

Guideline for BTSF Tenders

GUIDELINE FOR BTSF TENDERS

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I. INTRODUCTION

1 Objective of this Guideline

This document provides guidance to the potential tenderers for the preparation and submission of their tenders for Better Training for Safer Food contracts.

For further information please check the “BTSF Operational Guideline” and the “[BTSF Visibility Guideline](http://ec.europa.eu/eahc/food/guidelines.html)”, clicking the respective text or visiting <http://ec.europa.eu/eahc/food/guidelines.html>.

The Guide for Tender may be further modified based on the experiences gained from preceding calls for tenders. Updated versions of the Guide for Tender may be published with the publication of the future calls for tenders.

The present guide is based on and complements (a) the documents setting the legally binding rules for the BTSF calls for tender (cf. Chapter 2 “Legal Framework”) and (b) the documents published with the call for tender (e.g. Invitation to tenderers, Technical Specifications and the annexes). This guide does not supersede the afore-mentioned documents, thus in case of any contradictions between these documents and the present guide, the above documents prevail. Neither the European Commission and the Executive Agency for Health and Consumers, nor any person or body acting on their behalf can be held responsible for the use made of the guide.

II. LEGAL FRAMEWORK

This section lists the main legal provisions applicable to calls for tenders issued by EAHC for the Better Training for Safer Food Initiative (hereinafter referred to as BTSF).

2 Procurement procedure

The procurement procedure is governed by the following statutory provisions:

1) Part 1, Title 5 of Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the **Financial Regulation**¹ applicable to the general budget of the European Union, (as last amended).

2) Part 1, Title 5 of Commission Regulation (EC, Euratom) No 2342/2002² of 23 December 2002 laying down detailed **rules for the implementation** of Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Union (as last amended).

3) The **World Trade Organisation Agreement on Government Procurement**³, which the European Union joined following Council Decision of 16 November 1987 concerning the conclusion of the Protocol amending the GATT Agreement on Government Procurement with regard to the rules on participation in calls for tenders launched by EU institutions and bodies (please see point 7 below).

3 Better Training for Safer Food Initiative (BTSF)

1) Article 51 of Regulation (EC) No 882/2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules, provides the legal instrument for this initiative.

¹ OJ L 248, 16.9.2002, p. 1. Regulation as last amended by Regulation (EC, Euratom) No 1525/2007 (OJ L 349, 27/12/2007, p. 9)

² OJ L 357, 31.12.2002, p. 1. Regulation as last amended by Regulation (EC, Euratom) No 478/2007 (OJ L 111, 28/04/2007, p. 13)

³ OJ L 345, 09.12.1987, p. 24., http://www.wto.org/english/tratop_e/gproc_e/gproc_e.htm

2) The Executive Agency for Health and Consumers is responsible for carrying out the implementation tasks for the management of the food safety training measures covered by Regulation (EC) No 882/2004 and Directive 2000/29/EC as specified in article 4 of Decision 2004/858/EC.

3) The 2010 Work Programme of the BTSF initiative is defined in the respective Commission Decision (Commission Decision 2010/230/EU) of 23 April 2010⁴ including the overall budget and the technical fields covered.

4 Service contract

In drawing up his offer, the tenderer should bear in mind the provisions of the standard contract attached to the technical specifications (Annex VI). Submission of a tender implies acceptance of all the terms specified in the technical specifications and in particular in the attached standard contract including the general conditions applicable to contracts. Before submitting an offer, tenderers should read the provisions of the draft contract, in particular those relating to the payment modalities.

All documents and other deliverables produced by the tenderer in the frame of his offer and for the purpose of the project implementation become the property of the European Union and are deemed confidential.

Contracts awarded within the procurement procedures published by the Executive Agency for Health and Consumers are governed by **Union law**, complemented where necessary by the substantive law of Luxembourg.

III. INFORMATION ON THE BTSF CALLS FOR TENDER

5 Basic information on the Calls for Tender

The calls for tenders described in this document follow the **open procedure**. Contract will be awarded to the offer giving the **best value for money**.

It is important to be aware of the differences between the various **stages** of a call for tenders and the milestones associated with each stage:

(1) The complete documentation for the calls for tender is available at the website of the contracting authority, EAHC via the following link: <http://ec.europa.eu/eahc/food/tenders.html>, after the publication of the notice in the Official Journal of the European Union. Please note that no paper copies will be delivered by EAHC.

Should you have any question concerning the published documents, please follow the procedure as described under point 9 of the 'Invitation for tender'

(2) The **evaluation stage** starts with the **opening of the offers**. During this stage, the EAHC assesses the offers in the light of the criteria stated in the Technical Specifications.

(3) The **award stage** starts with the **adoption of the award decision** by the authorising officer of EAHC. This is followed by the **notification of the results** to all the tenderers. Within 48 days from when the **contract** is signed with the successful tenderer, a **contract award notice** is published in the Official Journal of the European Union. This action closes the procurement procedure.

