



EUROPEAN COMMISSION
DIRECTORATE-GENERAL MIGRATION and HOME AFFAIRS
Directorate E : Migration and Security Funds
Unit E.1 : Union actions

CALL FOR TENDERS

N° HOME/2016/AMIF/FW/MIGR/0012

TENDER SPECIFICATIONS

**Framework Contract for Technical and support services
(TSS) in the field of Irregular migration and Legal
migration**

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5. ANNEXES

1. INFORMATION ON TENDERING

1.1. Participation

Participation in this procurement procedure is open on equal terms to all natural and legal persons coming within the scope of the Treaties, as well as to international organisations.

It is also open to all natural and legal persons established in a third country which has a special agreement with the Union in the field of public procurement on the conditions laid down in that agreement. Where the plurilateral Agreement on Government Procurement¹ concluded within the World Trade Organisation applies, the participation to this procedure is also open to all natural and legal persons established in the countries that have ratified this Agreement, on the conditions it lays down.

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. Compliance with applicable law

The tender must comply with applicable environmental, social and labour law obligations established by Union law, national legislation, collective agreements or the international environmental, social and labour conventions listed in Annex X to Directive 2014/24/EU².

1.4. Joint tenders

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

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

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

¹ See http://www.wto.org/english/tratop_E/gproc_e/gp_gpa_e.htm

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

1.5. Subcontracting

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

Tenderers are required to identify all subcontractors whose share of the contract is above 20 % and whose capacity is necessary to fulfil the selection criteria.

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

1.6. Structure and content of the tender

The tenders must be presented as follows:

Part A: Identification of the tenderer (see section 1.7)

Part B: Non-exclusion (see section 3.1)

Part C: Selection (see section 3.2)

Part D: Technical offer

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

Part E: Financial offer

The tenderer's attention is drawn to the following points:

- The price for the tender must be quoted in euro. Tenderers from countries outside the euro zone have to quote their prices in euro. The price quoted may not be revised in line with exchange rate movements. It is for the tenderer to bear the risks or the benefits deriving from any variation.
- **Prices must be quoted free of all duties**, taxes and other charges, including VAT, as the 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.
- **The Price Schedule** (Table of Unit Prices), to be submitted **according to the form attached in Annex 2**, will constitute the future contractual basis for the pricing for the “specific contracts”.

Bidders must provide the fees for each professional profile These personnel fees must be fixed and **include all costs** (project management, quality control, training of the contractor's staff, support resources, etc.) and **all expenditure** (management of the firm, secretariat, social security, salaries, etc.) incurred directly and indirectly by the contractor in performance of the tasks which may be entrusted to him.

Travel and subsistence expenses: For Lot 1 and 2: for each specific contract travel and subsistence expenses necessary to realise the tasks under the specific contract will be charged at a flat rate. These expenses will be taken into consideration in the total costs presented in the offer.

Price revision is not applicable to this FWC.

1.7. Identification of the tenderer

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

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

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

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

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

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

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

2. TECHNICAL SPECIFICATIONS

2.1. Subject of the contract

The services for which DG Home is requesting assistance from companies have been grouped into 2 lots which are described in more detail below. The reason for this division was to group the services requested into coherent batches corresponding to given professional sectors.

The same company may tender for more than one lot. Nevertheless, a separate tender must be made for each lot and each tender must cover all the tasks in the lot to which it refers. Bidding for only part of the tasks in a lot is specifically ruled out and will lead to the exclusion of the tender.

The main aim of the framework contract is to provide consultancy and technical support services on matters related to the prevention and addressing of irregular migration (lot 1) and legal migration (lot 2), in order to support the effective implementation of the relevant components of the European Agenda on Migration and related policies and activities undertaken by the European Commission. The framework contract falls under the Union Actions of the Asylum Migration and Integration Fund and will be established for a period of 4 years.

The indicative amount of the Framework contract per lot is the following:

- Lot 1: 6.000.000€

-Lot 2: 3.000.000€

The services described below are included within the scope, but the scope is not only limited to the following.

