3.2.3)	<p style="text-align: center;">The documents must be provided only by the involved entities who contribute to reaching the minimum capacity level for criterion T2</p>	<p>With the tender in eSubmission</p>	<p>“CV – project manager”</p> <p>“CV - experts in fundamental rights”</p> <p>“CV - experts in in EU Funds”</p>	<p>With the group leader or the sole tenderer under 'Parties'</p> <p>→'Identification of the participant'</p> <p>→'Attachments'→'Technical and professional capacity'.</p>

2. Tender data.									
<i>eSubmission view</i>									
<i>Failure to upload the following documents in eSubmission will lead to rejection of the tender.</i>									
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)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>				With the tender in eSubmission	'Financial tender'	Under 'Tender Data' → 'Financial tender'	
<i>model in Annex 6</i>									

Annex 2. Declaration on Honour on exclusion and selection criteria

Annex 2 is published as a separate document.

Annex 3. Agreement/Power of attorney

Call for tenders JUST/2023/OP/0002 (internal reference: JUST/2023/PR/PFRI/RIGH/0043) -

Manual on Fundamental Rights in EU Funding

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 2.4.2³¹		
TOTAL % of subcontracting		0,00%

³¹ 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. JUST/2023/OP/0002
(internal reference:
JUST/2023/PR/PFRI/RIGH/0043)

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 JUST/2023/OP/0002 (internal reference: JUST/2023/PR/PFRI/RIGH/0043 – Manual on Fundamental Rights in EU Funding).

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. JUST/2023/OP/0002
(internal reference:
JUST/2023/PR/PFRI/RIGH/0043)

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 JUST/2023/OP/0002 (internal reference: JUST/2023/PR/PFRI/RIGH/0043) – Manual on Fundamental Rights in EU Funding.

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

Annex 6 is published as a separate document.