



EUROPEAN COMMISSION

DIRECTORATE-GENERAL  
CLIMATE ACTION  
Directorate C – Mainstreaming Adaptation & Low Carbon Technology  
Unit C1- Low Carbon Technologies

## CALL FOR TENDERS

N° CLIMA.C.1/SER/2015/0009

### *Implementation of the NER 300 funding programme*

## TENDER SPECIFICATIONS

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## **1. INFORMATION ON TENDERING**

### **1.1.Participation**

Participation in this tender procedure is open on equal terms to all natural and legal persons coming within the scope of the Treaties and to all natural and legal persons 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 Multilateral Agreement on Government Procurement<sup>1</sup> concluded within the WTO applies, the participation to the call for tender is also open to nationals of the countries that have ratified this Agreement, on the conditions it lays down.

### **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, and checks and audits.

### **1.3.Joint tenders**

A joint tender is a situation where a tender is submitted by a group of economic operators (consortium). Joint tenders may include subcontractors in addition to the joint tenderers.

In case of joint tender, all economic operators in a joint tender assume joint and several liability towards the Contracting Authority for the performance of the contract as a whole. Nevertheless, tenderers must designate a single point of contact for the Contracting Authority.

After the award, the Contracting Authority will sign the contract either with all members of the group, or with the member duly authorised by the other members via a power of attorney.

### **1.4.Subcontracting**

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

Tenderers must give an indication of the proportion of the contract that they intend to subcontract. See Annex 2, questionnaire for joint bids and subcontracting.

Tenderers are required to identify all subcontractors. In case a tenderer relies on subcontractors to meet the required level under selection criteria, the subcontractor(s) concerned must provide the relevant supporting documents to that effect (see section 2.3).

During contract execution, the change of any subcontractor identified in the tender will be subject to prior written approval of 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)

## **1.5.Content of the tender**

The tenders must be presented as follows:

Part A: Identification of the tenderer (see section 1.6)

Part B: Evidence for exclusion criteria (see section 2.2)

Part C: Evidence for selection criteria (see section 2.3)

Part D: Technical offer (see section 2.6)

Part E: Financial offer (see section 2.7)

## **1.6.Identification of the tenderer: legal capacity and status**

The tender must include a cover letter presenting the name of the tenderer (including all entities in case of joint offer) and identified subcontractors if applicable, and the name of the single contact person in relation to this tender. Coherence must be ensured between the information in the cover letter and in Annex 1.

If applicable, the cover letter must indicate the proportion of the contract to be subcontracted.

In case of joint tender, the cover letter must be signed by a duly authorised representative for each economic operator, or by one of the economic operators duly authorised by the other economic operators (with power of attorney).

Subcontractors must provide a letter of intent stating their willingness to provide the service foreseen in the offer and in line with the present tender specification.

In order to prove their legal capacity and their status, all tenderers (or the single point of contact / all members of the consortium, see paragraph 1.3) 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 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 single point of contact / all members of the consortium, see paragraph 1.3) must provide a Financial Identification Form and supporting documents. Only one form per offer should be submitted (no form is needed for subcontractors). 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)

Tenderers must provide the following information if it has not been included 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 which applies to the legal entity concerned

requires such publication. Any delegation of this authorisation to another representative not indicated in the official appointment must be evidenced.

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

## **2. EVALUATION AND AWARD**

### **2.1.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.

### **2.2.Exclusion criteria**

All tenderers shall provide a declaration on their honour (see Annex 5), duly signed and dated by an authorised representative, stating that they are not in one of the situations of exclusion listed in the Annex 5.

The declaration on honour is also required for all subcontractors. The subcontractor must, if and when requested, provide all the supporting documents in relation to exclusion criteria.

The successful tenderer shall provide the documents mentioned as supporting evidence in Annex 5 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 and to identified subcontractors whose capacities will be relied upon to fulfil the selection criteria.

### **2.3.Selection criteria**

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 subcontractors whose capacities will be relied upon to fulfil the selection criteria.

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.

### **2.3.1. 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:

- Annual turnover of the last two financial years above € 150.000. **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 Contracting Authority 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 documents which the Contracting Authority considers appropriate. In any case, the Contracting Authority must at least be notified of the exceptional reason and its justification in the tender. The Commission reserves the right to request any other document enabling it to verify the tenderer's economic and financial capacity.