Lot 1

CONSULTANCY AND TECHNICAL SUPPORT SERVICES IN THE AREA OF IRREGULAR MIGRATION

- 1.1. to carry out analytical work, knowledge gathering activities and studies in the area of irregular migration in order to allow for better informed decision-making and policy-development; these activities could include gathering primary data through fieldwork in third countries
- 1.2. to carry out analytical work in order to target and develop information and awareness raising campaigns on the risks of irregular migration, migrant smuggling and availability of legal migration channels in key third countries of origin and transit;
- 1.3. Draw up needs assessments in priority third countries of origin and transit, which should take account of existing work and on-going projects in order to gather and aggregate information:
 - 1.3.1. to feed into the elaboration of national and regional strategies on irregular migration, focusing on addressing migrant smuggling;
 - 1.3.2. to assess and draw up action plans in the area of population data collection, notably civil registries and biometric databases;
- 1.4. Within the framework of the Union's Global Approach to Migration and Mobility, provide support to preparatory work for capacity building projects aimed at specific priority third countries of origin and transit of irregular migration;
- 1.5. provide consultancy and data processing services to the European Commission in the context of legislative revisions falling within the policy area of irregular migration and return; and to provide consultancy support for Commission events at which irregular migration matters are discussed.
- 1.6. provide consultancy services in the domain of addressing the needs of particularly vulnerable groups of irregular migrants both within and outside the EU;
- 1.7. to provide support in effectively disseminating information and outcomes of consultancy work to the relevant stakeholders and target groups, both within and outside the European Union as identified by the European Commission. This can include both designing the dissemination strategy and where relevant carrying out the dissemination activities themselves.
- 1.8. the contractor is to provide an expert speaking the language of the third country where local contact is required to achieve aims of activities.

Detailed description of planned activities for Lot 1:

Activity 1.1 – Carrying out analytical work, knowledge gathering activities and studies in the area of irregular migration in order to allow for better informed decision-making and policy-development, these activities could include gathering primary data through fieldwork in third countries

In order to underpin and better inform policy decisions related to irregular migration and migrant smuggling, the European Commission may task the contractor with carrying out analytical work, knowledge gathering activities and studies. These studies could for example touch upon the evaluation of current EU legislation and also studies related to topics like the synergies between migrant smuggling and other closely linked criminal activities, such as trafficking in human beings. The research activities would need to be carried out both within the EU, but also in third countries. The need to collect primary information in third countries would mean that sub-contracting to local entities in selected key third countries of origin and transit for irregular migration may be necessary.

Activity 1.2 – Carry out analytical work in order to tailor and develop information and awareness raising campaigns on risks of irregular migration, migrant smuggling and legal migration channels to reach communities in key third countries of origin and transit (either directly or through engaging diaspora communities within the EU)

The European Commission may task the contractor to help design the information and awareness raising campaigns, (e.g. tailor to target audience, means of dissemination, effective messaging etc.). In order to prepare an effective information campaign a thorough analysis of effective messages and dissemination channels for specific target groups needs to be studied, both within the EU through the engagement of diaspora communities, as well as directly in priority third countries of origin and transit of irregular migration. Each information campaign includes a necessary robust planning phase allowing for identification of the problems, stakeholders and target audiences, objectives and intended outcomes and most suitable communication channels, techniques and tools. Ex-post evaluation of results and impacts of previous information campaigns should feed into this work.

Information campaigns may be framed under the non-exhaustive list below in order to:

- Respond to an identified gap based on a needs assessment in third countries identified by the European Commission. These needs assessments should take into account the effectiveness and evaluation of any existing information and prevention campaigns and counter-narratives in the media aimed at addressing irregular migration;
- highlight the possibilities of legal migration to the EU in order to avoid perilous journeys;
- provide information about the realities of the irregular migration journey to the EU and a counter-narrative to that provided by migrant smugglers;
- cover several channels of dissemination including, but not strictly limited to social media and other online resources;
- be elaborated in line with the objectives set out in the European Agenda on Migration and the EU Action Plan against migrant smuggling and other emerging priorities of the European Commission.

Activity 1.3.1 – Preparing needs assessments in priority third countries of origin and transit to allow for the elaboration and/or strengthening of national and regional strategies and policies to prevent and counter irregular migration and migrant smuggling

The European Commission may task the contractor with preparing tailored needs assessments on irregular migration related policies in up to 4 selected priority third countries of origin or transit of irregular migration per year.

The needs assessments will include initial desk research followed by a comprehensive field visit in the third countries in question, including collection of primary data from the national, regional and local authorities of the selected third country and other relevant stakeholders (e.g. international organisations), to determine where deficiencies in irregular migration related policies, in particular the prevention and combatting of migrant smuggling may lie. This will include keeping track of work and on-going projects in order to analyse trends, compile main results and establish links with future projects.

The needs assessments will feed into the elaboration of projects supporting development of national and regional strategies and policies, bringing national legal frameworks in line with international standards and strengthening law enforcement and criminal justice response of the third countries to irregular migration and migrant smuggling. This activity does not include a logistical support element.

Activity 1.3.2 - Preparing needs assessments and feasibility assessments in priority third countries of origin of irregular migration in the area of population data collection, notably on civil registries and biometric databases.

