



Tender Specifications:

Study on
Early business cases for H₂ in Energy Storage
and more broadly Power to H₂ applications

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1. Introduction

1.1 The FCH JU activities

The Fuel Cells and Hydrogen 2 Joint Undertaking (**FCH JU**) represents a public-private research partnership at the European level. Its members are the EU represented by the Commission as public representative, the 'Industry Grouping' (Hydrogen Europe), and the 'Research Grouping' (N.ERGHY). The FCH JU brings public and private interests together in a new, industry-led implementation structure, ensuring that the jointly defined research programme better matches industry's needs and expectations, and accelerates hydrogen and fuel cell technology acquisition and deployment processes. Carried out with the involvement and cooperation of stakeholders from industry (including SMEs), research centres, universities, Member States and regions, the Joint Undertaking builds on the achievements of the European Hydrogen and Fuel Cell Technology Platform and on the results of completed and ongoing EU funded activities.

The FCH JU implemented a Joint Technology Initiative (JTI) within the Seventh Framework Programme 2007 – 2013 (FP7) with a total budget of approx. EUR 1 billion, with an EU contribution of approx. € 0.5 billion.

In the frame of the Horizon 2020 research and Innovation framework programme, the existence and the mandate of the FCH JU have been extended with an additional budget of ~1.35 Billion out of which 665 million of EU contribution for the period 2014-2020.

Beyond its support to R&D activities, the FCH 2 JU aims at placing Europe at the forefront of fuel cell and hydrogen technologies worldwide and enabling the market breakthrough of fuel cell and hydrogen technologies, thereby allowing market forces to drive the substantial potential public benefits.

1.2 Context: Hydrogen can support the integration of renewables

The recent FCH JU coalition study on Energy Storage (ES) Commercialisation¹ concluded that electrolysis has the potential to take almost all surplus renewable electricity from the power grid and to offer [a large range of options](#) to best use it:

1. Using H₂ as fuel for **clean transport**
2. Injecting H₂ or synthetic NG in the gas grid ("**power to gas**"), using the existing infrastructure as means of storage and reducing its CO₂ content.
3. Using green H₂ in **industrial processes** (refineries, chemical industry, etc.) and reducing the CO₂ intensity of the latter
4. **Re-electrifying H₂** (through a fuel cell or a gas turbine) and re-injecting it in the power grid when there is a shortage of electricity supply. It is the only way to massively store electricity from one season to the following one and foresees bulk, underground storage of H₂².

¹ FCH JU and McKinsey (2015) Commercialisation of Energy Storage in Europe, available at <http://www.fch.europa.eu/publications/commercialisation-energy-storage-europe>

² Beyond this very long term storage case identified in the study, there could be other alternative for power to power when the needed duration of storage excludes other storage options and justifies accepting the low round trip efficiency of using H₂ in P2P.

In addition, [with its highly flexible capability](#), electrolysis shows also strong potential for [providing grid services](#) - balancing the electricity grid.

- a) Frequency Containment, Frequency Restoration Reserve and Replacement Reserve (formerly called primary, secondary and tertiary reserves).
- b) Demand Response
- c) Congestion Management

The study outlined the long-term opportunities

- Storage will be big in 2030 and huge in 2050
- H2 can play a major role using the 4 options mentioned above alone or in combination with grid services.
- Depending on the specificities of each situation, options 1, 2, 3 or 4 is likely to be the most economical.
- If the objective is to remove entirely fossil back-up power generation (without risk of power shortage in period with low wind and sun), then option 4 with long term storage is the only solution.

2. Starting point and objectives:

The previous study concluded that in the long term (2030 and 2050) the need for energy storage will be large and that H2 can play a major role using a combination of the options and grid services mentioned above. While it is useful to know that the long term horizon could be bright, it is necessary to find a roadmap from the present situation towards this long term horizon and to initiate the movement.

