



## **CALL FOR TENDERS**

N° *FCH / OP / Contract 216*

# **TENDER SPECIFICATIONS**

**Fuel cells and hydrogen market and policy observatory**

**Reference number: Ares(2018)**

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## 1. INFORMATION ON TENDERING

### 1.1. Participation

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 Procurement<sup>1</sup> 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.

#### **For British candidates or tenderers:**

Please be aware that after the UK's withdrawal from the EU, the rules of access to EU procurement procedures of economic operators established in third countries will apply to candidates or tenderers from the UK depending on the outcome of the negotiations. In case such access is not provided by legal provisions in force, candidates or tenderers from the UK could be rejected from the procurement procedure.

### 1.2. Contractual conditions

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

### 1.3. Contract Duration

The service contract resulting from this call for tender will enter into force on the date on which it is signed by the last contracting party.

The service contract will have a maximum duration of 40 months from the date on which it enters into force.

The service contract must be signed by the contractor first and returned to the contracting authority.

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<sup>1</sup> See [http://www.wto.org/english/tratop\\_E/gproc\\_e/gp\\_gpa\\_e.htm](http://www.wto.org/english/tratop_E/gproc_e/gp_gpa_e.htm)

#### **1.4. Volume of the contract**

The global value of the service contract is estimated to be **no more than 1,500,000 EUR** over the maximum possible duration of 40 months.

#### **1.5. Variants**

Variants are not allowed. Tenderers may not submit bids for only part of the services required.

#### **1.6. Compliance with applicable law**

The tender must comply with applicable environmental, social and labour law obligations established by Union law, national legislation, collective agreements or the international environmental, social and labour conventions listed in Annex X to Directive 2014/24/EU<sup>2</sup>.

#### **1.7. Joint tenders**

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

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

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

#### **1.8. Subcontracting**

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

Tenderers are required to identify all subcontractors whose share of the contract is above 10% and/or whose capacity is necessary to fulfil the selection criteria. Please note that if

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<sup>2</sup> Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC (OJ L 94, 28.3.2014, p. 65).

subcontractors are proposed, the declaration relating to the exclusion criteria must be provided by each of them.

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

### **1.9. Structure and content of the tender**

The tenders must be presented as follows:

**Part A: Identification of the tenderer** (see section 1.10)

**Part B: Non-exclusion** (see section 4.1)

**Part C: Selection** (see section 4.2)

**Part D: Technical offer**

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

**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. 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.

Prices must be quoted free of all duties, taxes and other charges, including VAT, as the FCH 2 JU is exempt from such charges under Articles 3 and 4 of the Protocol on the privileges and immunities of the European Union. The amount of VAT may be shown separately.

The quoted price must be a fixed amount which includes all charges (including travel and subsistence). Travel and subsistence expenses are not refundable separately.

**A breakdown of the price per output (result/deliverable) and per task must be included in the quoted price.**

**In case of joint tenders and /or subcontracting, the breakdown shall include the division of costs per consortium partner / subcontractor.**

The tenderers shall give an indicative repartition of the 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.

### **Assessment of the price:**

The **total price for all tasks** presented in the financial offer will be taken into consideration at the calculation of the tenderer's total score, in accordance with the ranking formula described in Section 4.4 (Ranking of Tenders) of this document.

#### **1.1. Identification of the tenderer**

The tender must include a **cover letter** signed by an authorised representative presenting:

- the name of the tenderer
- all entities in case of joint tender and
- identified subcontractors if applicable
- 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](http://ec.europa.eu/budget/contracts_grants/info_contracts/legal_entities/legal_entities_en.cfm)

Tenderers that are already registered in the FCH 2 JU'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](http://ec.europa.eu/budget/contracts_grants/info_contracts/index_en.cfm).

## **2. TECHNICAL SPECIFICATIONS**

### **2.1. Context and background information**

The Fuel Cells and Hydrogen 2 Joint Undertaking (FCH 2 JU) is a unique public private partnership supporting research, technological development and demonstration (RTD)

activities in fuel cell and hydrogen energy technologies in Europe. Its aim is to accelerate the market introduction of these technologies, realising their potential as an instrument in achieving a carbon-lean energy system.