⁴ OJ L 104, 23.04/2010, p. 60

6 Contacting EAHC about a Call for Tender

From the start of the tendering stage and until the end of the award stage, the only contact point for tenderers is as follows:

Executive Agency for Health and Consumers, BTSF-Team, DRB A3/003, 12, rue Guillaume Kroll L-1882 Luxembourg; Fax +352 4301-30359, E-mail: EAHC-BTSF-CALLS@ec.europa.eu.

You may not contact or attempt to contact individual members of the EAHC or European Commission staff with a view to discussing any aspect of an ongoing call for tenders. Note that any such attempt may lead to the exclusion of your tender from the evaluation.

IV. CONSIDERING TO SUBMIT AN OFFER

This section contains important information to help you to make a decision about whether to submit an offer in response to a call for tender.

7 Who can submit a tender?

Participation in public procurement procedures is open on equal terms to all natural and legal persons from:

- the 27 Member States of the European Union,
- countries party to the Agreement on the European Economic Area (EEA), such as Iceland, Liechtenstein or Norway,
- Croatia, Former Yugoslav Republic of Macedonia and Albania under their own Stabilisation and Association Agreements (SAA).

In case of purchase of services of a total value (contract price) of more than 125,000 euro or more, economic operators established in the following countries can also submit an offer:

- Canada, Chinese Taipei, Hong Kong-China, Israel, Japan, Republic of Korea, the Netherlands with respect to Aruba, Singapore, Switzerland and the United States,
- countries party to the Multilateral Agreement on Government Procurement concluded within the World Trade Organisation (WTO),
- Mexico and Chile on the basis of their bilateral agreements with the European Union.

Organisations from other countries can only participate as subcontractors of the tenderer.

8 How to understand the exact scope of the contract

The subject matter of the contract is mentioned in the contract notice, and described more fully in the Technical Specifications. In order to understand the exact scope of the contract, you should also consider the aspects mentioned below.

8.1 Volume of the contract

To guide you in preparing your offer, the Technical Specifications contain certain indications on the foreseeable volume of the contract (Chapter 8 “Volume of the contract” of the Technical Specifications).

8.2 Lots

When a call for tenders is divided into lots, this is explicitly mentioned in the contract notice and the Technical Specifications (Point II.1.8 “Division into lots” of the respective Contract Notice and Chapter 3 “Subject of the contract” of the Technical Specifications). If this is the case, and unless stated otherwise in the Technical Specifications, you **may submit offers for one lot only, for more lots, or for all the lots** (Point II.1.8 “Division into lots” of the respective Contract Notice).

Each individual lot is assessed in its entirety. You may therefore not submit an offer:

- that covers only part of a lot,
- that is declared as depending or being conditional on the award of any of the other lots of the call for tenders.

EAHC will disregard any statement to this effect contained in an offer, and reserves the right to reject such offers without further evaluation on the grounds that they do not comply with the technical specifications.

8.3 Variants

Variants are alternatives to any technical or financial aspects, or to any contractual conditions, described in a call for tenders (Chapter 7 “Variants” of the Technical Specifications). Unless stated otherwise in the contract notice and/or the technical specifications, **variants are not permitted**.

The EAHC will disregard any variants described in an offer, and reserves the right to reject such offers without further evaluation on the grounds that they do not comply with the Technical Specifications.

8.4 Product names and trademarks

Whenever the Technical Specifications mention a specific product name or trademark and a sufficiently precise and fully intelligible description is not possible, such mentioning should be understood as referring to that product ‘*or its functional equivalent*’.

9 Implications of submitting an offer

9.1 The very fact of submitting an offer

By submitting an offer for a call for tenders published by EAHC implies that you:

- **accept** all the terms and conditions as stipulated in the Technical Specifications and all other documents related to the procurement; and
- **waive** your own terms of business.

EAHC will disregard any qualification or disclaimer to that effect contained in an offer, and reserves the right to reject such offers without further evaluation on the grounds that they do not comply with the technical specifications.

Unless the Invitation to tenderers stipulate a different period, you will be bound by your offer for six months from the deadline for submission of offers (Point IV.3.7 “Minimum time frame during which the tenderer must maintain the tender” of the respective Contract Notice).

9.2 No obligation to award

When awarding a contract, EAHC undertakes to assess the offers in the light of the criteria laid down in the Technical Specifications.

However, the fact of publishing a call for tenders **does not oblige EAHC to award** the contract to a tenderer simply because its offer fulfils those criteria. It also reserves the right to decide not to award the contract to any tenderer (Chapter 13 “No obligation to award the contract” of the Technical Specifications). EAHC shall not be liable for any compensation with respect to tenderers whose tenders have not been accepted, nor shall it be liable when deciding not to award the contract

9.3 Tax exemption

The EAHC is exempt from all duties and taxes, in accordance with:

- Articles 3 and 4 of 12004V/PRO/07 of 16/12/2004, the Protocol on the Privileges and Immunities of the European Union annexed to the Treaty establishing a single Council and a single Commission of the European Union⁵.