Depending on the needs of each country and on the state of play with existing biometric registries, the European Commission may ask the contractor to carry out country specific needs and feasibility assessments. The main areas of assessment should cover:

- Assessing the feasibility and costs of new civil registry systems based on biometric data / upgrade or extension of existing civil registry system(s) [to make them more secure/to increase their capacity/to expand their functionality] / interconnecting existing systems (civil registry, voters systems, border management systems) [incl. licences, implementation, guarantee linked to the implementation of such systems];
- Assessing the necessity of and costs associated to data storage and network improvements;
- Assessing the feasibility and costs of digitalisation and transfer of existing data into biometric registries;
- Assessing the process and costs of collection of new biometric data (depending on the needs and on the purpose of the database: fingerprints, iris, face)
- Assessing the needs and costs in terms of required new equipment – mobile equipment for collection of new data (fixed or mobile) in the third country, mobile equipment to identity verification/identification (e.g. in the consulates of the third countries in the EU)
- Assessing the costs of maintenance and technical support

Interoperability aspects will be taken into account when considering between different technical options available. The geographical focus of this activity is Africa.

Activity 1.4 – Providing consultancy support to the European Commission for preparatory work to allow capacity building projects on irregular migration, notably on aspects related to readmission and migrant smuggling in third countries based on needs assessments

The contractor may be asked to provide consultancy support to the Commission in providing the selected third countries and regions, with capacity building and technical assistance in the field of

irregular migration and migrant smuggling. The consultant will also be tasked with suggesting relevant experts to the European Commission to deliver knowledge transfer training and seminars depending on the expertise required. These activities can involve inter alia:

- knowledge transfer in the drafting of legislative and policy documents in line with the UN Protocol on Smuggling of Migrants by Land, Sea and Air;
- devising training material and provision of expertise in the field of law enforcement (e.g. collection of analysis and information, document fraud etc.), criminal justice, and integrated border management systems;

Activity 1.5 - provide consultancy and data processing services to the European Commission in the context of legislative revisions falling within the policy area of irregular migration and return; and provide consultancy services to the European Commission for events organised related to irregular migration, migrant smuggling and return within the EU and in third countries e.g. EU cooperation platforms.

Activity 1.5.1 - In the context of the evaluation and possible reviews of European Union legal framework related to irregular migration, migrant smuggling and return, the contractor may be tasked with assisting the European Commission in devising surveys and other forms of consultation documents, collecting, processing and analysing the data received from stakeholders (e.g. in the context of public consultations).

Activity 1.5.2 – Consultancy for events related to irregular migration, migrant smuggling and return, support may entail the following activities:

- propose a draft agenda, including topics and profile of speakers;
- propose speakers, participants and other relevant stakeholders;
- prepare up to two technical/analytical documents for the meeting (ca. 1,000 to 2,000 words + appendices);
- the contractor may be required to attend the event and provide ad hoc technical/analytical advice;
- prepare a technical/analytical report from the discussions during the event (ca. 1,000 to 2,000 words + appendices).

Events may last up to 3 days and may take place anywhere in the European Union (most of them in Brussels) or in priority third countries of origin or transit of irregular migration.

Activity 1.6 - provide consultancy services in the domain of addressing the needs of particularly vulnerable groups of irregular migrants both within and outside the EU

The contractor may be asked to provide consultancy services on how best to ensure that vulnerable groups of irregular migrants' needs are best met. This exercise could include, but is not strictly limited to the review of best practice through literature reviews and assessment from international organisations in order to determine best practices in addressing the needs of vulnerable irregular migrants. Needs assessments in relevant EU countries and third countries will have to be drawn up depending on the priority countries set by the European Commission. This exercise will have to involve engaging with national authorities and civil society organisations through consultations. The contractor will be tasked with carrying out the research work as well as the drafting of the

summary and recommendations. The material resulting from this activity could be, but is not limited to tailored needs assessment reports to certain countries, action plans, guidance documents etc.

Activity 1.7 - to provide support in effectively disseminating information and outcomes of consultancy work to the relevant stakeholders and target groups, both within and outside the European Union as identified by the European Commission. This can include both designing the dissemination strategy and where relevant carrying out the dissemination activities themselves.

The contractor may be tasked with designing the most effective channels and modalities of disseminating information and outcomes of consultancy work related to irregular migration policies to relevant stakeholders and target groups, as identified by the European Commission. When relevant, the contractor may be tasked with carrying out the dissemination activities themselves. These dissemination modalities are expected to be flexible and tailored to the target audience in question, therefore they could include inter-alia include dissemination via traditional paper means, through the production of information material based on consultancy work, as well as through other means such as digital media and through the delivery of information sessions to a live audiences by the contractor themselves.

Lot 2

CONSULTANCY AND TECHNICAL SUPPORT SERVICES IN THE AREA OF LEGAL MIGRATION AND INTEGRATION

2.1 – Carry out analytical work, knowledge gathering activities and studies in the area of legal migration and integration of third-country nationals in order to allow for better informed decision-making and policy-development.

2.2 – Carry out analytical work in order to tailor and develop information and awareness raising campaigns on availability of legal migration channels in key third countries (either directly or through engaging diaspora communities within the EU) as well as information campaigns on legal migration and integration for the general public.

2.3 – Carry out analytical work in order to follow up and complement the actions set out in the Commission's Action Plan on the integration of third-country nationals.

