



CALL FOR TENDERS

N° FCH / OP / CONTRACT 214

Concept for an HRS AVAILABILITY SYSTEM

TENDER SPECIFICATIONS

TYPE OF PROCEDURE: OPEN

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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 **Overseas Countries and Territories (OCT)** as listed in the Annex II of the TFEU; and to all natural and legal persons established in Iceland, Norway and Lichtenstein, as per the EEA Agreement¹.

Notice for tenderers from United Kingdom:

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 tenderers from the UK depending on the outcome of the negotiations. In case such access is not provided by legal provisions in force, 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 **Direct Service 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 12 months from the date on which it enter into force, and can be extended for an additional period of 6 months via a written agreement.

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

1.4. Volume of the contract

The global value of the service contract is estimated to be **no more than EUR 300.000** over the maximum possible duration of 18 months (12 months duration of the contract plus a possibility for extension for an additional period of 6 months through written agreement).

¹ Art. 65 of the EEA Agreement, Annex XVI and Art. 7 of Protocol 1 to this Agreement.

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/EU².

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 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 20 % and/or whose capacity is necessary to fulfil the selection criteria. Please note that if subcontractors are proposed and identified as requested above, 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 1.7)

Part B: Non-exclusion (see section 4.1)

² 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).

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) 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.

1.10. 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.

The tenderer (and each member of the group in case of consortia or joint tender) must also declare whether it is a Small or Medium Size Enterprise in accordance with Commission Recommendation 2003/361/EC³. This information is used for statistical purposes only.

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

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 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

2. TECHNICAL SPECIFICATIONS

2.1. General background and reference documents

Hydrogen-powered vehicles are contributing to reach the emission targets of the Climate Change and of the Energy Union policies. Indeed, Fuel Cell Electric Vehicles - FCEVs - are silent, release only water at the tailpipe, and travel over long distances (500km) with one single 3 to 5 minutes short refuel.

Since 2015, companies such as Toyota, Hyundai, Honda and Symbio have put on the market their FCEVs, respectively the Toyota Mirai, the Honda Clarity, the Hyundai iX35, the Symbio Hy-Kangoo which can be leased or purchased under commercial conditions. They have announced new FCEVs and new generations of their existing models. Other European car OEMs

³ <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2003:124:0036:0041:en:PDF>

are developing their own FCEV models and will soon deploy them: Daimler has announced the unveiling of its plug-in hydrogen car in 2017⁴, BMW plans for the commercialisation of its FCEV after 2020 and Audi unveiled its h-tron (FCEV) at the 2016 Detroit Auto Show. According to the International Energy Agency (IEA), by 2020 there will be ~520.000 FCEV in circulation in the world, of which ~350.000 in Europe⁵.

To nurture the use of the FCEVs on European roads and further increase their deployment, the operation of the growing network of Hydrogen Refuelling Stations (HRS) must satisfy the expectations of their existing and future customers.

Existing HRS are often servicing a limited local fleet of FCEVs driven by regular users. Most of the time, these users are registered by the HRS operator, so that in case of confirmed downtimes or planned maintenance operations, the listed HRS users are informed through a SMS-text, a smartphone App, or any other means of communication. In any other case, the assumption per default is that the station is functional with hydrogen available for refuel. This basic information system on the HRS availability is efficient today, but it must be significantly improved to cope with a larger free-moving population of FCEVs users, for which long-distances travels, including trans-national journeys are the norm and refuelling confidence is essential.



Km Miles in operation planned out of operation © Copyright Ludwig-Bölkow-Systemtechnik

⁴ <https://www.daimler.com/sustainability/product/further-environmental-technologies/hydrogen-council.html>

⁵ International Energy Agency (2015), "Technology Roadmap – Hydrogen and Fuel Cells".

Figure 1: Map of HRS in Europe - March 2017⁶

There are some examples of initiatives for HRS availability system functional at regional or national scale.

Since 2011, the California Fuel Cell Partnership and the U.S. Department of Energy have supported the project SOSS - Station Operational Status System, which aims at providing reliable and recent HRS data to FCEV customers and station operators. By September 30th 2016, 24 HRS in California were using SOSS. The project has developed an App: <http://m.cafcp.org>. SOSS is now in its 4th phase of implementation (2017 and beyond) with a focus on real-time reporting and upgrades.

In Germany, HIT (Hydrogen Info Terminal)⁷ provides through the combination of hardware and software, the availability of a several HRS at the beginning of 2017. The Clean Energy Partnership (CEP), a joint initiative of the German government and industry, led/managed by the German Ministry of Transport and Industry, with the aim to test the suitability of hydrogen as a fuel⁸, has re-launched project HIT in 2016 to reduce the costs of investment and operation, and to improve the reliability of data transmission.