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

#### **a. Criteria relating to tenderers**

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

- The tenderer must prove experience in the fields of:
  - Bioenergy
  - Solar energy (concentrated solar power and photovoltaics)
  - Geothermal energy
  - Wind energy
  - Ocean energy
  - Distributed renewable management (smart grids)
  - Carbon capture and storage (CCS)
- The tenderer must have delivered at least 3 projects in this field in the last three years with a minimum value for each project of € 100.000.
- The tenderer must prove experience of working in the English language with at least 3 projects delivered in the last three years showing the necessary language coverage.
- The tenderer must prove capacity to draft reports in English.

- The tenderer must prove experience of working in at least 10 EU countries with at least 3 projects delivered in the last three years, the combination of which must show the necessary coverage

- The tenderer must prove:

- Detailed understanding of the NER 300 programme, in particular rules laid down in the NER 300 Decision, the NER 300 Award Decisions and the NER 300 Calls for Proposals<sup>2</sup>
- Detailed knowledge of EU electricity markets
- Knowledge of the various EU and national support schemes for renewable energy (RES) and carbon capture and storage (CCS) projects
- Expertise in drafting tender documents as well as contracts for projects with public support
- Ability to evaluate RES and CCS projects from a technological and financial point of view
- Experience in programme management and programme/project evaluations at EU and/or Member States level or for other financial institutions

The following evidence should be provided to fulfil the above criteria:

- List of relevant services provided, with sums, dates and recipients, public or private. The most important services shall be accompanied by certificates of satisfactory execution, specifying that they have been carried out in a professional manner and have been fully completed.

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

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

- 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 € 250.000) and coverage (at least 10 EU Member States covered), with experience in management of teams of at least 10 people. Furthermore, the Project Manager shall possess at least 5 years' experience in management of complex national and international projects funded by EU Member States, the European Commission and/or other multilateral financial institutions (e.g. the World Bank, the European Investment Bank, the International Finance Corporation, etc.) in the climate and energy field.

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<sup>2</sup> See [http://ec.europa.eu/clima/policies/lowcarbon/ner300/documentation\\_en.htm](http://ec.europa.eu/clima/policies/lowcarbon/ner300/documentation_en.htm)

- Experts in RES and CCS technologies: Relevant higher education degree and 5 years' professional experience in their respective fields are required, with knowledge of the latest scientific developments.

- Expert in financial aspects of the NER 300 calls for proposals: Relevant higher education degree and 5 years' professional experience in their respective fields are required.

Collectively, the team shall be composed of at least 10 people (e.g. 1 project manager, 1 backup project manager, 7 RES and CCS experts, 1 financial expert).

Language quality check: all members of the team should have excellent language skills in English, as guaranteed by a certificate or past relevant experience.

The following evidence should be provided to fulfil the above criteria:

- The educational and professional qualifications of the persons who will provide the service for this tender (CVs) including the management staff. Each CV provided should indicate the intended function in the delivery of the service.

#### **2.4.Award criteria**

The tender will be awarded according to the best-value-for -money procedure. The quality of the tender will be evaluated based on the following criteria. The maximum total quality score is 100 points.

A maximum of 40 points will be attributed to criterion 1, a maximum of 30 points will be attributed to criterion 2, and a maximum of 30 points will be attributed to criterion 3. In addition a minimum threshold will be set up under this system of points:

- Technical sufficiency levels: Selected companies will have to score a minimum of 20, 15 and 15 points under criteria 1, 2 and 3 respectively, with a minimum total of 65 points.

Tenders scoring less than 65 in the overall points total or less than the technical sufficiency level in the points awarded for a single criterion will be excluded from the rest of the assessment procedure. Since assessment of the tenders will focus on the quality of the proposed services, tenders should elaborate on all points addressed by these specifications in order to score as many points as possible. The mere repetition of mandatory requirements set out in these specifications, without going into details or without giving any added value, will only result in a very low score. In addition, if certain essential points of these specifications are not expressly covered by the tender, the Commission may decide to give a zero mark for the relevant qualitative award criteria.