2.4 - Provide consultancy and carry out analytical work, knowledge gathering activities and studies for the European Commission in the context of legislative review in the area of legal migration, in the framework of the EU work on integration as well as resulting from the findings of the "*Legal Migration Fitness Check*" or other pertinent studies and to provide consultancy support for Commission events at which these issues are discussed.

2.5 - Provide consultancy services in the domain of addressing the needs of particular groups of legal migrants as well as particular integration challenges.

Detailed description of planned activities for Lot 2:

Activity 2.1 – Carry out analytical work, knowledge gathering activities and studies in the area of legal migration and integration of third-country nationals in order to allow for better informed decision-making and policy-development.

In order to underpin and better inform policy decisions related to legal migration and integration, the European Commission may task the contractor with carrying out analytical work, knowledge gathering activities and studies. These studies could for example touch upon the evaluation of current EU migration policies, labour market needs, demographic challenges, integration policies, challenges and good practices, and the social and cultural long-term impact of migration flows. The research activities would need to be carried out within the EU, but possibly also in third countries. These activities could include gathering primary data through fieldwork.

Activity 2.2 – Carry out analytical work in order to tailor and develop information and awareness raising campaigns on availability of legal migration channels in key third countries (either directly or through engaging diaspora communities within the EU) as well as information campaigns on legal migration and integration for the general public.

The European Commission may task the contractor to help design information and awareness raising campaigns. In order to prepare an effective information campaign a thorough analysis of effective messages and dissemination channels for relevant target groups needs to be studied, both within the EU and directly in third countries. Emphasis will have to be put on tailoring to target audience, means of dissemination, effective messaging etc.

Activity 2.3 – Carry out analytical work in order to follow up and complement the actions set out in the Commission's Action Plan on the integration of third-country nationals.

The contractor may be asked to carry out analytical work complementing the actions set out in the Commission's Action Plan on the integration of third-country nationals³, as well as in the December 2016 Council Conclusions on the integration of third-country nationals.

Activity 2.4 - Provide consultancy and carry out analytical work, knowledge gathering activities and studies for the European Commission in the context of legislative review in the area of legal migration, in the framework of the EU work on integration as well as resulting from the findings of the "Legal Migration Fitness Check" or other pertinent studies and to provide consultancy support for Commission events at which these issues are discussed.

Activity 2.4.1 - In the context of the evaluation and possible reviews of European Union legal framework related to legal migration and the policy of integration as well as in the follow-up of the "Legal Migration Fitness Check"⁴ or other pertinent studies, the contractor may be tasked with assisting the European Commission in devising surveys and other forms of consultation documents, collecting, processing and analysing the data received from stakeholders (e.g. in the context of public consultations). The contractor may also be tasked with carrying out analytical work, knowledge gathering activities and studies deemed necessary to close information gaps identified in this context.

Activity 2.4.2 – Consultancy support for events related to legal migration and integration may entail the following activities:

³ COM(2016) 377

⁴ The Roadmap for the Legal Migration Fitness Check can be found here: http://ec.europa.eu/smart-regulation/roadmaps/docs/2016_home_199_fitnesscheck_legal_migration_en.pdf

- propose a draft agenda, including topics and profile of speakers;
- propose speakers, participants and other relevant stakeholders;
- assist in the management of invitations (in case of large scale events);
- prepare technical/analytical documents for the meeting (ca. 1,000 to 2,000 words + appendices);
- attend the event and provide ad hoc technical/analytical advice;
- prepare a technical/analytical report from the discussions during the event (ca. 1,000 to 2,000 words + appendices).

Events may last up to 3 days and may take place anywhere in the European Union (most of them in Brussels) or in countries of origin of legal migrants.

Activity 2.5 - Provide consultancy services in the domain of addressing the needs of particular groups of legal migrants as well as particular integration challenges.

The contractor may be asked to provide consultancy services on how best to ensure that the needs of particular groups of legal migrants as well as particular integration challenges are addressed. This exercise could include, but is not limited to, the review, identification and assessment of relevant best practices in Member States. This exercise will have to involve engaging with national authorities and civil society organisations through consultations. The contractor will be tasked with carrying out the research work as well as the drafting of the summary and recommendations. The material resulting from this activity could be, but is not limited to, tailored needs assessment reports, action plans, guidance documents etc.

2.2. Nature of the contract

This contract is based on the system of **multiple Framework Contractors in competition**. One Framework Contract will be concluded with each contractor, up to a maximum of 5 contractors per lot, setting out the general contractual terms (legal, financial, technical, administrative, etc.) that apply during their period of validity and govern commercial relations between the Commission and the contractors.

The model Framework Contract applicable is provided in Annex 3. Bidders must declare their acceptance of it and must take it into account in drawing up their tender.