NEL Hydrogen Solutions, a company based in Norway⁹, has started to integrate a similar customer service through weblink Uno-X Pay. Currently the system functions for the HRS operated by NEL in Norway and it offers payment services.

Other HRS builders and operators (AirLiquide, McPhy, etc.) have indicated working on similar remote information systems for the availability of their stations.

These systems provide information to the(ir) public according to defined yet varied criteria, different definitions, and diverse purposes. Unfortunately, at this moment there is no central collection of HRS availability data in the European Union.

A common HRS availability data system would mean that HRS operators would be in a position to provide reliable and updated info, to reduce downtime for repair and to reduce of maintenance costs. In turn, this would lead to an increase of sales through reduction of downtimes, increase of profitability, transparency towards customers and increase of customer satisfaction.

⁶ Source: www.H2stations.org by LBST

⁷ For the monitoring of the German HRSs the Clean Energy Partnership has set-up an automatic Hydrogen Info Terminal system that provides signals "in-operation" or "out-of-operation" for each dispenser of all the stations.

⁸ Source: <https://cleanenergypartnership.de/en/home/> accessed March 2017

⁹ Source: <http://nelhydrogen.com/about/> accessed March 2017

2.2. What does the FCH 2 JU do?

Since its creation, the FCH 2 JU has supported the deployment of FCEVs and corresponding refuelling infrastructure. Recently started projects H2ME¹⁰ and H2ME 2¹¹ will quadruple the existing fuel cell fleet in Europe, with a major roll-out of 1.400 of these vehicles to customers in France, Germany, Scandinavia and the UK. These projects, funded by the FCH 2 JU in the framework of H2020¹², will build 49 HRS in the next 2 years supported by the FCH 2 JU. Other FCH 2 JU funded projects are addressing the main technical hurdles of HRS: compression systems, modular design, safety, footprint, energy consumption, etc. Finally, a study funded by the FCH JU in 2013 provides a roadmap for financing an HRS network in Europe¹³.

2.3. Required services

In order to provide a HRS satisfactory experience for FCEV users, the FCH 2 JU would like to contract the services of one contractor (or of several contractors acting together) that will set-up a system for HRS availability in the European Union. This system aims at giving access to reliable, up-to-date and standardised data on the HRS status.

The HRS availability system will be implemented in at least all public HRS servicing FCEV that are financially supported by the FCH 2 JU.

The system must be dimensioned to handle data feed from at least 1.000 HRS simultaneously and data usage from 5.000 unique users at any time, by 2020.

2.4. Tasks

The contractor shall implement, improve and update the HRS availability system developed by the FCH 2 JU through a previous first phase procurement procedure¹⁴. The contractor shall install the developed or equivalent hardware (type A stations) or implement the appropriate API (type B stations) for all existing HRS in Europe by the end of the contract duration.

The contractor shall ensure that the HRS availability system collects all appropriate data and is able to display and send this data to any interested third party.

The implementation of the HRS availability system shall be divided into the following tasks:

a) Task 1: Update of the HRS data community

In order to guarantee the adoption of the HRS availability system on a large basis, the contractor shall build on the engagement with the group of relevant stakeholders set up in the first procurement procedure and expand it if necessary with new players.

The contractor is responsible for:

¹⁰ More information on H2ME is available here: <http://www.fch.europa.eu/project/hydrogen-mobility-europe>

¹¹ More information on H2ME 2 is available here: <http://www.fch.europa.eu/project/hydrogen-mobility-europe-2>

¹² Horizon 2020 - the Framework Programme for Research and Innovation (2014-2020). More information of H2020 is available here: <https://ec.europa.eu/programmes/horizon2020/en/what-horizon-2020>

¹³ The full study report is available here: http://www.fch.europa.eu/sites/default/files/HRS-finance_FinalReport_0.pdf

¹⁴ The documents related to the procedure are available at the following link: <http://www.fch.europa.eu/page/procurements>

- Reaching out to all HRS operators in Europe and show best efforts to secure the adoption of the HRS availability system for all the HRS throughout the EU.
- Animate the HRS data community by organising at least three physical meetings throughout the duration of the contract in which the schedule and progress of the installation of the system is shown and the community can give input and ideas as to how to improve or sustain the system in the future.
- Maintain a registry of the implementation of the HRS availability system and keep alive a list of actors involved in HRS data use.

b) Task 2: Roll out of the HRS availability system

The contractor will use the availability definition established in the first procurement procedure, using the accepted data to determine the five agreed possible status of an HRS.

The contractor will map all publicly accessible HRS in operation or planned to start operation before the end of the contract in the EU and get in contact with the HRS owner and/or operator.