This is precisely the objective of this new study. More specifically, the study should

1. Identify a [growth roadmap](#) for deployment of hydrogen applications in energy storage for investors, based on early & increasing commercial attractiveness given the evolution of the maturity of the technology and the development of the market how to go from now to the expected bright future in 2030-2050 with a clear focus on the period 2017-2025.
2. Identify [early opportunities](#) for H₂ energy storage taking an independent investors' view.
3. Clarify [required actions](#) by key stakeholders (H2 storage equipment manufacturers, regulators, funding agencies, etc.) to create and accelerate these early opportunities.
4. Assess implications of those roadmaps on cost trajectories, other deployment sectors for H2, etc.

Remark 1: there may be some trade-off between objectives 1 and 2. Indeed the early/immediate business cases are likely to be niche scenarios which may not represent a large business share at later stage. Still it is essential to identify both the early opportunities to convey the message “we need to start now” and a roadmap from niche business cases to bigger business cases. In their offer, tenderers must explain how they plan to manage this trade-off (see also section on identification and selection of business cases).

Remark 2: This study is clearly part of the current debate on energy storage and balancing services. However, this does not imply that the study should be limited to the use of “excess electricity”. It is very likely that business cases will be profitable only if electrolyzers work a number of hours larger than the hours where there is technically an excess of electricity in the grid. In this sense this study can be also referred as early business cases for **Power to Hydrogen**.

3. Study process and analytical framework

3.1 First part of study: Short-term (2017-2025) opportunities for H₂ in ES

A study based on short term concrete business cases

To help identify the early opportunities for electrolytic H₂ in energy storage that will facilitate reaching the long term potential mentioned previously, the study should:

- Identify locations, applications and opportunities that will need energy storage in the short term and where water electrolysis can offer a techno-economically viable solution
- Analyse and describe in a public document a series of such early business cases. Each business case should fulfil the following criteria
 - Illustrate one or a combination of several options for using excess electricity (options 1-4) and one or several way to balance the grid (options a and b).
 - Be already necessary/useful for the power grid
 - Show early profitability potential (subject to some reasonable regulatory changes)
 - Be representative of a category of business cases (existing in the short and long term)

Ideally all criteria should be fulfilled but a strong mark in one criterion could compensate for a weak mark in another.

For each of these business cases the following should be provided:

- the required operational regimes
- The scale of investment, who pays, over what period
- the value propositions and payment arrangements with respect to the power and gas industries
- the plausible remuneration arrangements with respect to the renewable power producers and the electrolyser operators
- valorisation of heat if meaningful
- benefits for the electricity grid and society (e.g. how much CO₂ can be saved, how many local jobs can be created, etc.)
- regulation obstacles and desirable policy changes or existing regulatory opportunities that could be extended to other locations
- regulatory mechanisms or funding that could be applied to establish the business case and how they could evolve with time
- A relative quantitative estimate for the short and long term of the extent to which each identified business case can play a role in absorbing a small/large amount of excess energy for the EU

The study should identify where these short-term opportunities are located in Europe³ and how any regulatory changes for the removal of structural and commercial barriers could contribute to the financial viability of these business cases without the need of subsidies; if subsidies are needed in some cases, the financial gap to be covered or level of subsidy required should be identified.⁴

Potential categories of business cases could be:

1. Regions with high PV where problems are already being experienced in distribution networks (e.g. Southern Italy, Bavaria, Spain, Greece?) and indicative of where things will end up in other regions later. The study of such business case should take into account for the avoided cost of having to upgrade tens of thousands of medium voltage or low voltage transformers to permit the large reverse power flows implicit in achieving high PV penetrations.
2. Regions with high wind (or hydroelectricity or large scale PV) resources but with limited or no interconnection with the main grid.
3. Regions with P2G initiatives, (as occurring mainly in Germany but discussed also in other countries), for shifting excess/decarbonised electricity into the gas grid as H2 or SNG via methanation. The business case could position these two options against the ongoing biomethane injection which is also prevalent in Germany. It could examine if P2G can be as significant as biogas, if it received a similar remuneration.
4. Regions with existing delivered hydrogen markets (to food, semiconductor industry, laboratories, etc.) and excess/decarbonised electricity. The business case could explore the possibility of displacement with electrolytic hydrogen made by the excess/decarbonised electricity and analyse if the existing merchant hydrogen market could offer significant energy storage potential if it were obligated to switch to green hydrogen made from excess energy.
5. Oil refineries or chemical industries in regions of high renewable resource to see if their hydrogen use could be met partly by mopping up excess/decarbonised energy from the power system. The business case could explore if the variable nature of excess energy can be accepted and afforded by the steady state processes at a refinery. It should also take into account the regulatory framework.
6. Hydrogen territories: remote regions with high renewable resource willing to explore the possibility to clean completely their energy and transport system including the use of H2 for mobility⁵.
7. Others ...