Bidders' attention is drawn to the fact that the Framework Contract does not constitute placement of an order but is merely designed to set the legal, financial, technical and administrative terms governing relations between the contracting parties during the contract term. Orders can only be placed using the specific contract model contained in Annex III to the Framework Contract in Annex 4 to these Terms of Reference.

Signature of the Framework Contract does not commit the Commission to placing orders and does not give the contractor any exclusive rights to the services covered by the Framework Contracts. In any case, the Commission reserves the right, at any time during the Framework Contract, to cease placing orders without the contractor thereby having the right to any compensation.

Implementation of Framework Contract with reopening of competition

The FWC is implemented as follows: the contracting authority orders services by sending a *request for services* by e-mail to all contractors.

Within 5 calendar days, the contractors are invited to express in written, by e-mail, their availability to carry out the services required.

The contractors send within 21 calendar days of receipt in paper format their specific tenders to the contracting authority.

The contracting authority evaluates the specific tenders and selects the most economically advantageous one on the basis of the award criteria set out below. When doing so, it takes into account any conflicting interests which may negatively affect the *performance of the specific contract* (see Article II.7). It then awards and sends the specific contract to the successful contractor.

The contractor must send the specific contract back to the contracting authority signed and dated within 10 calendar days of receipt.

The specific contracts will be awarded to the best proposal received, on the basis of the following award criteria:

Quality Criterion 1, max 10 points: - Clarity and presentation of the tender demonstrating the understanding of the objectives and tasks of the service required and appropriateness of the preliminary assessment of the difficulties and expected results

Quality Criterion 2, max 50 points: - Appropriateness of the methodology (ex: identification of adequate sources of information, sampling methodology, data collection method and analysis, and use of the information to achieve the results set out in the Specifications). The tender should be demonstrative and explain in which way the proposed methodology and the mitigation measures he will put in place will allow to meet the requirements

Quality Criterion 3, max 40 points: - Project management and accurateness of the team organisation and structure which will be put in place to achieve the expected results. Balance of the proposed team members in the fields of expertise relevant for the required service. Resources allocated to the tasks and way in which the tenderer intends to cover the services within the given timeframe. The tender should be demonstrative and explain in which way the proposed team organisation and structure will allow to meeting the requirements and expected results

Financial criteria

Each offer will be assessed in terms of the total price for the proposal on the basis of the specific unit prices set in the Framework Contract, broken down by categories of experts and a flat rate for travel and mission expenses.

The price form in Annex 2 to be filled by the tendering parties with maximum prices will constitute the future contractual basis for the pricing for the "specific contracts". In this regard, it will be integral part of the Annex II (Contractor's tender) of the Framework Contract

Tenderers will be able to offer lower prices when competing for a specific contract.

Specific Contract Award

Only bids that have reached a total score of a minimum of 70% and a minimum score of 60% for each criterion will be taken into consideration for awarding the specific contract.

The specific contract will be awarded to the tender which offers the **best-value-for-money**.

Quality/Price analysis = (Technical Score X 0.6) + [(Lowest price*/Price offered) x 100] x 0.4

*Lowest price = Price of the tender with the lowest price offer (provided the minimum quality threshold are met)

3. EVALUATION AND AWARD OF THE FRAMEWORK CONTRACT

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

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

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

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

3.1. Verification of non-exclusion

All tenderers must provide a declaration on honour (see Annex 1), signed and dated by an authorised representative, stating that they are not in one of the situations of exclusion listed in that declaration on honour.

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

In case of subcontracting, all subcontractors whose share of the contract is above 20 % and whose capacity is necessary to fulfil the selection criteria must provide a declaration on honour signed by an authorised representative.

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

The successful tenderer must provide the documents mentioned as supporting evidence in the declaration on honour before signature of the contract and within a deadline given by the contracting authority. This requirement applies to each member of the group in case of joint tender and to all subcontractors whose share of the contract is above 20 % and whose capacity is necessary to fulfil the selection criteria.

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

A tenderer (or a member of the group in case of joint tender, or a subcontractor) is not required to submit the documentary evidence if it has already been submitted for another procurement procedure and provided the documents were issued not more than one year before the date of their request by the contracting authority and are still valid at that date. In such cases, the tenderer must declare on its honour that the documentary evidence

has already been provided in a previous procurement procedure, indicate the reference of the procedure and confirm that there has been no change in its situation.

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

3.2. Selection criteria

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

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

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

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

Declaration and evidence

The tenderers (and each member of the group in case of joint tender) and subcontractors whose capacity is necessary to fulfil the selection criteria must provide the declaration on honour (see Annex 1), signed and dated by an authorised representative, stating that they fulfil the selection criteria applicable to them. In case of joint tender or subcontracting, the criteria applicable to the tenderer as a whole will be verified by combining the various declarations for a consolidated assessment.

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

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

N.B. Due to the specific nature of the services for this Call for Tender, the Commission requires that the bidder and any subcontractor who is to deliver at least 20% of the services provide the requested evidence as listed under Economic and Financial Capacity Criteria and Technical and Professional Capacity Criteria at the moment of submission of the offers.