## **1 Quality of the proposed methodology (40 points – minimum threshold 50%)**

The degree to which the methodology shows the capacity to perform the services required under the Technical Specifications, in accordance with the needs of the contracting authority.

Significant understanding of all relevant climate and energy fields targeted by the NER 300 programme will need to be demonstrated through the methodology in order to prove the capacity to deliver the services required by the Commission.

Finally, given the very sensitive nature of the information that will be exchanged with the Commission, the secure system provided by the contractor to do so and the relevant security plan will be evaluated.

Sub-criterion 1.1: Capacity to perform the services required (16 points – minimum threshold 50%)

Sub-criterion 1.2: Understanding of all relevant climate and energy fields targeted by the NER 300 programme (16 points – minimum threshold 50%)

Sub-criterion 1.3: Ability to provide a secure transfer system and a security plan (8 points – minimum threshold 50%)

## **2 Organisation of the work (30 points – minimum threshold 50%)**

This criterion will assess how the roles and responsibilities of the proposed team and of the 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 resources and the rationale behind the choice of this allocation. This includes:

- The organisation of the proposed team to maximize the effectiveness and quality of the service offered
- The approach the tenderer intends to adopt to organise and supervise any work performed by subcontractors, which should be clearly outlined in the tender

Particular importance will be placed on the contractor's ability to ensure a skilful management of its resources, as they may have to be distributed around peaks of activities. The contractor shall indeed be able to manage hot-line requests by the Commission (Task 3) and delays in submission by Member States of NER 300 annual reports and amendment requests to the NER 300 award decisions (Tasks 1 and 2).

## **3 Quality control measures (30 points – minimum threshold 50%)**

This criterion will assess the 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 a 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.

## **2.5.Ranking and Award**

Having examined the tenders from a technical point of view, the evaluation committee will proceed considering which is the economically most advantageous offer taking into account **only those tenders that have obtained at least 65 out of the 100 points that are available for the technical quality of the bid**. The evaluation committee will then proceed with the financial comparison of the tenders retained for further consideration according to the ranking procedure below.

The bid offering the best value for money will be chosen, provided that the minimum number of points cited above is achieved. The ranking of the tenders will be calculated as follows:

- All bids that do not reach the stated technical sufficiency levels for each individual award criteria will not be considered for contract award.
- All bids that have passed the individual levels and score 65 or higher are deemed to be technically sufficient. Then the price is divided by the total number of points awarded to obtain the price-quality ratio. The award of the contract will be made in accordance with the lowest ratio.

The Commission reserves the right not to select any tender if the amounts tendered exceed the budget envisaged for this project.

## **2.6.Compliance of technical offer**

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

## **2.7.Financial offer**

The price range is fixed between €270,000 and €300,000 excluding VAT (including fees, travel and all other costs). Any offers received that do not respect the upper limit will be automatically excluded from the evaluation procedure. The lower limit is indicative. **Travel and subsistence expenses are not refundable separately**. For guidance purposes see Annex 3.

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 assume 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 European Union 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.

### **3. TECHNICAL SPECIFICATIONS**

#### **GENERAL BACKGROUND**

The NER 300 programme is one of the largest funding schemes for the demonstration of low-carbon technologies at commercial scale and contributes to the implementation of the following EU policies and strategies:

- The Strategic Energy Technology Plan (SET-Plan), the technology pillar of the EU energy and climate policy (COM(2009) 519)
- The 2030 framework for climate and energy policies (A policy framework for climate and energy in the period from 2020 to 2030 (COM(2014) 15)
- The Energy Roadmap 2050 (COM(2011) 885), aiming to decarbonise the EU power sector by 2050
- The Roadmap for moving to a competitive low carbon economy in 2050 (COM(2011) 112)

The NER 300 programme was established under Article 10a(8) of the Emissions Trading Directive 2003/87/EC and further developed through the NER 300 Decision<sup>3</sup> (amended in February 2015 to extend the programme's deadlines and meet the projects' implementation needs<sup>4</sup>). It aims to co-fund both carbon capture and storage (CCS) and renewable energy (RES) demonstration projects in different technology sub-categories within the territories of EU Member States. The initiative is referred to as NER 300, because the funding is raised from the monetisation, performed by the European Investment Bank (EIB), of 300 million allowances set aside in the New Entrant Reserve (NER) of the EU Emissions Trading System (ETS).