³ The objective in this study is not to compare H2 with other storage technologies (this has been done in other studies and often lead us to endless discussion between proponents of different technologies) but rather to identify locations and conditions in which hydrogen is a viable option for storage.

⁴ Although the zero subsidy scenarios should be emphasised, the consultant ought to estimate the scale of the financial gap and any necessary subsidy that would be necessary in the early years as we know from the previous Energy Storage study that in many cases all storage technologies are marginal or negative in terms of immediate economic justification.

⁵ Although it is probably not profitable in the short term, the study of such business case may be even envisage the possibility of mini hydrogen grids where instead of dumping hydrogen into the gas grid, focus on 100% conversion to hydrogen of small local areas to make a step change and completely decarbonise their gas use and set up early markets for H2 appliances (boilers, cookers). In the City of Leeds a study is currently ongoing exploring the feasibility of a pure H2 grid.

Identification and selection of business cases

Applicant can propose a revision of /complement to the list of business cases. As part of their offer applicants should propose business cases they intent to analyse and bring the associated stakeholders at the discussion table. This will be a key element of their offer.

The FCH JU and the members of Hydrogen Europe and N.ERGHY based on their knowledge and contacts with stakeholders may also propose some additional business cases for the analysis.

The choice of business cases should be the results of a combination of a bottom up and a top down analysis. By bottom up analysis we mean starting from individual locations with a promising business case identified by the contractor (or the industrial coalition supporting the study), with a concrete and in depth analysis of the business case; and then extrapolating to give a sense of the size of the market. By top down analysis we mean identifying first the boundary conditions in which a business case could be viable and then search a specific location where the business case could be implemented and be illustrated.

This corresponds to a double objective: (1) make it concrete and convincing (individual specific cases) and (2) give a sense of the scale of the market and its evolution (number of places where the specific business case could be replicated and evolution from the niche early scenarios to bigger mainstream business cases) (see remark 1 in Chapter 2).

If necessary the business cases can be generic in order to avoid concerns on publishing commercially valuable information but this should not jeopardize the objective that the study readers must be convinced that the analysed business case are concrete and do actually already exist.

3.2 Second part of the study: conclusions and recommendations

In identifying early business cases but also to validate the general conclusions of the study the contractor will need to invariably interact with power companies, TSOs and DSOs, municipalities, local government and regulators, transport companies or industry. The contractor is requested to organise 40 interviews with these different categories of stakeholders. Applicants are requested to include in their offer the list of people/organisation it plans to interviews. The selected contractor will have to mention the list of people it actually interviewed but its synthesis of the interviews does not need to indicate “who said what”.

Based on the short term business opportunities and the interviews, the study should provide

- 1) An overall synthesis with implications for the wider European / hydrogen market based on the scale-up (i.e. rough estimated volume scale-up across Europe).
- 2) Specific and action-oriented recommendations to the following categories of actors:

- Electrolyser developers
- Investors and project developers
- Natural gas industry and grid
- Users of hydrogen
- Transmission service operators (TSO) and distribution service operators (DSO)
- Solar and wind farm developers
- Regulators and policymakers
- Funding agencies like the FCH JU

3.3 Study supervision and contacts with stakeholders.

Firstly, the implementation of the study will be followed on a continuous basis by the FCH JU.