After contract award, the successful tenderer will be required to provide the evidence mentioned below before signature of the contract and within a deadline given by the contracting authority. This requirement applies to each member of the group in case of joint tender and to subcontractors whose capacity is necessary to fulfil the selection criteria.

A tenderer (or a member of the group in case of joint tender, or a subcontractor) is not required to submit the documentary evidence if it has already been submitted for another procurement procedure and provided the

documents were issued not more than one year before the date of their request by the contracting authority and are still valid at that date. In such cases, the tenderer must declare on its honour that the documentary evidence has already been provided in a previous procurement procedure, indicate the reference of the procedure and confirm that there has been no change in its situation.

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

Legal and regulatory capacity

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

- For legal persons, a legible copy of the notice of appointment of the persons authorised to represent the tenderer in dealings with third parties and in legal proceedings, or a copy of the publication of such appointment if the legislation applicable to the legal person requires such publication. Any delegation of this authorisation to another representative not indicated in the official appointment must be evidenced.
- For natural persons, if required under applicable law, a proof of registration on a professional or trade register or any other official document showing the registration number.

Economic and financial capacity

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

- **Criterion F1:** Turnover of the last two financial years above EUR **750.000**. These criterion apply to the tenderer as a whole, i.e. the combined capacity of all members of a group in case of a joint tender.
- **Criterion F2:** Ratio between assets and liability above 1:1; this criterion applies to each member of the group in case of joint tender as well as any subcontractor declared as delivering at least 20% of the services.

Evidence (to be provided on request):

- the completed "Simplified balance sheet" and "Simplified Profit & Loss Account" completed for the last 2 years (Annex 2)

and

- a copy of the profit and loss accounts and balance sheet for the last two years for which accounts have been closed from each concerned legal entity;

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

Technical and professional capacity criteria and evidence

A. Criteria relating to tenderers

Tenderers (in case of a joint tender the combined capacity of all members of the group and identified subcontractors) must comply with the criteria listed below. The evidence must be provided only on request.

For Lot 1:

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

- **Criterion A1:** The tenderer must prove experience and knowledge in the field of irregular migration, in particular related to the prevention and fight against migrant smuggling, return of irregular migrants as well as the protection needs of vulnerable migrants. This should include knowledge of the relevant policy and legal frameworks, as well as an understanding of the work and role of public authorities, international and civil society organisations active in this field (e.g. authorities involved in migration management, law enforcement, border guards, asylum authorities or public health authorities) at the European and international levels.

Evidence A1: The tenderer should give evidence of having delivered at least three projects in this field in the last five years, with a minimum value for each project of 75.000 €. Specific experience must include the following: actions to step up the prevention and/or countering of migrant smuggling, including through the coordination of stakeholders in different fields such as those public authorities involved in migration management including law enforcement, judiciary or international organisations; devising prevention and information campaigns in the field of irregular migration; drawing up evidence based needs assessments in the field of irregular migration policy; technical feasibility studies related to the collection of population data/biometrics; and engagement in third countries in the field of irregular migration.

- **Criterion A2:** The tenderer must prove experience in devising surveys; collecting primary data (also in third countries); processing and analysing data received from stakeholders and drafting the compiled information with recommendations in report form. Experience in developing materials e.g. thematic papers, agendas, summaries etc. ahead of and subsequent to conferences, workshops and other similar events is necessary.

Evidence A2: The tenderer should provide evidence of having delivered at least two projects in this field in the last five years, with a minimum value for each project of 75.000 € and evidence of materials developed in preparation and follow up to conferences (e.g. thematic note, summary document).

- **Criterion A3:** Experience of working on capacity building projects in third countries in either the Western Balkans, Africa or Asia, in the domain of irregular migration, and notably migrant smuggling and return. Experience in more than one of the above regions.

- **Evidence A3:** Evidence of having supported at least three projects with a minimum value of 75.000 € each in the last five years aimed at capacity building activities in the field of irregular migration in third countries, evidence of which must show thematic coverage and geographical coverage of the above mentioned regions.

For Lot 2:

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

- **Criterion A1:** The tenderer must prove experience and knowledge in the field of legal migration and integration. This should include knowledge of the relevant policy and legal frameworks, as well as an understanding of the work and role of public authorities, international and civil society organisations active in this field (e.g. authorities/actors involved in migration management, integration, law enforcement,...) at the European and international levels.

Evidence A1: The tenderer should give evidence of having delivered at least three projects in this field in the last five years, with a minimum value for each project of 75.000 €. Specific experience must include the scope of substance of the actions described above under the heading "lot 2".

- **Criterion A2:** The tenderer must prove experience in devising surveys; collecting primary data; processing and analysing data received from stakeholders and drafting the compiled information with recommendations in report form. Experience in developing materials e.g. thematic papers, agendas, summaries etc. ahead of and subsequent to conferences, workshops and other similar events is necessary.