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<sup>3</sup> Commission Decision 2010/670/EU of 3 November 2010 laying down criteria and measures for the financing of commercial demonstration projects that aim at the environmentally safe capture and geological storage of CO<sub>2</sub> as well as demonstration projects of innovative renewable energy technologies under the scheme for greenhouse gas emission allowance trading within the Community established by Directive 2003/87/EC of the European Parliament and of the Council

<sup>4</sup> [Commission Decision \(EU\) 2015/191 amending Decision 2010/670/EU as regards the extension of certain time limits laid down in Article 9 and Article 11\(1\) of that Decision \(notified under document C\(2015\) 466\)](#)

NER 300 is a very important instrument for promoting both the development and the deployment of low-carbon technologies in the EU, since it aims at bridging the gap between their R&D and market uptake phases. To do so, it also seeks to leverage a considerable amount of private investment and/or national co-funding across the EU.

The Commission finalised the first NER 300 call for proposals, comprising 200 million allowances, in December 2012 with the adoption of the first award decision, subsequently amended in January 2014<sup>5</sup>. 22 RES projects were retained for funding, although 2 of them were withdrawn, leaving 20 projects in total to be implemented under the first call.

The second call for proposals, comprising 100 million allowances and unspent funds from the first call, was launched in April 2013 and was finalised with the adoption of the second award decision in July 2014<sup>6</sup>. 18 RES and 1 CCS projects were selected for funding.

Consequently, the NER 300 programme will provide support to 38 RES and 1 CCS projects in total, which need to be implemented over the coming years.

### GENERAL AND SPECIFIC OBJECTIVES

Following the adoption of the two NER 300 award decisions and in order to ensure the successful implementation of the programme, the Commission will:

- Supervise the implementation of NER 300 projects and assess any notification of proposed changes to the projects submitted by Member States;
- Amend, if necessary, the two NER 300 award decisions to reflect significant changes to the awarded projects;
- React to annual reports submitted by awarded NER 300 projects, if necessary;
- React to any technological and financial issue that awarded projects might encounter during their life-cycle.

As far as annual reports are concerned, Member States shall submit them to the European Commission by 31 December of each year, for the projects that have not entered into operation yet, or by 15 July of the following year, for those that are already operational.

From the adoption of the award decision until the entry into operation of the project, Member States shall report especially on:

- any construction work and other preparatory activities for the entry into operation of the project as performed during the reporting period;
- the adoption or schedule for adoption of the final investment decision and steps taken in this respect;

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<sup>5</sup> Commission Implementing Decision of 18.12.2012, Award Decision under the first call for proposals of the NER 300 funding programme C(2012) 9432, as amended by C(2014) 383

<sup>6</sup> Commission Implementing Decision of 8.7.2014, Award Decision under the second call for proposals of the NER 300 funding programme C(2014) 4493

- permitting procedures, including all relevant permits already issued and the further timetable;
- potential problems that could lead to delays in the entry into operation, including where appropriate public acceptance issues, and a short description of potential solutions.

From the entry into operation of the project until the year following the year of the long-stop date, Member States shall report especially on the following issues:

- overall project progress;
- performance, including the amount of CO<sub>2</sub> stored for CCS projects or clean energy produced for RES projects;
- the funds disbursed;
- any problems with project implementation, including where appropriate public;
- acceptance issues, and a description of envisaged solutions.

The contractor should support the Commission with the implementation of the NER 300 programme by carrying out the following tasks:

- Assessing the contents of all NER 300 projects' annual reports. The assessment should enable the Commission to take action related to annual reports, as appropriate;
- Analysing notifications of proposed changes to NER 300 projects, especially from a technological point of view but in some cases also from a financial point of view. Substantial and justified notifications of changes to projects can result in amendments to the NER 300 award decisions, to be drafted by the Commission considering the contractor's analysis;
- Answering technical questions on projects and their potential changes, coming from the Commission, Member States or Project Sponsors. This will enable relevant parties to properly evaluate any project event, thanks to the expertise provided by the contractor.