The contractor will put in place the necessary hardware or software to obtain the status of all these HRS based on the hardware and software developed in the first procurement procedure for which the FCH 2 JU will provide the necessary available information (see Annex III).

The contractor is responsible for:

- Updating the HRS database to be provided by the FCH 2 JU with any new, unidentified or planned publicly accessible HRS in the EU by the end of the contract.
- Contact the HRS owners/operators and, together with the FCH 2 JU, convince them to join the HRS availability system.
- Classify the different HRS in type A (need hardware to send the signal) or type B (can send the signal without the need of additional hardware) stations based in the most practical and economical way for the stations to provide the availability status to the HRS availability system.
- Provide a schedule for the implementation of the HRS availability system through all the identified HRS.
- Purchase, build and install the necessary transmitting systems (hardware) for the identified type A stations based on the design reached in the first procurement procedure (as described in the documents provided in Annex III).
- Program and install the necessary API for the type B stations based on the solutions reached in the first procurement procedure (as described in the documents provided in Annex III).
- Ensure that the status signal is refreshed according to the definitions set in the first procurement procedure.
- Agree with the HRS owners/operators how to update the rest of the HRS “static” information based on the information collected in the first phase of the study or any new information agreed with the HRS community and the FCH 2 JU.

c) Task 3: Data collection, storage and access platform

The objective of the HRS availability system is to ensure that diverse data is efficiently and effectively collected, translated and registered in an open-source language, stored on a secured server, on a platform accessible to third party usage. This system was already set up in the first procurement procedure.

The platform allows access to upload data:

- By HRS operator, so that information on the availability of the station (planned maintenance for example) or on any other relevant information (change of contact, opening hours, etc.) can be updated.

And download data:

- By third party solution providers, for the development and functioning of smartphone Apps, FCEV on-board infotainment screens, satellite navigation, messaging systems, etc.

The contractor is responsible for:

- Maintaining and improving the platform developed in the first procurement procedure. The contractor must ensure continued compatibility for the integration with existing solutions such as HIT in Germany, Uno-X Pay in Scandinavia and any other HRS data collection currently under development in Europe.
- Using open-source formats (language and software) for the outgoing data on HRS availability, so that it is usable by the widest community of third party users.
- Ensuring that the data handling from collection to storage and subsequent access from a server is fully secured and follow strict access rights. Access and changes to HRS data must happen in a protected IT environment.
- Informing the third party solution providers about the location of the data.
- Setting-up the platform to allow for the use of its own data by the data owners and provide basic tools (statistics, graphs, visuals, etc.) for added value usage of the data collected, for maintenance, availability or performance monitoring for example.
- Putting in place a system for regular update to allow of timely inclusion of any new HRS that comes online.
- Putting in place a system to show planned HRS and their situation.
- Providing the necessary information for the FCH 2 JU to be able to contract the maintenance of the system after the contract duration.
- OPTIONAL: suggesting ways to further exploit or use the data gathered by the system.

d) Task 4: Define a business model

To facilitate the uptake of the HRS availability system in Europe by stakeholders, the FCH 2 JU is considering to provide financial support for its implementation during 12 months. The FCH 2 JU would like to ensure that beyond that period the HRS availability system remains active outside any financial support as well.

For this reason, based on the conclusions reached in the first procurement procedure the contractor is responsible for:

- Delivering a plan on the required financing to put in place the HRS availability system and maintain it for all HRS in Europe for the next 2 years.
- Updating the business models for reaching financial self-sustainability of the HRS availability data system.

2.5. Deliverables and reporting

2.5.1. Reports

The contractor shall submit four reports. The reports shall be drafted in English, and submitted in electronic format.

The first status report is due 3 months after the entering into force of the contract. This report shall present the status of HRS coverage and the schedule to cover the rest of the HRS until the end of the contract.

The interim report is due for 6 months after the entering into force of the contract. This report shall:

- Provide the list of revised parameters for HRS availability data - see Task 2.
- Update on the activities listed under Task 1 and 2.
- Present the status of HRS coverage and the schedule to cover the rest of the HRS until the end of the contract.
- Provide suggestion of how to handle planned stations (Task 3).

The second status report is due 9 months after the entering into force of the contract. This report shall present the status of HRS coverage and the schedule to cover the rest of the HRS until the end of the contract.

Final report is due at the end of the contract. This report shall:

- Contain the updated list of HRS.
 - Provide a description of the implementation for all 4 tasks.
- The final report shall be publishable and construed as indicated in Section 3 of this document.

2.5.2. Deliverables:

The platform and additional features for the data collection, storage, maintenance and access - See Task 3.

2.6. 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.

An interim payments of 50% may be claimed after the submission of the interim report.

Final payment consisting of the remaining 50 % of the total price may be claimed following the completion and acceptance of all final deliverables described in Section 2.5.