Secondly, the study will be followed by an advisory group. This group will be composed of two groups

- Representatives of relevant sectoral associations: EASE (the European Association for the Storage of Energy), EWEA (European Wind Energy Association), EUROGAS and SOLAR POWER (tbc).
- Representatives of our three members: Hydrogen Europe (Electrolyser manufacturers and H2 providers), N.ERGHY (Research organisations) and European Commission.

The contractor is expected to have three meetings with the advisory group: a kick-off meeting, a mid-term presentation of the results and a presentation of the final results before finalising the final report.

Thirdly, as indicated above the contractor should have discussion with the stakeholders to (1) describe and analyse the business cases as well as (2) to collect their views and test the relevance and feasibility of the recommendations.

Fourthly, the contractor should develop contacts with representatives of all categories of listed in section 3.2 to ensure a proper dissemination of the study results among these categories of actors.

Last, the International Energy Agency Hydrogen Implementing Agreement has launched a new task closely related to this study “power to hydrogen and applications: systems analysis of techno-economic and political conditions”. The contractor will be invited to interact with the people responsible for this task who are also key stakeholders of the FCH JU.

4. Deliverables and definition of success

4.1 Deliverables:

A. A written report as well as presentation material giving

- a clear and shared view of the most promising and realistic early business cases. The final report should include concrete description of the analysed business cases
- a roadmap giving a sense of the market potential and its evolution

- clear recommendations of immediate actions to actors mentioned above

B. Dissemination obligation

- The study should be printed in 500 copies
- An event should be organised in Brussels where the results of the study will be presented and copies of the study will be distributed. The event should be attended by ~ 60 people with a balanced representation of the categories of actors listed in section 3.2.

4.2 Definition of success:

The study will be regarded as a success firstly if all categories of actors mentioned above acquire through the study clear views of:

1. the potential of H2 as a financially viable energy storage option solution and the existence of early opportunities to be seized in the coming years
2. for each categories of actors the conditions in which it would be ready to invest in H2 for energy storage.
3. contractual arrangements that could fulfil those conditions
4. Regulatory elements that can contribute to fulfil those conditions.

This clear view should not only be available to the few organisations that will be involved in the study but also for other organisations through a clear report.

Secondly the study will be a success if it acts as a catalyst for a number of the case studies analysed to be realised in practice.

5. Contractual obligations

5.1 General

Participation in this procurement procedure 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 which has a special agreement with the Union in the field of public procurement on the conditions laid down in that agreement. Where the plurilateral Agreement on Government Procurement⁶ concluded within the World Trade Organisation applies, the participation to this procedure is also open to all natural and legal persons established in the countries that have ratified this Agreement, on the conditions it lays down.

The contract will be a bilateral contract between the FCH JU and the winning tenderer. In drawing up the tender, the tenderer should bear in mind the provisions of the draft contract which specifies the rights and obligations of the contractor, particularly those on payments, performance of the contract, confidentiality, and checks and audits

The contractor must perform this contract to the highest professional standards.

⁶ See http://www.wto.org/english/tratop_e/gproc_e/gp_gpa_e.htm

The contractor will have the sole responsibility for complying with all legal obligations incumbent on him, notably those arising from employment law, tax law and social legislation.

The contractor may neither represent the Fuel Cells and Hydrogen Joint Undertaking nor behave in any way that would give such an impression. The contractor must inform third parties that he does not belong to the European public service, but is exercising the tasks on behalf of the Fuel Cells and Hydrogen Joint Undertaking.

5.2 Subcontracting

Sub-contracting is permitted. Certain tasks provided for in the contract may be entrusted to subcontractors, but the main contractor retains full responsibility and liability towards FCH JU for the performance of the contract as a whole. Accordingly, FCH JU will treat all contractual matters (e.g. payment) exclusively with the main contractor, whether or not the tasks are performed by a subcontractor. Under no circumstances can the main contractor avoid liability towards the JUs on the grounds that the subcontractor is at fault.

If subcontracting is proposed, the file must include a document mentioning the reasons why subcontracting is proposed; stating clearly the roles, activities and responsibilities of subcontractor(s) and a letter of intent by each subcontractor stating their intention to collaborate with the tenderer if he wins the contract.