## **TASKS**

### **Task 1: Assessing NER 300 annual reports**

Part of the NER 300 projects' monitoring exercise will entail assessing their annual reports, which will summarise relevant developments. These documents have to be submitted to the Commission by Member States, based on the annual reporting templates provided at DG CLIMA's website<sup>7</sup>.

Each of the 39 reports submitted at the end of every year is composed of approximately 10 pages. The contractor is expected to analyse those from 2016, 2017 and 2018, so as to make sure that NER 300 projects will be effectively implemented and spot in advance any potential risk or operational issue.

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<sup>7</sup> [http://ec.europa.eu/clima/funding/ner300-1/docs/annual\\_reporting\\_en.doc](http://ec.europa.eu/clima/funding/ner300-1/docs/annual_reporting_en.doc)

The contractor will therefore be required to support the Commission by:

- Assessing projects' annual reports, especially from a technological point of view, so as to verify their consistency with the award decisions;
- Analysing the development of projects so as to verify their state-of-play and identify potential risks in advance;
- Suggesting ways of addressing potential technical issues arising from the implementation of projects.

Approximately 40% of the budget should be allocated by the contractor to this task, as it represents the most important and time consuming one.

The deliverable for Task 1 is a report summarising the contractor's analysis for each NER 300 annual report (one page per annual report) and an annual summary of the annual reports (max 5 pages). The analysis for each annual report should be provided within 30 calendar days from the receipt of the annual report and the annual summary within 30 calendar days from the receipt of the last annual report.

The contractor will be required to perform this task in the first half (project not entered yet into operation) and second half (projects already entered into operation) of 2017, 2018 and 2019 (up to 3 x 39 reports - i.e. 117 maximum).

## **Task 2: Support to amending NER 300 Award Decisions**

When Member States notify proposed changes to their projects (e.g. technical and financial changes to their projects), the relevant NER 300 award decision(s) may have to be amended in order to ensure coherence between the programme's legal documents and the development of its projects. On the other hand, any agreed change should neither affect the scope of a project and its feasibility, nor the results of the selection procedure, nor the maximum amount of funding.

In these cases, the contractor will be required to support the Commission throughout this process by:

- Analysing potential requests by Member States, in particular those related to proposed changes to the projects' timeline, partnership, cost or technology, with a view to assessing the impact of any notification;
- If proposed changes are significant, measuring their impact and verifying whether amending the NER 300 award decision(s) is necessary;
- Checking if proposed significant changes would have an impact on the projects' selection procedure;
- Analysing the financial implications of proposed changes to project's timelines or performances, to identify potential issues in advance and ensure they are properly addressed;
- Supporting the Commission in preparing amendments to the NER 300 award decisions, by contributing to the development or revision of relevant documents.

Approximately 35% of the budget should be allocated by the contractor to this task.

Two deliverables are foreseen for Task 2:

- A short assessment of each notification of proposed changes submitted by Member States (up to 5 pages per notification);
- Report explaining the changes to be implemented to relevant NER 300 projects via an amendment of the NER 300 award decision(s) (about 1 page per amended project).

These deliverables should be provided within 30 calendar days from the receipt of the notification by a Member State.

Notifications of proposed changes can be submitted by Member States up to 30 April of each year. The contractor will be required to perform this task in the first half of 2016, 2017, 2018 and 2019.<sup>8</sup>

### **Task 3: Technical support (hot-line for RES or CCS issues)**

The contractor will also be required to support the Commission in further ad-hoc analysis related to NER 300 projects, such as answering projects' technical questions, evaluating their technological developments or reacting to any financial issue they might encounter throughout their life-cycle. Consequently, the contractor will be required to support the Commission by:

- Addressing any technological or financial issue arising from the implementation of projects;
- Acting, whenever needed, as the Commission's ad-hoc advisor in its relationships with relevant national authorities and project sponsors. This could entail answering mainly technological but also financial questions or revising short documents, as a sort of dedicated "hot-line" for NER 300 issues. In this context, the contractor shall never develop any kind of direct relationship with national authorities or project sponsors, since the Commission will always act as the intermediary.