⁵ OJ L 310, 16.12.2004, p. 026 -0266

- Article 143 of the Council Directive 2006/112/EC of 28 November 2006 on the common system of value added tax⁶.

The Governments of the Member States grant this exemption either through refunds upon presentation of documentary evidence, or by immediate exemption. EAHC will give the successful tenderer instructions regarding this point.

V. COLLABORATING WITH OTHER COMPANIES

Tenderers can consider two ways of collaboration to be proposed in an offer: either by way of including consortium partners (joint offer) in the offer or through subcontracting. Both **joint offers** and **subcontracting** are allowed in response to a call for tenders issued by EAHC. Offers may even combine both approaches. In the case of joint offers, one of the consortium partners has to be designated as Consortium Leader.

In any case, the offer must specify very clearly whether each entity involved in the offer is acting as a consortium partner in a joint offer or as a subcontractor (this also applies where the various companies involved belong to the same group, or even where one is the parent company of the others). The templates annexed to the Technical Specifications include a **tender submission form (Annex Ia)** for this purpose.

The implications of these two modes of collaboration are radically different. So that you can understand them both fully, they are outlined below.

10 Joint offers (Consortia)

Groups of tenderers (consortia) are authorised to submit tenders (joint offers) (Chapter 4.1 “Consortia” of the Technical Specifications). In this case each member of the consortium accept the terms and conditions set out in the Invitation to Tender, the Technical Specifications and the relevant annexes.

The members of the consortium shall designate one member as Consortium Leader with full authority to bind the consortium and each of its members. The Consortium Leader shall act as a single contact point with the Contracting Authority (EAHC) in connection with the procurement procedure and later on, if awarded, for the implementation of the contract. To this end, each consortium member shall co-sign a Letter of Mandate (Annex 1b of the Technical Specifications) with the designated Consortium Leader.

Restrictions to the principle of joint and several liability shall not accepted in the offer (e.g.: that one of the partners of the joint offer will be responsible for a part of the contract and another one for the rest; or that more than one contract should be signed if the joint offer is successful; etc.). EAHC will disregard any such statement contained in a joint offer, and reserves the right to reject such offers without further evaluation on the grounds that they do not comply with the Technical Specifications.

Joint offers will be assessed under the exclusion, selection and award criteria as indicated in Chapter 4.1 of the Technical Specifications.

11 Subcontracting

In case of subcontracting, the contract has been or is to be established between EAHC and a contractor who, in order to carry out that contract, enters into legal commitments with other legal entities for performing part of the work, service or supply (Chapter 4.2 “Subcontracting” of the Technical Specifications). However, the EAHC has no direct legal commitment with the subcontractor(s).

Accordingly:

- EAHC will treat all contractual matters (e.g. payment) exclusively with the contractor, whether or not the tasks are performed by a subcontractor;

⁶ OJ L 347, 11.12.2006, p. 31, Directive as last amended by Council Directive No 2010/23/EU (OJ L 72 p.1, 20.03.2010, p. 1)

- under no circumstances can the contractor avoid liability towards EAHC on the grounds that the subcontractor is at fault.

If your offer envisages subcontracting, your file must include:

- a clear statement of the roles, activities and responsibilities of subcontractor(s), and;
- specifying the proportion of the contract value for each subcontractor; (in Annex Ia of the Technical Specifications), and;
- a letter of intent by each subcontractor stating its intention to collaborate with you if you win the contract.

Offers including subcontracting will be assessed under the exclusion, selection and award criteria as indicated in Chapter 4.2 of the Technical Specifications.

11.1 Modifications concerning subcontractors

During execution of the contract, the contractor will need EAHC's authorisation to replace a subcontractor with another and/or to subcontract tasks for which subcontracting was not envisaged in the original offer (Article II.13 of the contract).

VI. PREPARING YOUR OFFER

This section describes how you should proceed when preparing your offer.

12 Availability of the Technical Specifications

EAHC makes available the Technical Specifications for downloading from its website (<http://www.BTSF.eu>). No paper copies will be sent to tenderers. Answers to questions of tenderers and any other important information about the call for tenders arising during the tendering period will be published on the website. It is the responsibility of the potential tenderers to check frequently this website during the tendering stage.

13 Drawing up your offer

13.1 Languages

You may submit your tender in any of the languages listed in IV.3.6) of the Contract Notice. Should decide to submit a tender in any language other than English, the tenderer is kindly invited to inform by e-mail EAHC-BTSF-CALLS@ec.europa.eu. (according to Points 2 and 3.1 a) of the Invitation to Tender).