During execution of the contract, the contractor will need FCH JU written authorisation to replace a subcontractor with another and/or to subcontract tasks for which subcontracting was not envisaged in the original tender.

Please note that if subcontractors are proposed, the declaration relating to the exclusion criteria and the documents relating to the selection criteria must be provided by each of them.

5.3 Information and confidentiality

Where confidential information needs to be obtained and used, the consultant is responsible for setting up the appropriate confidentiality agreement and to remain within its boundaries.

5.4 Structure and content of the tender

The tenders must be presented as follows:

Part A: Identification of the tenderer (see section 5.5)

Part B: Declaration on Non-exclusion criteria (see section 9)

Part C: Selection (see section 10)

Part D: Technical offer

The technical offer must cover all aspects and tasks required in the technical specifications described in section 2, 3 and 4, and provide all the information needed to apply the award criteria. Offers deviating from the requirements or not covering all requirements may be rejected on the basis of non-compliance with the tender specifications and will not be evaluated.

Part E: Financial offer

The price for the tender must be quoted in euro. Tenderers from countries outside the euro zone have to quote their prices in euro. For more information, please refer to section 7.

5.5 Identification of the tenderer

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

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

All tenderers (including all members of the group in case of joint tender) must provide a signed Legal Entity Form with its supporting evidence. The form is available on:

http://ec.europa.eu/budget/contracts_grants/info_contracts/legal_entities/legal_entities_en.cfm

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

The tenderer (or the leader in case of joint tender) must provide a Financial Identification Form with its supporting documents. Only one form per tender should be submitted. No form is needed for subcontractors and other members of the group in case of joint tender. The form is available on: http://ec.europa.eu/budget/contracts_grants/info_contracts/index_en.cfm

6. Calendar

Interested applicants have to submit their proposal by 02 May 2016.

The opening of tenders is scheduled to take place on 04 May 2016.

The evaluation of submitted tenders is scheduled to take place between 05.05.2016 – 17.05.2016.

Dispatch of information on outcome of the procurement procedure to tenderers is scheduled for 19.05.2016.

Signature of the contract with successful tenderer is scheduled for 31.05.2016.

The contractor shall submit an interim report by end of October 2016 and the final reports of its study by 28 February 2017.

7. Volume of the contract and Prices

The maximum amount for this study including all the deliverables as mentioned above is €300.000.

Tenderers shall indicate the total price they propose for carrying out the study.

In addition, the tenderers shall give an indicative repartition of this price between different categories of costs (staff, travel including accommodation and per diem costs, publication costs, etc.) and the tasks/roles of the various staff members involved in the project.

The price for the tender must be quoted in euro. Tenderers from countries outside the euro zone have to quote their prices in euro. The price quoted may not be revised in line with exchange rate movements.

Prices should be fixed amounts.

Prices should be quoted free of all duties, taxes and other charges, including VAT, as the FCH JU is exempt from such charges under Articles 3 and 4 of the Protocol on the privileges and immunities of the EU; the amount of VAT should be shown separately.

8. Evaluation steps

The evaluation is based on the information provided in the submitted tender. It takes place in three steps:

- (1) Verification of non-exclusion of tenderers on the basis of the *exclusion criteria*
- (2) Selection of tenderers on the basis of *selection criteria*
- (3) Evaluation of tenders on the basis of the *award criteria*

Only tenders meeting the requirements of one step will pass on to the next step.

9. Legal Situation of the Tenderer: Exclusion Criteria

Tenderers shall be excluded from participation in the present procurement procedure if there are in one the situation referred in the annexed declaration of honour (Annex I)

All tenderers shall provide a declaration on their honour, duly signed and dated by an authorised representative, stating that they are not in one of the situations of exclusion listed in the annexed template declaration.

The declaration on honour is also required for identified subcontractors whose intended share of some specific contracts under the framework contract is expected to be above 20%.

The successful tenderer shall provide the documents mentioned as supporting evidence in Annex I, before signature of the contract and within a deadline given by the contracting authority.

This requirement applies to all members of the consortium in case of joint tender. In case of doubt on this declaration on honour, the contracting authority may also request the evidence for subcontractors whose intended share of the contract is above 20%.