Fuel cells, as an efficient conversion technology, and hydrogen, as a clean energy carrier, have a great potential to help fight carbon dioxide emissions, to reduce dependence on hydrocarbons, improve quality of air and to contribute to economic growth. The objective of the FCH 2 JU is to bring these benefits to Europeans through a concentrated effort from all sectors.

In spite of its potential and progress, there is considerable variability in the pattern and pace of pre-commercialisation and commercialisation across EU countries and regions, between technologies and application areas, and between different policy and investment frameworks. However, there is very limited data available at EU and national level concerning the penetration of fuel cell and hydrogen (FCH) technologies on the EU market and no coordinated methodology on how to monitor their market evolution. In most cases, this fragmented data is not available publicly.

Policies affecting FCH technologies across EU countries are evolving rapidly and major regulatory changes that will frame the future infrastructure developments in the coming years are anticipated in line with the National Policy Frameworks of the EU Member States<sup>3</sup> as regards the Alternative Fuel Directive<sup>4</sup>. In that respect, there is a requirement to develop a suitable policy framework for FCH technologies at EU and at Member State (MS) level to boost FCH technologies at the lowest cost for the society. The experience from leading countries in this field paves the way for the following countries to design effective policies.

To date, there is no tool available to track in a coordinated way the effective deployment of FCH technologies, the market penetration, as well as the existing policy framework, with a few exceptions such as the European Alternative Fuels Observatory (EAFO)<sup>5</sup>, which covers fuel cell vehicles and hydrogen refuelling stations deployment. Accordingly, the massive deployment of FCH technologies will generate employment that will require the development of new skills. Today there is no monitoring or forecast of these skills requirements and how this translates into technical and other training requirements at various levels of the education system.

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<sup>3</sup> <https://ec.europa.eu/transport/sites/transport/files/2017-11-08-mobility-package-two/ms-fiches.pdf>

<sup>4</sup> Directive 2014/94/EU of the European Parliament and of the Council of 22 October 2014 on the deployment of alternative fuels infrastructure ( OJ L 307, 28.10.2014, p. 1–20), available here:

<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32014L0094>

<sup>5</sup> For more information , please see: <http://www.eafo.eu/>



## **2.2. Objectives of the study**

The FCH 2 JU wishes to fill this gap by establishing an observatory with the aim of becoming a reference point for information about fuel cells and hydrogen technologies and applications.

The observatory shall gather data in the following domains:

1. Technology and markets;
2. Socio-economic;
3. Policy & regulation, codes and standards (RCS);
4. Financial support and incentives.

The observatory shall present the data in a user friendly way so that policy-makers, general audience as well as FCH stakeholders can easily retrieve information of their interest. Further details on the specific items to be considered within each of these domains and the media to be used to present the data are described in the following sections.

The geographic scope of the observatory is the EU 28 and selected Horizon 2020<sup>6</sup> associated countries<sup>7</sup>.

The observatory, where relevant, will also gather historic data (but not prior to 2014).

## **2.3. Methodology**

The tenderer shall explain in its offer the methodology it proposes in order to achieve the objectives of the work and carry out the tasks listed in section 2.5.

In developing the methodology the following elements should be kept into account and explained in the offer:

- 1) In several domains the observatory is meant to fill in the knowledge gap; which means that the contractor will need to source its own data. This will require interaction with a wide variety of parties (from national registration bodies, academic institutions, to EU organisations, EU and national associations etc). The tenderer should explain the methodology it intends to use in order to ensure the quality of the data collected and its exhaustiveness. Specifically, the tenderer should mention potential sources for collecting data and how is planning to engage with those parties in all the domains listed further under section 2.5 task 1.