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

2.7. Cooperation with FCH 2 JU and methodology

The contractor shall present a methodology to implement the HRS availability system. The rationale behind the proposed methodology must be duly explained and justified.

The contractor shall also interact closely with the FCH 2 JU. A regular feedback shall be provided by a monthly telco and meeting in persons, as it will be agreed depending on the necessity.

2.8. Input by the contracting authority

The FCH 2 JU will provide access to the platform created as a result of the previous procurement procedure. This includes the information regarding the developed hardware and software.

It will also provide the list of relevant HRS owners/operators it had included in the first procurement procedure.

3. CONTENT, STRUCTURE AND GRAPHIC REQUIREMENTS OF THE DELIVERABLES

The contractor must deliver the deliverables as indicated below.

3.1. Final report (publishable)

The final study report must include:

- an abstract of no more than 200 words and an executive summary of maximum 6 pages, in English;
- specific identifiers which must be incorporated on the cover page provided by the Contracting Authority;
- the following disclaimer:

“The information and views set out in this report are those of the author(s) and do not necessarily reflect the official opinion of the FCH 2 JU. The FCH 2 JU does not guarantee the accuracy of the data included in this study. Neither the Commission nor any person acting on the FCH 2 JU’s behalf may be held responsible for the use which may be made of the information contained therein.”

3.2. Publishable executive summary

The publishable executive summary must be provided in English and must include:

- specific identifiers which must be incorporated on the cover page provided by the Contracting Authority;
- the following disclaimer:

“The information and views set out in this [report/study/article/publication...] are those of the author(s) and do not necessarily reflect the official opinion of the FCH 2 JU. The FCH 2 JU does not guarantee the accuracy of the data included in this study. Neither the FCH 2 JU nor any person acting on the FCH 2 JU’s behalf may be held responsible for the use which may be made of the information contained therein.”

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 contracting authority 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 20 % 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 20 %** 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. 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 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 EUR 500,000.00; 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 Commission 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 technical solutions for transport or renewable energy as well as in data collection, data analyses, drafting reports and recommendations.

Evidence A1: the tenderer must provide references for 3 projects delivered in these fields in the last three years with a minimum value altogether of €150,000.00.

- **Criterion A2:** The tenderer must prove capacity to work in minimum 2 EU official languages including at least English and German.

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 5 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 € 200,000.00), with experience in management of team of at least 2 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 Languages¹⁵ in English and German.

Evidence: a language certificate or past relevant experience.

B3 - Specialist in IT: Relevant higher education degree or equivalent professional experience and at least 3 years' professional experience in the field.

Evidence: CV

B4 - Team for data collection: collectively the team should have knowledge of the following EU languages - English, French, German, and proven experience of 3 years in data collection techniques.

Evidence: CV and a language certificate or past relevant experience.

4.3. Compliance with minimum requirements

Tenders must comply with all the following minimum requirements:

- Agreeing/planning on submitting the Reports, Final Study and Tasks as described in the Technical Specifications.

¹⁵ See http://www.coe.int/t/dg4/linguistic/Cadre1_en.asp

- Detailing the estimated budget breakdown.
- Respecting the time limits for submission of deliverables

4.4. Award criteria

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

The maximum total quality score is 100 points.

- **General understanding of the global project (32 points - minimum score 50%)**

Sub-criterion 1.1 (8 points - minimum score 50%):

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

Sub-criterion 1.2 (8 points - minimum score 50%):

- Shows an understanding of the issues and already defines what success means

Sub-criterion 1.3 (8 points - minimum score 50%):

- Already shows analysis and provides first insights that are used in the approach

Sub-criterion 1.4 (8 points - minimum score 50%):

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

- **Quality of the proposed methodology** (48 points - - minimum score 50%)

Sub-criterion 2.1 (8 points - minimum score 50%):

- Provides a detailed description of project organisation and management

Sub-criterion 2.2 (6 points - minimum score 50%)

- Specifies clearly the collection and treatment of data

Sub-criterion 2.3 (8 points - minimum score 50%)

- Clearly defines scope, milestones and deliverables of work done

Sub-criterion 2.4 (10 points - minimum score 50%):

- Clearly articulates approach/methodology to achieve objectives

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

- Quality control system applied to the service foreseen in this tender specification 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.

Sub-criterion 2.6 (8 points - minimum score 50%):

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

- **Organisation of the work and resources (20 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. 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 60% in total. Tenders that do not reach the minimum quality levels will be rejected and will not be ranked.

4.5. 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.

score for tender X	=	cheapest price	*	100	*	40%	+	total quality score (out of 100) for all award criteria of tender X	*	60%
		price of tender X								

The tender ranked first after applying the formula will be awarded the contract.