Evidence A2: The tenderer should provide evidence of having delivered at least two projects in this field in the last five years, with a minimum value for each project of 75.000 € and evidence of materials developed in preparation and follow up to conferences (e.g. thematic note, summary document).

B. Criteria relating to the team delivering the service:

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

Evidence will consist in CVs of the team responsible to deliver the service. Each CV should indicate the intended function in the delivery of the service. The CV's shall be presented, preferably, in accordance to the Commission Recommendation on a common European format for curricula vitae, published in OJ L79 of 22 March 2002, p. 66.

Where bidders want to propose an higher number of CVs than the number indicated for each profile, bidders are requested to indicate the CVs to be taken into account for the evaluation of the selection criteria

Criteria relating to the team delivering the service in Lot 1:

C1 - Project Manager: At least 10 years of experience in project management, including overseeing project delivery, quality control of delivered service, client orientation and conflict resolution experience in projects of a size of at least € 75.000), including projects undertaken in third countries (in either or all of the following – Western Balkans, Africa and Asia). Experience of managing a team of at least 10 people is necessary. The project manager will be the main person of contact for the Commission. A project manager back up with the same profile should be provided as well in the tender.

Evidence: 1 CV of the principal project manager and 1 of the back-up project manager.

C2 - Language quality check: at least 70% of the members of the team should have at least C1 level in the Common European Framework for Reference for Languages⁵ in English. At least 50% of the team members should have at least C1 level in the Common European Framework for Reference for Languages⁶ in French.

Evidence: a language certificate or past relevant experience.

C3 - Expert in policy and legal analysis: Policy and legal experts in the field of irregular migration and return policy. Senior analysts making up at least 70% of the team should have at least six years of professional experience related to the field of irregular migration and return policy, while at most 30% of the team can be junior with at least 5 years of professional experience in the above mentioned field. At most 10% can be entry-level analysts with no professional experience.

Evidence: Senior analysts – 15 CV's to be provided

Junior analysts – 10 CV's to be provided

Entry-level analyst – no minimum requirement of CV's to submit

C4 – Experts in data collection: at least 10 people amongst the proposed CVs should have knowledge of quantitative and qualitative methods to effectively collect primary data, processing and analysing any data received from stakeholders and compiling the information in report form. Proven experience of 5 years in data collection techniques.

Evidence: 10 CVs showing past relevant experience.

C5 - Web editor – dissemination of information via online tools; introduction of structural amendments to website; and introduction of content updates into the content management system. Should have at least 3 years of experience in working with the content management platforms used by the European Commission, Drupal and Documentum

Evidence: 1 CV + 1 back-up CV

C6 – Web master – manage the timely and accurate publication of relevant content and information via online tools.

Evidence: 1 CV + 1 back-up CV

Criteria relating to the team delivering the service in Lot 2:

C1 - Project Manager: At least 10 years of experience in project management, including overseeing project delivery, quality control of delivered service, client orientation and conflict resolution experience in projects of a size of at least € 75.000). Experience of managing a team of at least 10 people is necessary. The project

⁵ See http://www.coe.int/t/dg4/linguistic/Cadre1_en.asp

⁶ See http://www.coe.int/t/dg4/linguistic/Cadre1_en.asp

manager will be the main person of contact for the Commission. A project manager back up with the same profile should be provided as well in the tender.

Evidence: 1 CV of the principal project manager and 1 of the back-up project manager.

C2 - Language quality check: at least 70% of the members of the team should have at least C1 level in the Common European Framework for Reference for Languages⁷ in English. At least 50% of the team members should have at least C1 level in the Common European Framework for Reference for Languages⁸ in French.

Evidence: a language certificate or past relevant experience.

C3 - Expert in policy and legal analysis: Policy and legal experts in the field of legal migration and integration. Senior analysts making up at least 70% of the team should have at least six years of professional experience related to the field of legal migration and integration, while at most 30% of the team can be junior with at least 5 years of professional experience in the above mentioned field. At most 10% can be entry-level analysts with no professional experience.

Evidence: Senior analysts – 15 CV's to be provided

Junior analysts – 10 CV's to be provided

Entry-level analyst – no minimum requirement of CV's to submit

C4 – Experts in data collection: at least 10 people amongst the proposed CVs should have knowledge of quantitative and qualitative methods to effectively collect primary data, processing and analysing any data received from stakeholders and compiling the information in report form. Proven experience of 5 years in data collection techniques.

Evidence: 10 CVs showing past relevant experience

C5 - Web editor – dissemination of information via online tools; introduction of structural amendments to website; and introduction of content updates into the content management system. Should have at least 3 years of experience in working with the content management platforms used by the European Commission, Drupal and Documentum

Evidence: 1 CV + 1 back-up CV

C6 – Web master – manage the timely and accurate publication of relevant content and information via online tools.