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<sup>6</sup> Horizon 2020 - the Framework Programme for Research and Innovation (2014-2020)

<sup>7</sup>The list of countries associated to Horizon 2020 is available here: [http://ec.europa.eu/research/participants/data/ref/h2020/grants\\_manual/hi/3cpart/h2020-hi-list-ac\\_en.pdf](http://ec.europa.eu/research/participants/data/ref/h2020/grants_manual/hi/3cpart/h2020-hi-list-ac_en.pdf)

- 2) The tenderer should also specify how it intends to keep updated efficiently all the sections considered by the observatory (i.e. frequency, sources, resources involved, etc.).
- 3) The observatory shall also cover areas where relevant activities are already ongoing such as, but not limited to the EAFO, which is collecting data on the deployment of hydrogen refuelling stations and fuel cells electric vehicles as well as relevant regulations. In this case, it is expected that the contractor will establish a cooperation with the third parties in order to avoid duplication of efforts, ensure a useful exchange of information and align methodologies. The tenderer will propose in its offer a two-way cooperation for the exchange of information and alignment of methodologies for data collection and categorisation with other platforms such as EAFO, the Trans-European Transport Network (TENETEC)<sup>8</sup> and others that will be jointly identified with the FCH 2 JU, in order to establish the observatory as a reference point for FCH activities. Such cooperation will be facilitated by the FCH 2 JU and the European Commission. The tenderer should explain in the offer how it intends to tackle the issue of harmonisation of methodologies.
- 4) The successful tenderer is expected to perform an accurate research to identify additional relevant activities which could be relevant for the development of the observatory. The tenderer, therefore, should outline already such activities and how it suggests interacting with them.
- 5) The contractor will be granted full access to the data produced by FCH 2 JU activities relevant to the production of the observatory. The full list of such activities and the way to make these data available will be agreed following the signature of the contract.
- 6) The tenderer shall outline in its offer a suggestion on how it intends to present the data via an online platform.
- 7) All data generated by the contractor (including maps, source code, reports and databases) will have to be provided in an open-source format as to ensure compatibility with different types of databases. This is also important in view of a possible continuation of the observatory beyond the conclusion of this first procurement. The tenderer must specify in its offer how it intends to satisfy this requirement.
- 8) The tenderer must also ensure that the data used is suitable for publication by the FCH 2 JU, and provide appropriate references of the sources use, whenever applicable.
- 9) When outlining its methodology, the tenderer shall identify possible difficulties/risks and propose effective ways of addressing them.

When explaining its methodology in the offer, the tenderer should also take into account the fact that the creation of the observatory is expected to go through two main phases.

- **The first phase** of the work is expected to last 16 months from signature and should lead to the first version of a fully functioning online platform. This first phase will cover tasks such as definition of the data collection framework and methodology,

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<sup>8</sup> [http://ec.europa.eu/transport/infrastructure/tentec/tentec-portal/site/index\\_en.htm](http://ec.europa.eu/transport/infrastructure/tentec/tentec-portal/site/index_en.htm)

database preparation and maintenance, creation and maintenance of a user-friendly portal.

- **The second phase**, which will last until the end of the contract, will cover regular updates, reports, communication activities and further maintenance and adaptations of the platform. The tasks included in this phase shall also incorporate: evaluation of collected data and preparation of reports, dissemination and communication of the results (further details are included in chapter 2.5 tasks).

#### **2.4. Input by the contracting authority**

The FCH 2 JU will provide access to the data produced by its activities, which are relevant to the creation of the observatory. It will also provide an initial list of relevant organisations or activities carried on by third parties with whom the contractor is expected to establish a cooperation. Within its remit, the FCH 2 JU will facilitate such cooperation.

Regular exchanges between the FCH 2 JU and the contractor will be required during the duration of the study and shall be foreseen and planned in advance. The frequency and nature of these updates shall be suggested by the tenderer in its offer and finally agreed between the contractor and the FCH 2 JU in the inception report.

#### **2.5. Tasks**

The primary task of the contractor is to create and maintain the observatory throughout the duration of the contract. This implies a number of specific tasks, which will ensure the delivery of a quality product and in line with the expectations of the contracting authority.