13.2 Confidential information

EAHC undertakes to protect your commercial interests by treating all the information contained in your offer as confidential:

- Before the deadline for submission, in case of questions raised concerning the given procurement procedure and the call documents, the questions and the answers will be published on the EAHC website without an indication of who sent the question.
- During the evaluation of the offers and before the award decision, no information on the tenderers and their offers will be disclosed.
- Following the award decision, unsuccessful tenderers may obtain information about why their offers were rejected and, in some cases, about the name and the relative merits of the awarded tenderer, in line with the exact rules of the Financial Regulation and its Implementing rules. However, EAHC will not disclose any information where such disclosure would hinder application of the law, be contrary to public interest, harm your legitimate business interests or distort fair competition.

13.3 Protection of personal data

Public procurement procedures require the collection and further processing of personal data (for example, name, address or CV of natural persons). In addition, data (including personal data) relating to the contract implementation will be recorded in the BTSF database managed and used by EAHC and the Commission.

These data will be processed in accordance with Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Union institutions and bodies and on the free movement of such data⁷.

For more information about the data protection at EAHC, please refer to the Technical Specifications, and please read: http://ec.europa.eu/eahc/about/data_protection.html

13.4 Formal aspects

It is of great importance to how your offer is presented. The following guidelines lay down a **minimum standard** which must be respected in all cases.

You should draw up your offer **by filling in all the templates and annexes** attached to the Technical Specifications (except Annex IX: “Financial Statement Template”). Do not alter the numbering of the templates/annexes. Note that concerning the forms and other annexes, also including Annex V (Financial offer form), **no alteration** (by deletion or addition of texts, or by any other way) but the required filling in of data is **accepted**.

As far as possible, your offer should be drawn up using **word-processing or desktop publishing software**, in a font size giving a **readable** result on paper. Please note that where there is any discrepancy, **the paper version of the offer will prevail** over the electronic one.

Your offer must be **concise and clearly drafted**.

14 Signatures

The tender shall be signed in original (preferably in blue ink) according to the following rules (Point 6 of the Invitation to Tender and Annex VIII of the Technical Specification):

Administrative offer:

Signature of **Annex Ia** ‘Tender submission form’ by the **legal representative of the tenderer/consortium leader**

Signature of **Annex Ib** ‘**Letter of Mandate**’ (only in case of consortium) for **each consortium partner** co-signed with the **Consortium Leader**

Signature of **Annex IV** ‘**Declaration of honour**’ by the tenderer (**each member** of the consortium and by each identified sub-contractor)

Signature of **Annex VII** ‘Economic and Financial capacity’ by the tenderer (**each member of the consortium**); should subcontracting exceed 60.000,000 of the budget of the contract, it should also apply to **identified subcontractors**.

⁷ OJ L 8, 12.1.2001, p. 1

Financial offer:

Signature of **each page** of the financial offer (submitted according to Annex V ('Financial offer form')) by the **legal representative of the tenderer/consortium leader**.

14.1 Specific requirements for the financial offer

Prices **must** be quoted (Chapter 9 "Price" of the Technical Specifications):

1. **in euros**
2. **free of all duties and taxes (in particular VAT)**
3. **inclusive of all costs and expenses** directly and indirectly connected with the goods and/or services to be supplied.

Your financial offer should be completely **unambiguous**. Your offer will be excluded if it contains any statements preventing an accurate and complete assessment of the offers (such as "*To be discussed*", "*Depending on x*", etc.) or referring to external circumstances (such as an already existing but separate contract).

15 Preparing your offer for submission

15.1 Number of copies

Your offer must be submitted **in quadruplet**: one original and three copies (Point 2 of the Invitation to Tender). The original version must be clearly labelled "*Original*" and the three copies "*Copy 1*", "*Copy 2*", and "*Copy 3*". For the easier handling of the offers, the Executive Agency also requires an electronic copy of the tender, on three distinct data carriers (CD/DVD) according to the three parts of the offer (see Chapter 17 below). Electronic data shall be submitted in a format protected from intentional or unintentional modifications. Tenderers are requested to submit the scanned versions of the paper original, in ".pdf" or similar format.

Annex V and Annex VII maybe be submitted also in ".xls" format to promote handling of the included information.

15.2 Cover letter

Your offer may include a **cover letter** signed by the person(s) empowered to represent the tenderer and entitled to sign the contract if your offer is successful.

15.3 Special rules concerning the financial offer

The **financial offer** must be submitted **in separate envelope (envelope C)**, which must be clearly labeled as indicated in the invitation letter.

The electronic copy of these elements should also be clearly labeled (Call reference, Lot number as appropriate and offer part (administrative/technical/financial)).

Except in Envelope C and the respective CD/DVD, the tender must not contain any reference to amounts included in the 'Financial offer' that could hint the price offered by the tenderer.

VII. Organisation of your offer

16 Partition of the offer

- The tender shall be divided into three parts:
- Administrative offer
- Technical offer
- Financial offer

The information shall be organised according to the structure of the criteria in chapters 16, 17 and 18 of the Technical Specification, respectively.