Approximately 25% of the budget should be allocated by the contractor to this task.

The deliverables foreseen for Task 3 are phone calls with the Commission and answers to emails in the form of a 1-2 page note, which will have to be provided within 5 working days over the entire duration of the contract.

There are no meetings foreseen between the contractor and Member States or project sponsors. Meetings with the Commission are specified below under "Intermediate and final outputs and deliverables".

### **INPUT BY THE CONTRACTING AUTHORITY**

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<sup>8</sup> Within the first amendment of the first NER 300 award decision (Commission Implementing Decision C(2014) 383), 6 of 20 projects were amended due to changes in the date of entry into operation or technological and financial adjustments.

The Commission will provide the contractor with full access to the necessary NER 300 documents, to implement the required activities.

Given the very sensitive nature of the information provided in these documents, the contractor shall provide the following:

- A secure transfer system to receive the documents from the Commission (e.g. SFTP server or equivalent architecture). The contractor shall ensure that the proposed solution is allowed to be used at the Commission (from the point of view of the corporate security and technological rules & constraints)
- A security plan establishing the procedures that the contractor shall put in place in order to protect the sensitive information once received from the Commission. The plan shall describe how the information will be handled in order to guarantee confidentiality and integrity. It shall also cover the measures describing how the information shall be made unavailable by the contractor after the end of the contract. If not included in the security plan, the Commission may in addition request people involved in the contract and/or their hierarchy to sign confidentiality agreements. The plan shall be agreed by the Commission and be implemented by the contractor prior to receiving the documents.

Although this will be evaluated under Award Criteria 3, as mentioned above, from a financial point of view, the costs related to the establishment of such a system will not be financed through this contract and consequently the relevant costs should not be included in the tenderer's budget.

### **INTERMEDIATE AND FINAL OUTPUTS AND DELIVERABLES**

The contractor shall keep the Commission updated on its activities. Consequently, four reports shall be submitted to the Commission: three annual interim reports (at months 12, 24 and 36), and a final report 48 months from contract signature. Three paper copies of the interim and final reports shall be submitted, as well as an electronic version (both MS-Word version 2010 and pdf).

As for the reports' structure, the Commission will not require the respect of any specific layout. However, interim reports shall include all the deliverables due over the previous year.

The final report shall be composed of the following sections:

- List of deliverables submitted to the Commission due throughout the entire duration of the contract
- Concrete goals achieved
- Areas of risks identified in NER 300 projects and suggested mitigation actions

Finally, any deliverable shall include a disclaimer specifying that the views included in it are not those of the Commission but only those of the contractor.

All reports and deliverables shall be in excellent English.

All deliverables developed by the contractor for the Commission shall be considered as confidential. Consequently, the contractor shall not disseminate to any third party under any circumstances. The nature of the other expected deliverables is outlined in the table below:

<b>Task</b>	<b>Activity</b>	<b>Expected deliverable(s)</b>	<b>Performance and quality requirements</b>
Task 1: Assessing NER 300 annual reports	Assessing projects' annual reports (up to 39 every year) and suggesting ways of addressing any technological or other issue arising from them	One page per annual report, summarising the contractor's conclusions on the report and highlighting potential issues to be addressed as well as ideal ways of tackling them - Deliverable 1.1	<ul style="list-style-type: none"> <li>- Layout of relevant document to be developed by the contractor and approved by the Commission</li> <li>- Contractor's ranking of each section of each project's annual report (with simple indications such as "approved" or "issues to be addressed")</li> <li>- Clear description of the identified problems and of the rationale behind them</li> <li>- Clear identification of at least one possible way of dealing with each identified issue</li> <li>- If no problems are identified in a project, the one-pager should present a short assessment of its state-of-play</li> </ul>
	Summarising the conclusions of the yearly review of NER 300 annual reports	Annual summary outlining the main conclusions and lessons learnt of NER 300 annual reports review (up to 5 pages) – Deliverable 1.2	<ul style="list-style-type: none"> <li>- Layout of relevant document to be developed by the contractor and approved by the Commission</li> <li>- Description of the process and main conclusions of the annual review exercise</li> <li>- Identification of lessons learnt and areas of improvement for the following year</li> <li>- Development of a clear and concise summary table providing an overview of projects state-of-play and potential issues</li> </ul>
Task 2: Support to amending NER 300 Award Decisions	Short assessment of proposed changes notified by Member States every year	Short document per project (up to 5 pages) clarifying whether the proposed changes have an impact on the evaluation of the projects and outlining	<ul style="list-style-type: none"> <li>- Layout of relevant document to be developed by the contractor and approved by the Commission</li> <li>- Description of the nature and</li> </ul>