##### **Task 1: Data collection framework and methodology**

1. The contractor shall establish the dataset framework and set up the list of necessary indicators to fulfil the objectives of the observatory. The methodology shall clarify in particular the following aspects:
  - a. How the contractor will identify sources and engage with the relevant parties for the collection of the data in the domains listed further below. The effort and allocated resources should be identified as well as a indicative list of the relevant contact points/sources of information;
  - b. How it intends to harmonise its methodology with the methodology of existing relevant activities (i.e. align categories of vehicles) and identify additional relevant activities that could emerge during the duration of the contract;
  - c. How it intends to monitor the evolution of FCH applications and technologies deployment not considered at the beginning of the observatory;
  - d. How it intends to keep updated efficiently the indicators considered by the observatory.
  - e. The observatory should consider at least the following areas and indicators:
    - Technology and markets statistics:
      - i. Deployment of fuel cells based propulsion systems in relevant transport modes as well as deployment of hydrogen refuelling

- stations. As a minimum, the considered categories should be: road transport (light and heavy duty vehicles as well as vans and buses, non-road machinery (such as material handling vehicles), maritime ( inland boats), trains and light rail deployment of stationary fuel cells systems (including , but not limited to: micro-CHP, commercial FC CHP, larger FC CHP & primary power, FC Back-up power systems and FC power generators – gensets).
- ii. hydrogen production applications (e.g. electrolysis).
- Socio-economic indicators;
    - i. Characterisation of the EU FCH supply chain, e.g. list of companies, position in the supply chain, etc. This will build on an existing exhaustive list of entities within the European supply chain that FCH 2 JU has already developed.
    - ii. jobs directly and indirectly created by the sector;
    - iii. higher education and vocational training offers and material relevant to FCH technologies;
    - iv. patents and publications produced within the FCH sector complementing internal databases deriving from European Commission tools e.g. ‘Community Research and Development Information Service’ (CORDIS)<sup>9</sup> and ‘Tools for Innovation Monitoring’ (TIM)<sup>10</sup> ;
  - Policy & regulation, codes and standards (RCS);
    - i. Identify and list EU policy & legislation with a direct impact on the deployment of FCH technologies. The scope will be extended at national level where relevant.
    - ii. Identify RCS at national level affecting fuel cells and hydrogen solutions. To avoid duplications, this activity is meant to complement the FCH 2 JU Project ‘Hydrogen Law and removal of legal barriers to the deployment of fuel cells and hydrogen applications’ (HyLaw)<sup>11</sup> by addressing potential gaps.
  - Financial support and incentives;
    - i. Identify EU regional and national programmes, financial tools and incentives relevant to the development and deployment of FCH

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<sup>9</sup> [https://cordis.europa.eu/home\\_en.html](https://cordis.europa.eu/home_en.html)

<sup>10</sup> <http://timanalytics.eu/>

<sup>11</sup> <http://www.hylaw.eu/>

technologies. This task shall be performed in cooperation with ongoing activities carried out by the FCH 2 JU in this domain<sup>12</sup>.

The tenderer is free to propose additional items that may complement the list of indicators in the above areas.

## **Task 2. Data collection, database preparation and maintenance**

Following the data collection framework and methodology established in Task 1, the contractor shall create and populate the database of the underpinning online platform. The contractor must keep the database updated throughout the whole duration of the contract.

## **Task 3. Creation and maintenance of a user-friendly portal for the database**

1. Create and maintain a user-friendly portal/website for the database. Including:
  - a. Define in agreement with the FCH 2 JU the design and functionalities of the online platform;
  - b. User access rights and requests properly followed up, as well as safety of the data collected;
  - c. Publication of content in agreement with the granting authority;
  - d. Reference to third parties activities and sources of information;
  - e. Technical maintenance.

## **Task 4. Evaluation of collected data and preparation of reports**

Produce regular reports containing the following:

- Annual statistics and data as per Task 1
- An analysis of the key trends emerging from the data gathered;
- A benchmark report including analysis of the collected data as well as comparison of the performance of the European FCH sector with selected countries from the rest of the world is expected on yearly basis.

The frequency and the format of these reports will be agreed with the FCH 2 JU.

## **Task 5: Communication and dissemination of results**

Communication materials and activities to promote and communicate the observatory. This shall include communication materials in the form of hard copies such as brochures, leaflets and other similar materials, as well as the same materials in digital form.

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<sup>12</sup> For more information please consult the “Funding & financing” section of the FCH 2 JU website available here: <http://www.fch.europa.eu/page/funding-financing> .