The '**Administrative part**' shall contain (preferably in the following order) at least the documents concerning:

- the *exclusion criteria* (Chapter 16.1 of the Technical Specifications) – Annex IV filled in and signed concerning each member of the consortium and each subcontractor,
- the *eligibility criteria* (Chapter 16.2.1 of the Technical Specifications) – Annex Ia and Ib filled in as appropriate, and the relevant documentary evidence according to the respective national law {more explanation to be given}; Annex IIa, IIb, and IIc filled-in and signed, according to the legal status of the tenderer(s); for natural persons Annex IIc shall also be filled in and signed,
- the *economic and financial capacity criteria* (Chapter 16.2.2 of the Technical Specifications) – Annex VII filled in and signed for each member of the consortium, along with balance sheets and profit & loss accounts regarding the two last closed years, at the time of submission of the tender; (for exceptional situations see point 17.2 of this guideline);
- the *technical and profession capacity criteria* (Chapter 16.2.3 of Technical Specifications) – The detailed CVs of the Project Leader and the experts required in the Technical Specifications, Annex X filled in and signed for the Project Leader and the experts required in the Technical Specifications; a summary table with the Project Leader and tutors/experts required in the Technical Specifications; a list of relevant project experiences.

The '**Technical part**' shall contain at least:

- the documents concerning the detailed description of the technical solutions proposed by the tenderer, preferably in the order of the award criteria and the detailed information indicated in Chapter 17.1 of the Technical Specifications;
- any other information/document the tenderer consider useful to substantiate or justify its technical offer.

The '**Financial part**' shall contain:

- Annex V filled in and signed on each page;
- Information concerning the content of the financial offer **must not** appear in any other parts of the tender!

17 Administrative offer

17.1 General requirements

The administrative offer shall contain all the information (documents etc.) submitted in relation to the exclusion, eligibility and selection criteria as listed in Chapter 16 ('*Administrative Part*') of the Technical Specifications.

For easy reference,

- please use page numbers with preferably continuous numbering thorough the Administrative offer;
- please include a Table of Content.

To avoid missing information and to help the evaluation:

- follow a logical order when compiling the offer;
- one example could be the order of requirements in the Technical Specifications;
- answer all the requirements!

17.2 Financial Capacity

With reference to 16.2.2 of the Technical Specifications, for recently founded companies (i.e. those not able to provide some of the information required in the Technical Specifications) the following documentary evidences may be deemed as appropriate:

- a document proving the incorporation, including the date of incorporation (e. g. a recent extract from the company register);
- a paper copy of any document (even draft) showing of statutory accounts;
- a sound business plan, including a proof of the monetary figures stated in that plan.

For companies already established, the requirements and the evidence indicated in the Technical Specifications shall be included in the offer.

17.3 Technical and professional capacity criteria

17.3.1 Concerning the Project Leader

- please submit a CV also pointing out the experience you consider relevant to the post; and
- do not forget to attach Annex X signed by the person authorised to represent the tenderer.

Regarding relevant experience, the management of projects of a difficulty similar to the project applied for will be checked.

We also suggest to include the following table in the offer*:

Name	Relevant experience (years, reference to the attached CV)	Statement on availability & exclusivity (Annex X) attached (yes/no)

17.3.2 Concerning tutors

- the appointment of 2 tutors per training course (See Chapter 5.1 “Definitions” of the BTSE Operational Guideline) is required to demonstrate access to technical knowledge.

For each tutor proposed,

- please submit a CV also pointing out the experience you consider relevant to the post; and
- do not forget to attach Annex X signed by the appointed persons!

We also suggest to include the following table in the offer*:

Name	Field/training course proposed for	Experience (years, reference to the attached CV)	Statement on availability & exclusivity (Annex X) attached (yes/no)

* Available in a Word format in Annex, published with this Guideline at www.BTSE.eu

17.3.3 Concerning Project experiences

For the demonstration of experience, a table similar to the following should be included in the offer*:

Ref No. X	Project Title:							
Name of Legal entity	Country of performance	Overall Project Value	Proportion carried out by legal entity	No. of staff provided	Name of Client	Origin of funding	Period of implementation (from – to)	Name of partners if any
			XX %					
Detailed description of the Project							Type of services provided	
Ref No. X+1	Project Title:							
Name of Legal entity	Country of performance	Overall Project Value	Proportion carried out by legal entity	No. of staff provided	Name of Client	Origin of funding	Period of implementation (from – to)	Name of partners if any
			XX %					
Detailed description of the Project							Type of services provided	

* Available in a Word format in Annex, published with this Guideline at www.BTSF.eu

Please also include a table similar to the following concerning the most relevant projects to help the easy checking of data* :

A) Reference No.	B) Project value	C) Proportion	D) Actual participation B) x C)
Sum			

18 Technical Offer

18.1 General requirements

The technical offer shall contain all the information (documents, etc.) submitted in relation to the technical award criteria as in Chapter 17 "Technical Part" of the Technical Specifications.

For easy reference,

- please use page numbers with preferably continuous numbering thorough the Technical Offer; and
- please include Table of Content.