		the expected impact on projects of proposed changes or other unforeseen events (in terms of scope, timeline, performances, NER 300 funding and so on) – Deliverable 2.1	goal of the proposed changes  - Overview of the changes' impact on the selected NER 300 category, as well as on the project's timeline, performance, total and annual NER 300 funding (including upfront funding if applicable), funding rate, date of entry into operation and completion
	Explaining the changes to be implemented to relevant NER 300 projects via an amendment of the NER 300 Award Decision(s)	- One page per amended project with technological and financial inputs justifying and explaining the need for amending the NER 300 award decision(s) – Deliverable 2.2	- Layout of relevant document to be developed by the contractor and approved by the Commission  - Clear description of the technological and financial reasoning justifying the development of an amendment
Task 3: Technical support (hot-line for RES or CCS issues)	Addressing any technological or financial issue arising from the implementation of projects and acting, whenever needed, as the Commission's ad-hoc advisor over the entire duration of the contract	- 1-2 page note answering any technology- but also financial-related question the Commission might have on NER 300 projects – Deliverable 3.1  - Provision of a hot-line (phone call, email) to provide quick feedbacks to the Commission on any issue concerning NER 300 projects – Deliverable 3.2	- Response time (up to 5 working days)

### **PROGRESS MEETINGS FORESEEN WITH THE CONTRACTING AUTHORITY**

The following meetings shall be organised by the contractor to keep the Commission updated on the tasks performed:

- A kick-off meeting in Brussels, within the premises of DG CLIMA, to be held within 2 weeks from the date of entry into operation of the contract
- Regular telephone conferences

- Annual meetings in months 12, 24 and 36 to provide the Commission with the annual progress reports on the contractor's activities
- A final meeting to be held within 2 weeks from the date of completion of the contract. During this meeting, the final report shall be presented.

### **DURATION OF THE TASKS**

The duration of the contract is 48 months, from 1 January 2016 to 31 December 2019. The execution of tasks may not start before the contract has been signed.

### **INTELLECTUAL PROPERTY RIGHTS**

Intellectual property rights are covered by the service contract clauses I.8 and II.10.

### **Place of performance**

The place of performance of the tasks shall be the contractor's premises or any other place indicated in the tender, with the exception of the Commission's premises.

**ANNEX 1 - ADMINISTRATIVE INFORMATION FORM**

**Organisation or individual:**

**NAME:** .....

**ADDRESS:** .....

**Address where contract should be sent to (if different from above):**

.....

**PERSON AUTHORISED TO SIGN CONTRACT:**

**Name and position:** .....

**PERSON FOR ROUTINE CONTACT:**

**Name and position:** .....

**ADDRESS:** .....

**Telephone and E-mail:** .....

**Signature of Tenderer** .....

**ANNEX 2 – QUESTIONNAIRE FOR JOINT BIDS AND SUBCONTRACTING**

*This questionnaire should only be completed if your tender involves a joint bid or subcontracting.*

**Joint bid (refer to paragraph 1.3)**

1. Does your bid involve more than one tenderer?      Yes       No

Questions 2 - 4 shall be answered only if you have answered yes to question 1.

2. Please fill in the name of the company having power of attorney for the group of tenderers and acting as a co-ordinator:

\_\_\_\_\_

3. Please fill in the names of the other companies taking part in the joint offer:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. If a consortium or similar entity exists, please fill in the name and the legal status of the entity:

\_\_\_\_\_

**Subcontracting (refer to paragraph 1.4)**

5. Does your bid involve subcontracting?      Yes       No

If the answer is yes, please complete question 6, and the next page per sub-contractor.

6. List of sub-contractors:

.....  
.....  
.....