Additionally, a number of workshops and events shall be organised targeting the end users of the observatory, including policy-makers, industry, academia, research groups and other relevant stakeholders.

The contractor shall detail in its offer a communication plan on the organisation of the above-required activities. The final details and dates of the workshops and event shall be agreed by both parties throughout the duration of the contract.

### **Task 6. Project management and coordination**

The contractor shall specify in the offer the project management and governance structure that it intends to set up. Amongst others, it shall accomplish the following:

- Provide a dedicated, proactive and reactive management structure capable to adapt to the evolving EU, national and regional policy context and especially to the evolving market;
- Ensure the respect of deadlines and budgets;
- Ensure a flexible approach to resources management within the consortium i.e. adaptation of the allocation of man-days and corresponding budget between the members based on the work actually conducted;
- Maintain regular communication with the FCH 2 JU Programme Office via face-to-face meetings in Brussels, phone calls and e-mails. Face-to-face meetings will include a kick-off meeting within one month of the signature of the contract;
- Validation of data;
- Lean communication with relevant stakeholders.

All the data produced in the framework of the exercise as well as the online tools developed and reports produced will remain of property of the granting authority.

### **2.6. Indicative calendar**

Evaluation	October 2018
Signature of contract	November 2018
Kick off meeting	January 2019
Inception report	March 2019
First internal progress report	September 2019
First interim report (it includes the first yearly annual report)	March 2020
Second internal work progress report and yearly analysis report	March 2021
Final implementation report and yearly analysis report	March 2022

### 3. CONTENT

#### 3.1. Reports:

1. **An inception report** at the latest 2 months following the kick-off meeting including the detailed methodology for data collection and analysis and for developing and maintaining the website with a first complete list of indicators and database structure (task 1).
2. **First internal progress report** shall be submitted within 10 months from the signature of the contract and it should include:
  - Work progress to date;
  - Database underpinning online platform (task 2)
  - First “internal” version of the Observatory (task 3)
3. **First interim report** shall be delivered within the first 16 months from signature. It will contain:
  - Work progress to date;
  - First public version of the Observatory (task 3)
  - First of the yearly analysis reports (task 4)
  - Promotional and communication materials (task 5)
  - Public event for the launch of the observatory
4. Until the end of the contract:
  - **continuous update** of the observatory (task 3),
  - two additional **yearly analysis reports** (task 4) accompanied by the latest version of the database as well
  - the **second internal work progress report**.
5. **Final implementation report.** The report shall be delivered at the end of the contract and will describe the activities carried on during the second phase.

The interim report and the final report shall be submitted in two variants: one suitable for publishing and one containing all the requirements above for internal use only.

#### 3.2. Deliverables:

1. The database of the underpinning online platform (for further details please see task 1)
2. Portal/website for the database (for further details please see task 3)
3. Regular reports to be produced in accordance with task 4
4. Communication material as per task 5

#### 3.3. Terms of payment

Payments shall be made in accordance with Articles I.5 and II.21 of the Draft Service Contract (annexed to the Invitation to tender).

Pre-financing is not applicable.

**Interim payments** may be claimed following the submission of the interim deliverables as follows:

- 20% of the total price may be claimed after submission and acceptance of the inception report.
- 10% of the total price may be claimed after submission and acceptance of the first internal progress report
- 40% of the total price may be claimed after submission and acceptance of the first interim report
- 15 % of the total price may be claimed after submission and acceptance of the second internal progress report

**Final payment** consisting of the remaining 15% of the total price may be claimed following the completion and acceptance of all final deliverables described in Section 3.1 (final report) and 3.2.

Payments shall be executed only if the Contractor has fulfilled all his contractual obligations by the date on which the invoice is submitted.

#### **4. EVALUATION AND AWARD**

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

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

The FCH 2 JU may reject abnormally low tenders, in particular if it established that the tenderer or a subcontractor does not comply with applicable obligations in the fields of environmental, social and labour law.

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

##### **4.1. Verification of non-exclusion**

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



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

In case of subcontracting, **all subcontractors whose share of the contract is above 10 %** and/or whose capacity is necessary to fulfil the selection criteria must provide a declaration on honour signed by an authorised representative.