To avoid missing information and to help the evaluation,

- follow a logical order when compiling the offer;
- one example could be the order of requirements in the Technical Specifications; and
- answer all the requirements!

18.2 Sealing your offer

Tenders must be submitted using the double envelope system – i.e. one outer envelope and three inner envelopes – in order to guarantee the confidentiality and the integrity of data.

The **outer envelope** must be marked exactly as follow* :

<p>TENDER</p> <p>– NOT TO BE OPENED BY THE INTERNAL MAIL DEPARTMENT</p> <p>Tender Ref. no. EAHC/2010/BTSF/XX</p> <p>Title of the call for tender:</p> <p>Name of the tenderer:</p> <p>Address of the tenderer:</p> <p>Lot applied for:</p> <p>Language of the tender:</p>

* Available in a Word format in Annex, published with this Guideline at www.BTSF.eu

If self-adhesive envelopes are used, they must be sealed with adhesive tape and the sender must sign across the tape.

You may use boxes instead of envelopes if the size or weight of your offer so requires.

VIII. SUBMITTING YOUR OFFER

The **deadline for submitting offers** is indicated in the Contract Notice (point IV.3.4 “Time-limit for receipt of tenders or requests to participate”) and in the Invitation to Tender (point 3.1).

You may submit your offer in any of the following **three ways**. You should be aware that each of these ways has different implications as regards the **observance of deadlines**.

19 Delivery by hand

The tenderer (or an authorised representative) may deliver the offer in person at EAHC’s premises. The offer must be **deposited** at no later than **16h00 hours on the final date for the submission of offers**. When using a courier service, tenderers should instruct the courier service to deposit the offer at the address indicated in the paragraph below.

At the time of issuing of this guideline, the Central Mail Office is located at the following address:

Jean Monnet Building
Rue Alcide de Gasperi
L-2920 Luxembourg

and is open from Monday to Friday from 07.00 to 17.00 (16.00 on Fridays).

You are fully responsible for ensuring that your offer is deposited in time.

A Commission official of the Central Mail Office taking delivery of the offer will issue a receipt stating the date and time of delivery. This receipt will serve as proof of compliance with the deadline. For security reasons, delivery by hand by the tenderer or a courier service to premises of the EAHC other than the Central Mail Office **cannot be accepted as a valid deposit**.

20 Through the national post office or by courier service

You may send your offer by mail through the national post office. In this case, you must use **registered** mail. You may also send the offer through a courier service, i.e. a third party other than the national post office. In both these cases your offer must be **posted** no later than **midnight on the final date for the submission of offers**. When using a courier service, tenderers should instruct the courier service to deposit the offer at the address indicated above.

Proof of compliance with the deadline will be the **postmark** or **receipt of the courier service** respectively. Exceptionally, if no postmark has been stamped or if the postmark is not legible, EAHC may accept alternative evidence, such as a receipt issued by the post office, provided that this clearly indicates the date and has been filled in by the post office and not by the tenderer.

IX. OPENING OF THE OFFERS

An Opening Board will open all the offers on the date, and at the time and place, indicated in the Contract Notice (Point IV.3.8 “Conditions for opening tenders”) and in the Invitation to Tender (Point 3.2). Each tenderer may send one representative to the opening session. If you choose to do so, you should notify the name of that person by fax or by e-mail to EAHC, not later than two working days before the opening session.

The opening session will be strictly limited to the following aspects:

- verification that each offer has been submitted correctly i.e. the deadline for submission has been complied with, and the offer was sealed so that the confidentiality and integrity of the data was guaranteed;

- announcement of the names of tenderers/in case of a consortium, the name of the consortium leader for each lot. The names announced will be those of the tenderers having submitted offers, as they appear on the envelopes, receipts and/or routing slips. These names may or may not correspond to the precise legal identity of the actual tenderers. The exact names of consortium partners and subcontractors name will not be disclosed.

The tenderers' representatives will be required to sign an attendance sheet. The Opening Board will play no further role in the procedure.

X. ASSESSMENT OF TENDERERS AND OFFERS

Following the opening ceremony, contacts between EAHC and the tenderers may take place in only in exceptional cases and according to point 9.2 of the Invitation to tenderers and Chapter 22 below. During the evaluation phase, no contacts with the European Commission are allowed.

The offers will be assessed by an Evaluation Committee working under conditions of confidentiality. Once the assessment is completed, the Evaluation Committee will draw up a report for the competent authorising officer, who will make the final decision on the award of the contract.

Offers will be assessed in the light of the criteria explicitly announced beforehand in the technical Specifications. Only offers meeting the requirements of each phase of the assessment will be admitted to the next phase.

21 Principles of the evaluation

Offers will be evaluated by guaranteeing the full application of the equal treatment principle.