**Reasons, roles, activities and responsibilities of sub-contractors.**

Please complete this page for each sub-contractor (one page per sub-contractor):

Name of the sub-contractor:

.....

Official legal form:

.....

Country of registration:

.....

Statutory registration number:

.....

(Internet address, if applicable):

.....

Official address in full:

.....

Contact person:

.....

Telephone number:

.....

Reasons for subcontracting:

.....

Role, activities and responsibilities of the sub-contractor:

.....

The volume or the proportion of the sub-contracting:

.....

Do you intend to rely on capacities from the sub-contractor in order to fulfil the selection criteria? If yes, specify which selection criterion - financial and economic capacity or technical and professional capacity - and be aware that the tenderer must provide the documents which make it possible to assess the selection criteria.

.....

**Tenderer:**

**Date:**

**Signature:**

**ANNEX 3 – FINANCIAL OFFER TEMPLATE**

(for guidance purposes only)

**Price and Estimated budget breakdown**

Calculation of the costs (incl. travel, overheads, consumables and any other related costs)

Type of service provider	Position within the project team	Number of working days	Allocation of tasks	Proportion of the contract in %	Costs in €
<b>Lead contractor</b>					
	.....	.....	.....	.....	.....
	.....	.....	.....	.....	.....
	.....	.....	.....	.....	.....
	<i>Sub-total</i>	.....		.....	.....
<b>Sub-contractor 1</b>					
	.....	.....	.....	.....	.....
	.....	.....	.....	.....	.....
	<i>Sub-total</i>	.....		.....	.....
<b>Sub-contractor 2</b>					
	.....	.....	.....	.....	.....
	.....	.....	.....	.....	.....
	<i>Sub-total</i>	.....		.....	.....
<b>Sub-contractor 3</b>					
	.....	.....	.....	.....	.....
	.....	.....	.....	.....	.....
	<i>Sub-total</i>	.....		.....	.....
.....					
	<b>Total</b>	.....		.....	.....

**Signature of Tenderer**

.....

**Date**

.....

## **ANNEX 4 - LEGAL ENTITY AND FINANCIAL IDENTIFICATION FORMS**

These forms can be downloaded from

[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)  
(Legal entity form)

[http://ec.europa.eu/budget/contracts\\_grants/info\\_contracts/financial\\_id/financial\\_id\\_en.cfm](http://ec.europa.eu/budget/contracts_grants/info_contracts/financial_id/financial_id_en.cfm)  
(financial identification form)

## **ANNEX 5 - DECLARATION OF HONOUR**

### **Declaration of honour with respect to the Exclusion Criteria and absence of conflict of interest**

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 a subject of an administrative penalty for being guilty of misrepresentation in supplying the information required by the contracting authority as a condition of participation in a procurement procedure or failing to supply this information, or having been declared to be in serious breach of its obligations under contracts 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 control<sup>1</sup> 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]:
- 

<sup>1</sup> This covers the company directors, members of the management or supervisory bodies, and cases where one natural person holds a majority of shares.

- 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 penalties<sup>2</sup> 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 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
_____		

<sup>2</sup> 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

## **ANNEX 6 - ACKNOWLEDGEMENT OF RECEIPT**



EUROPEAN COMMISSION

DIRECTORATES-GENERAL  
ENVIRONMENT AND CLIMATE ACTION  
SRD - Shared Resources Directorate  
SRD.2 - Finance

*(Please fill in your address)*

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## **ACKNOWLEDGEMENT OF YOUR TENDER**

**Our reference:** Open Procedure CLIMA.C.1/SER/2015/0009

**Your reference:**

We wish to confirm the receipt and opening of your offer<sup>1</sup>. Your offer will now be evaluated by the Commission and its experts. You will be informed of the result in due course.

We thank you for your interest.

MarketsTeam  
SRD.2

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<sup>1</sup> Your personal contact data has been recorded in a database used by the Markets Team of unit SRD.2 for the administrative management of offers. The Commission is bound by Regulation 45/2001 on the protection of individuals with regard to the processing of personal data by the Union institutions and bodies. For more information, and to exercise your rights to access and eventually correct data concerning you, please don't hesitate to contact us.