The Contracting Authority reserves the right to verify whether the successful tenderer is in one of the situations of exclusion by requiring the supporting documents listed in the declaration of honour.

The **successful tenderer** must provide the documents mentioned as supporting evidence in the declaration on honour **before signature of the contract** and within a deadline given by the contracting authority. This requirement applies to each member of the group in case of joint tender and to subcontractors whose share of the contract is above 10%.

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

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

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

## **4.2. Selection criteria**

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

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

The tender must include the proportion of the contract that the tenderer intends to subcontract.

### **4.2.1. Declaration and evidence**

The tenderers (and each member of the group in case of joint tender) and subcontractors whose share of the contract is above 10 % must provide the declaration on honour (see Annex 1), signed and dated by an authorised representative, stating that they fulfil the selection

criteria applicable to them individually. For the criteria applicable to the tenderer as a whole the tenderer (sole tenderer or leader in case of joint tender) must provide the declaration on honour stating that the tenderer, including all members of the group in case of joint tender and including subcontractors if applicable, fulfils the selection criteria for which a consolidated assessment will be carried out.

This declaration is part of the declaration used for exclusion criteria (see section 4.1) so only one declaration covering both aspects should be provided by each concerned entity.

The Contracting Authority **will evaluate selection criteria on the basis of:**

- **the declarations on honour and**
- **evidence**

**required in Section 4.2** ( see the evidence listed below)

Nevertheless, it reserves the right to require other evidence of the legal and regulatory, financial and economic and technical and professional capacity of the tenderers at any time during the procurement procedure and contract performance. In such case the tenderer must provide the requested evidence without delay. The Contracting Authority may reject the tender if the requested evidence is not provided in due time.

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

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

#### **4.2.2. Legal and regulatory capacity**

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

- For legal persons, a legible copy of the notice of appointment of the persons authorised to represent the tenderer in dealings with third parties and in legal proceedings, or a copy of the publication of such appointment if the legislation applicable to the legal person requires such publication. Any delegation of this authorisation to another representative not indicated in the official appointment must be evidenced.

- For natural persons, if required under applicable law, a proof of registration on a professional or trade register or any other official document showing the registration number.

#### **4.2.3. Economic and financial capacity criteria**

The tenderer must have the necessary economic and financial capacity to perform this contract until its end. In order to prove their capacity, the tenderer must comply with the following selection criteria.

**Criterion F1:** Turnover of the last two financial years above 800.000 EUR; this criterion applies to the tenderer as a whole, i.e. the combined capacity of all members of a group in case of a joint tender.

#### **Evidence to be provided:**

- Copy of the profit and loss accounts and balance sheet for the last two years for which accounts have been closed from each concerned legal entity;
- Failing that, appropriate statements from banks.

If, for some exceptional reason which the Contracting Authority considers justified, a tenderer is unable to provide one or other of the above documents, it may prove its economic and financial capacity by any other document which the Contracting Authority considers appropriate. In any case, the Contracting Authority must at least be notified of the exceptional reason and its justification. The FCH 2 JU reserves the right to request any other document enabling it to verify the tenderer's economic and financial capacity.

#### **4.2.4. Technical and professional capacity criteria and evidence**

##### **A. Criteria relating to tenderers**

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

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

- **Criterion A1:** The tenderer must prove experience in the field of fuel cells and hydrogen sector as well as in survey techniques, data collection, statistical analysis, drafting reports and development of online platforms.

Evidence A1: the tenderer must provide references for 3 projects delivered in these fields in the last three years with a minimum value for each project of € 100.000

- **Criterion A2:** The tenderer must prove capacity to work in 3 EU official languages including at least English.

Evidence A2: the tenderer must provide references for 3 projects delivered in the last three years showing the necessary language coverage.

- **Criterion A3:** The tenderer must prove capacity to draft reports in English.

Evidence A3: the tenderer must provide one document of at least 10 pages (report, study, etc.) in this language that it has drafted and published or delivered to a client in the last two years. The verification will be carried out on 5 pages of the document.