10. Selection Criteria

The contractor has to have the necessary technical, professional, economic and financial capacity to execute the contract.

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

The evidence requested should be provided by each member of the group in case of joint tender and identified subcontractor whose intended share of the contract is above 20%. However a consolidated assessment will be made to verify compliance with the minimum capacity levels.

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

10.1 Economic and financial capacity criteria and evidence

In order to prove their economic and financial capacity, the tenderer (i.e. in case of joint tender, the combined capacity of all members of the consortium and identified subcontractors) must comply with the following criteria:

- Turnover of the last two financial years above € 1 Million

The following evidence should be provided:

- Copy of the profit & loss account and balance sheet for the last two years for which accounts have been closed,
- Failing that, appropriate statements from banks,
- If applicable, evidence of professional risk indemnity insurance;

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

10.2 Technical and professional capacity criteria and evidence

Tenderers (in case of a joint tender the combined capacity of all tenderers and identified subcontractors) must comply with the following criteria:

- Experience in providing consultancy services to the energy sector including energy storage
- Experience in managing multi-stakeholder study projects and in involving utilities, DSO⁷, TSO⁸, energy regulators or financing institutions in studies.
- Market presence and strong existing networks in EU countries with a strong interest or potential in hydrogen

In order to assess their technical and professional capacity, tenderers shall provide:

- Details of no more than five previous assignments, in no more than 10 pages, demonstrating capacity to undertake the work required,
- CV of the staff proposed for this contract with particular reference to the principal person proposed by the tenderer to liaise with FCH JU in the performance of the contract.

11. Award Criteria and Award of the Contract

The ranking of the proposals that passed the exclusion and selection stages will be based on the quality/price ratio where quality and price will have a 60/40 weighting. The following formula shall be used:

$$\text{Score for proposal X} = \frac{\text{Cheapest price}}{\text{Price of candidate X}} \times 40 + \frac{\text{Q candidate}}{\text{Q of best candidate}} \times 60$$

The technical evaluation of tenders will be evaluated on the basis of the following award criteria. The tenderers shall provide in their proposal the information necessary to assess such criteria.

⁷ DSO = *Distribution system operator*: a natural or legal person responsible for operating, ensuring the maintenance of and, if necessary, developing the distribution system in a given area and, where applicable, its interconnections with other systems and for ensuring the long term ability of the system to meet reasonable demands for the distribution of electricity or gas. That definition is provided for by art. 2 n. 6 Dir 2007/72/EC with regards to electricity and by art. 2 (6) Dir 2007/73/EC with regards to gas.

⁸ TSO = *transmission system operator*: an entity entrusted with transporting energy in the form of natural gas or electrical power on a national or regional level, using fixed infrastructure. The term is defined by the European Commission. The certification procedure for Transmission System Operators is listed in Article 10 of the Electricity and Gas Directives of 2009.

	Criteria	Points
1	<p>General understanding of the project,</p> <p>The proposal:</p> <ul style="list-style-type: none"> • Shows good understanding of the objectives of the study, the challenges and opportunities of making economic use of H2 for energy storage • Already shows analysis and provides first insights • Adds own aspects/views - have put in unexpected elements that are meaningful to achieve success 	25
2	<p>Quality of the proposed services</p> <ul style="list-style-type: none"> • Quality of proposed methodology for conducting the work, and to achieve clear and action oriented conclusions • Time line and resource allocation is realistic and at the right level of details 	25
3	<p>Quality of the business cases proposed for applicant</p> <ul style="list-style-type: none"> • Number, diversity and quality of the business cases proposed by the applicant for an analysis • Demonstrated capacity of the applicant to bring at the discussion table stakeholders associated to the business cases and/or relevant for the promotion of hydrogen and energy storage. 	50
	Total	Max =100

I. Annex I

Declaration of honour on exclusion criteria and absence of conflict of interest

(Complete or delete the parts in grey italics in parentheses)

[Choose options for parts in grey between square brackets]