*N.B.: though BTSF training projects are generally similar, and therefore the relative impact values (points) of the main risk categories (criteria) are the same, due to specific characters (technical field, number of training sessions, number of training participants, specific requirements, etc.) of these projects, the same solution may have different risk probability, and they may result in different scores. Therefore **it is strongly suggested that the tenderer prepares tailor-made offers for each lot/call**, reflecting these specific issues.*

22 Clarifying the Offers

Once the offers have been opened, the Evaluation Committees may contact you in writing to obtain further clarification on specific points of your offer or to correct obvious clerical errors. You should be prepared to reply to such requests for clarification within a very short deadline.

Such contacts must not lead to any alteration of the terms of the offer and may only relate to elements already mentioned in the tender.

More particularly:

- You must not modify your offer or add any new elements to it not already included in the offer. Your reply must therefore make clear reference to the relevant information already present in the file.

- Where the financial offer is concerned, you must not add any new prices but only explain it on the basis of elements already present in the file, which should be explicitly mentioned. If you fail to observe these restrictions, your reply will be disregarded. Should your reply contradict your original offer, the EAHC reserves the right to exclude your offer.

23 Main Technical Award Criteria

23.1 Quality of training methodology

This is to evaluate the risks resulting from the proposed training methodology and technology concerning the achievement of the project's purposes.

23.2 Project management methodology and team management

This is to evaluate the risks resulting from the proposed project management system concerning the achievement of the project's purposes.

23.3 Technical merit

This is to evaluate the risk whether training participants would receive the most appropriate technical information

23.4 Quality of the logistical arrangements and the administrative support

This is to evaluate the risks resulting from the proposed logistical arrangements concerning the achievement of the project's purposes. It also concerns quality management issues, and the assurance of business continuity in various emergency situations.

23.5 Presentation of the tender

This is to evaluate the risk related to the presentation of the tender. Since the offer of the contractor becomes a part of the contract, it is of paramount importance that no ambiguities or misunderstandings are imported to that document.

24 Detailed explanation of Award Criteria

N°	Award criterion	Detailed information to be provided in the technical proposal	Points	Sub-totals	Remarks
1.	Quality of the training methodology	Quality of the methodological mix (appropriate methods, balance, etc.)			<p>Appropriateness of methods (group work, field-visits, “active learning”, etc.)</p> <p>Proper balance within the methodological mix: order, sequence and weighting of training techniques.</p>
		Promotion of uniformity and quality of control practice (National practices in relation to EU rules)			<p>Emphasis on harmonized EU rules.</p> <p>Active exchange of participants’ views;</p> <p>Sufficient mix of participants’ countries of origin at single training sessions (i.e. the participants of one training session should come from the biggest number of countries possible, and participants from the same country should take part at different training sessions).</p>
		Opportunity to promote interpersonal relations (teamwork, possibility to exchange personal views, etc.			<p>Promoting network building among participants by teamwork techniques, discussions, social events, etc.</p> <p>Follow-up actions making the networks sustainable</p>

N°	Award criterion	Detailed information to be provided in the technical proposal	Points	Sub-totals	Remarks
2.	Project management methodology and team management	Planning and the day to day management of the project demonstrated through examples			<p>Demonstrating through an example training (including detailed information on “who” does “what” and “when”) at least the following phases:</p> <ul style="list-style-type: none"> - planning steps, preparation of the course (<i>inter alia</i>: confirming training venue, tutors, etc.; timely information of national authorities (NCPs, EU Delegations etc., as appropriate), sufficient time for registration of participants, establishing the list of participants; ensuring visa, flight tickets and hotels; communication with EAHC and other stakeholders, and reporting) - course management (reception of participants, local transport, registration, distribution of training packages, assistance to participants in technical and everyday issues; social events, distribution of certificates, ensuring visibility of the training and of BTSE; etc.) - follow-up (collecting feedback from participants; keeping contact with participants after the training; reporting; etc.)

N°	Award criterion	Detailed information to be provided in the technical proposal	Points	Sub-totals	Remarks
		Proposed methods for the management of participation according to the requirements			<p>Detailed description of at least the following:</p> <p>Methods and means of announcement of the trainings to potential participants (Information of potential participants, how to collect and manage applications, methods and means to be used mobilising participants, specific measures ensuring that quotas are met).</p> <p>Methods to ensure sufficient numbers of participants for each training session i.e. quota management.</p> <p>Communication with (N)CPs, EAHC, etc.</p>
		Management structure			<p>Clear description of tasks and responsibilities among consortium members and/or subcontractors, as appropriate.</p> <p>Who does what within the contractor / consortium concerning functions and staff, who has the power to decide?</p> <p>Use of clear terminology compatible with the Technical Specification.</p>
		Project management methods proposed			<p>LogFrame, PDCA, GANTT, SOPs or others.</p> <p>Preferably demonstrated through practical examples/use.</p>