Evidence: 1 CV + 1 back-up CV

⁷ See http://www.coe.int/t/dg4/linguistic/Cadre1_en.asp

⁸ See http://www.coe.int/t/dg4/linguistic/Cadre1_en.asp

3.3. Award criteria

The contract will be awarded based on the most economically advantageous tender, according to the 'best price-quality ratio' award method. The quality of the tender will be evaluated based on the following criteria. The maximum total quality score is 100 points.

- **Appropriateness of the proposed approach to meet the requirements of the services to be provided** (10 points – minimum score 6 points)

This criterion will assess the tenderer's understanding of the purposes of the services and of the nature of the activities to be undertaken under the framework contract. The tenderer should also provide an assessment of the difficulties to achieve the expected results and the mitigation measures to address identified risks (a few specific examples to develop efficient and appropriate solutions should be provided). **This criterion will not be used in the evaluation of the case studies, but in the evaluation of the overall presentation of the bid.**

- **Quality assurances system** (10 points – minimum score 6 points)

This criterion will assess the quality assurance system put in place during the provision of the services (a few specific examples should be provided) and the operational process for coping with multiple assignments run in parallel. **This criterion will not be used in the evaluation of the case studies, but in the evaluation of the overall presentation of the bid.**

- **Quality of the proposed methodology** (40 points – minimum score 24 points)

This criterion will assess the quality of the proposed methodology and tools put in place by the tenderer to allow meeting the requirements. It also assesses the clarity and efficiency of the proposed methodology (ex: identification of adequate sources of information, sampling methodology, data collection method and analysis, and use of the information to achieve the expected results). Finally this criterion will consider how the services/tasks will be organised to ensure high-quality delivery and adequate geographical coverage. **This criterion will be used in the evaluation of the overall presentation of the bid (10 points) and of the case studies (30 points).**

- **Project management and team** (40 points – minimum score 24 points)

This criterion will assess how the roles and responsibilities of the proposed team are distributed for each task. It will also assess the balance of the proposed team members in the fields of expertise relevant for the required service. The tenderer should provide details on the allocation of time and human resources and the rationale behind the choice of this allocation. The tenderer should be demonstrative and explain how the organisation and structure of the proposed team will allow requirements to be met and expected results to be delivered. **This criterion will be used in the evaluation of the overall presentation of the bid (10 points) and of the case studies (30 points).**

Award Criteria	Points			Sub-total max points
Appropriateness of the approach	10 max	Max 10 for overall presentation		10
Quality assurances system	10 max	Max 10 for overall presentation		10
Quality of the proposed methodology	40 max	Max 10 for overall presentation		40
		Max 30 for case studies	Case study 1- max 17 points	
			Case study 2 - max 13 points	
Project management and team	40 max	Max 10 for overall presentation		40
		Max 30 points for case studies	Case study 1 - max 17 points	
			Case study 2 - max 13 points	

Tenders must score minimum 60% for each criterion and minimum 70 % in total. Tenders that do not reach the minimum quality levels will be rejected and will not be ranked.

TOT: 100

3.4. Ranking of tenders

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

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

Price (P financial offer) = $0.75 * P(\text{case study 1}) + 0.25 * P(\text{case study 2})$

score for tender X	=	cheapest price*	*	100	*	0.4	+	total quality score (out of 100) for all award criteria of tender X	*	0.6
		price of tender X								

N.B. For the purpose of this call for tender and for each Lot the total price of the tenderers' offer will be calculated on the basis of 2 case studies described in Annexes 5 (Lot 1) and 6 (Lot 2). The financial offer will be assessed with the following weighting 75% of the price of case study 1 and 25% of the price of case study 2, which prices will be based in turn on the specific unit prices set out in the price schedules (Annex 2) in the Framework Contract.

With respect to a fair and equal competition for the comparison of the financial part of the bids, bidders must apply the maximum price (as indicated in the price schedule Annex 2)

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

Remarks:

Tenderers' attention is drawn to the fact that the Commission will be in a position to make a proper assessment of the tenders on the basis of the above qualitative criteria only if they contain full particulars relating to all aspects of this specification. Lack of detail and vague and perfunctory information will be penalised.

As the tenders will be evaluated on the basis of the quality of the services proposed, they should fully explore all the points included in this specification so as to obtain the best possible mark.

Simply repeating the guidelines given in the specification of this invitation to tender without going into detail or expanding on them will result in a very poor mark.

Furthermore, if any essential points of this specification are not expressly covered by the tender, the Commission may decide to give a zero mark for the relevant quality award criteria.

5. ANNEXES

1. Declaration by the Tenderer (relating to the exclusion criteria)
2. Price schedules
3. Draft Service Contract
4. Financial offer Form for the case studies
5. Case studies (Lot 1)
6. Case studies (Lot 2)