The undersigned (*insert name of the signatory of this form*):

in [his][her] own name (*for a natural person*)

or

representing the following legal person: (*only if the economic operator is a legal person*)

full official name:

official legal form:

full official address:

VAT registration number:

➤ declares that [the above-mentioned legal person][he][she] is not in one of the following situations:

- a) is bankrupt or being wound up, is having its affairs administered by the courts, has entered into an arrangement with creditors, has suspended business activities, is the subject of proceedings concerning those matters, or is in any analogous situation arising from a similar procedure provided for in national legislation or regulations;
- b) has been convicted of an offence concerning professional conduct by a judgment of a competent authority of a Member State which has the force of *res judicata*;
- c) has been guilty of grave professional misconduct proven by any means which the contracting authorities can justify including by decisions of the European Investment Bank and international organisations;
- d) is not in compliance with all its obligations relating to the payment of social security contributions and the payment of taxes in accordance with the legal provisions of the country in which it is established, with those of the country of the contracting authority and those of the country where the contract is to be performed;
- e) has been the subject of a judgement which has the force of *res judicata* for fraud, corruption, involvement in a criminal organisation, money laundering or any other illegal activity, where such activity is detrimental to the Union's financial interests;
- f) is subject to an administrative penalty for being guilty of misrepresenting the information required by the contracting authority as a condition of participation in a grant award procedure or another procurement procedure or failing to supply this information, or having been declared to be in serious breach of its obligations under contracts or grants covered by the Union's budget.

- *(Only for legal persons other than Member States and local authorities, otherwise delete)* declares that the natural persons with power of representation, decision-making or control⁹ over the above-mentioned legal entity are not in the situations referred to in b) and e) above;
 - declares that [the above-mentioned legal person][he][she]:
- g) has no conflict of interest in connection with the contract; a conflict of interest could arise in particular as a result of economic interests, political or national affinity, family, emotional life or any other shared interest;
- h) will inform the contracting authority, without delay, of any situation considered a conflict of interest or which could give rise to a conflict of interest;
- i) has not granted and will not grant, has not sought and will not seek, has not attempted and will not attempt to obtain, and has not accepted and will not accept any advantage, financial or in kind, to or from any party whatsoever, where such advantage constitutes an illegal practice or involves corruption, either directly or indirectly, inasmuch as it is an incentive or reward relating to award of the contract;
- j) provided accurate, sincere and complete information to the contracting authority within the context of this procurement procedure ;
- acknowledges that [the above-mentioned legal person][he][she] may be subject to administrative and financial penalties¹⁰ if any of the declarations or information provided prove to be false.

In case of award of contract, the following evidence shall be provided upon request and within the time limit set by the contracting authority:

For situations described in (a), (b) and (e), production of a recent extract from the judicial record is required or, failing that, a recent equivalent document issued by a judicial or administrative authority in the country of origin or provenance showing that those requirements are satisfied. Where the tenderer is a legal person and the national legislation of the country in which the tenderer is established does not allow the provision of such documents for legal persons, the documents should be provided for natural persons, such as the company directors or any person with powers of representation, decision making or control in relation to the tenderer.

For the situation described in point (d) above, recent certificates or letters issued by the competent authorities of the State concerned are required. These documents must provide evidence covering all taxes and social security contributions for which the tenderer is liable, including for example, VAT, income tax (natural persons only), company tax (legal persons only) and social security contributions.

For any of the situations (a), (b), (d) or (e), where any document described in two paragraphs above is not issued in the country concerned, it may be replaced by a sworn or, failing that, a

⁹ This covers the company directors, members of the management or supervisory bodies, and cases where one natural person holds a majority of shares.

¹⁰ As provided for in Article 109 of the Financial Regulation (EU, Euratom) 966/2012 and Article 145 of the Rules of Application of the Financial Regulation

solemn statement made by the interested party before a judicial or administrative authority, a notary or a qualified professional body in his country of origin or provenance.

If the tenderer is a legal person, information on the natural persons with power of representation, decision making or control over the legal person shall be provided only upon request by the contracting authority.

Full name

Date

Signature