N°	Award criterion	Detailed information to be provided in the technical proposal	Points	Sub-totals	Remarks
3.	Technical merit	To ensure that the most appropriate tutors are made available for the project			<p>“In-house” includes all expertise of the consortium members. During the evaluation of the offer score will be calculated considering three levels of risks:</p> <p>1st level: how in-house experts are selected (already provided, clear selection methodology described)</p> <p>2nd level: how external partners are selected (their relative weight, already selected, clear selection methodology described)</p> <p>3rd level: how experts are selected at external partners (their relative weight, already selected, clear selection methodology described, proven accessibility for the contractor).</p> <p>Weighting of the different risks is proportional to the ratio of in-house / external experts</p>
		Technical viability of the training locations offered.			<p>Training locations:</p> <ul style="list-style-type: none"> - technical viability of the location for the training (appropriateness according to the technical field) - easy access to suitable field-visits, - accessibility for the contractor (owners, proven partnership with the owner) - key-person of location involved

N°	Award criterion	Detailed information to be provided in the technical proposal	Points	Sub-totals	Remarks
		Access to relevant technical knowledge by networking at EU and international level.			<p>Proven access to relevant knowledge</p> <p>Participation in EU and international knowledge sharing</p> <p>Description of methods making state-of-the-art knowledge available for the training</p>
4.	Quality of the logistical arrangements and the administrative support	Geographical viability of the training locations offered			<p>Accessibility for participants (suitable intern. and local transport, access to appropriate hotels, catering, etc.),</p> <p>Access to appropriate meeting facilities</p> <p>- appropriate and equal distribution of training sessions in the EU/world.</p> <p>- training sessions evenly spread over the proposed locations.</p>
		Description of a quality assurance system in place to ensure the performance of the contract			<p>QA system described and in place Certification specific for training would be an asset</p> <p>Quality control procedures description in detail</p> <p>Quick reaction and adaption to unforeseen events (flexibility)</p>
		Description of emergency measures			<p>Business continuity measures</p> <p>Management of emergency situations (e.g. disruption int. transport, unavailability of key staff)</p> <p>Illness /accidents of participants during training</p>

N°	Award criterion	Detailed information to be provided in the technical proposal	Points	Sub-totals	Remarks
5.	Presentation of the tender	Clearness and conciseness of the tender			<p>References (Table of Content, page numbering)</p> <p>The tender must be clear, readable and concise in terms of structure, content and presentation including an index, continuous page numbering and be assembled in a coherent way.</p> <p>Terminology is properly applied, as appropriate.</p>
		Responsiveness to the Technical Specifications (coverage, details, etc.)			<p>Each part of the Technical Specifications is covered</p> <p>Each field is proportionally covered</p> <p>Sufficiently detailed.</p>
				/100	

25 Award

Unless stated otherwise in the contract notice and the Technical Specifications, the offer presenting the **best value for money** will be identified in the following way:

- (1) The offer with the best technical score will receive a relative quality score (Q') of 100 points. The remaining offers will receive lower Q' values in proportion to their technical scores.
- (2) The offer found to be of the lowest price will receive a relative price score (P') of 100 points. The remaining offers will receive lower P' values in proportion to their prices.
- (3) A **final score** will be calculated for each offer by using an equation described in the Technical Specifications (Chapter 18.1 "Evaluation of the price"). The highest result will go to the offer presenting the best value for money.

XI. OUTCOME OF THE CALL FOR TENDERS

During the assessment period, the EAHC will not provide any information on an ongoing call for tenders. The only contacts allowed with tenderers are those mentioned in Point 22 "Clarifying the offers". Should you not be contacted, do not regard this as either a positive or a negative sign. You will be informed of the outcome of the call for tenders in the three ways outlined below.

26 Notification of results

Following the authorising officer has signed the award decision, a **notification letter** will be sent simultaneously to all tenderers. Letters to unsuccessful tenderers may state the summary of grounds on which the decision was made.

Please note that the dispatch of these letters does not constitute the conclusion of the contract, therefore it cannot be considered as a legal commitment from EAHC.

EAHC does not sign the contract until a period of at least 14 calendar (standstill period) days has elapsed following the dispatch of the notification letters. Please note that there is not standstill period in some cases (as listed in Article 158 a 2 of **the rules for the implementation** of Council Regulation (EC, Euratom) No 1605/2002⁸ of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Union (as last amended)., e.g. if only one offer was submitted.

27 Additional information

If you are notified that your offer has not been successful, you may request additional information by fax or mail. This information can be given in a **follow-up letter** providing further details in writing, such as the name of the tenderer to whom the contract is awarded and a summary of the characteristics and relative advantages of the successful offer (please also see Point 13.1 "Confidential Information" and 13.2 "Protection of Personal Data"). In line Article 149 of the Implementing Rules, the detail of information provided to unsuccessful tenderers depend on whether they have submitted and admissible offer by complying with the exclusion and selection criteria.

28 Award notice

Within 48 calendar days, following when the contract is signed, EAHC will publish an award notice in the Official Journal of the European Union summarising the results of the procurement procedure.

⁸ OJ L 357, 31.12.2002, p. 1. Regulation as last amended by Regulation (EC, Euratom) No 478/2007 (OJ L 111, 28/04/2007, p. 13)