## **B. Criteria relating to the team delivering the service:**

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

Evidence will consist in CVs of the team responsible to deliver the service. Each CV should indicate the intended function in the delivery of the service.

**B1 - Project Manager:** At least 10 years experience in project management, including overseeing project delivery, quality control of delivered service, client orientation and conflict resolution experience in project of a similar size (at least € 500.000 ) and coverage (at least 3 countries covered), with experience in management of team of at least 5 people.

**Evidence:** CV

**B2 - Language quality check:** at least 2 members of the team should have at least C1 level in the Common European Framework for Reference for Languages<sup>13</sup> in English, French and/or German.

**Evidence:** a language certificate or past relevant experience.

**B3 – Expert(s) in fuel cells and hydrogen technologies, data gathering and analysis, development of online platforms:** At least 5 years of professional experience. Relevant higher education degree or equivalent professional experience and at least 5 years' professional experience in the field.

**Evidence:** CV

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<sup>13</sup> For more information, please see: [http://www.coe.int/t/dg4/linguistic/Cadre1\\_en.asp](http://www.coe.int/t/dg4/linguistic/Cadre1_en.asp)

#### **4.2.5. Compliance with minimum requirements**

Tenders must comply with all the following minimum requirements:

- Planning on submitting the reports, deliverables and tasks as described in the Technical Specifications.
- Detailing the estimated budget breakdown.
- Respecting the time limits for submission of deliverables/reports.

#### **4.3. Award criteria**

The contract will be awarded based on the most economically advantageous tender, according to the 'best price-quality ratio' award method.

The maximum total quality score is 100 points.

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

➤ **Project overview (30 points – minimum score 50%)**

Sub-criterion 1.1 (10 points – minimum score 50%):

Clarity, relevance and comprehensiveness of the proposed approaches in handling the list of tasks and deliverables described in section 3.

Sub-criterion 1.2 (10 points – minimum score 50%):

- Adds own aspects/views – has added unexpected elements that are meaningful to achieve success

Sub-criterion 1.3 (10 points – minimum score 50%):

- Demonstrate capacity of establishing a network suitable to cover the geographic scope of the observatory

- **Quality of the proposed methodology** (42 points - minimum score 50%)

Sub-criterion 2.1 (6 points – minimum score 50%):

- Provides a detailed description of project organisation, management and governance

Sub-criterion 2.2 (10 points – minimum score 50%)

- Clearly defines scope, timeline, milestones and deliverables of work to be done

Sub-criterion 2.3 (10 points – minimum score 50%):

- Clearly articulates approach/methodology to achieve objectives

Sub-criterion 2.4 (8 points – minimum score 50%):

- Identifies potential risks and convincingly proposes effective ways to mitigate them.

Sub-criterion 2.5 (8 points – minimum score 50%):

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

- **Organisation of the work and resources** (28 points – minimum score 50%)

This criterion will assess how the roles and responsibilities of the proposed team and of the different economic operators (in case of joint tenders, including subcontractors if applicable) are distributed for each task. This will also assess the suitability of the allocation of team members to tasks where specific expertise are likely to be required. It also assesses the global allocation of time and resources to the project and to each task or deliverable, and whether this allocation is adequate for the work. The tender should provide details on the allocation of time and human resources and the rationale behind the choice of this allocation. Details should be provided as part of the technical offer. It is not a budget requested as part of the financial offer.

**Tenders must score minimum 50% for each criterion and sub-criterion, and minimum 50% in total. Tenders that do not reach the minimum quality levels will be rejected and will not be ranked.**

**4.4. Ranking of tenders**

The contract will be awarded to the most economically advantageous tender, i.e. the tender offering the best price-quality ratio determined in accordance with the formula below.

A weight of 60/40 is given to quality and price.

Tenderers will be ranked based on the total value of points allocated to each of them, according to the following formula:

score for tender X	=	$\frac{\text{cheapest price}}{\text{price of tender X}}$	*	100	*	price weighting (in %)	+	total quality score (out of 100) for all award criteria of tender X	*	quality criteria weighting (in %)
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**The tender ranked first after applying the formula will be awarded the contract.**

