



## **TENDER SPECIFICATIONS**

### **Open Invitation to Tender**

**No. CEPOL/PR/OP/2014/003**

### **Five Year External Evaluation of CEPOL**

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## SECTION A – INTRODUCTION

### A.1. SUMMARY

Contracting authority	European Police College (CEPOL).
Purpose	The purpose of this invitation to tender is to award a service contract to the successful tenderer who will deliver an independent external evaluation study for the CEPOL Governing Board. The external evaluation study shall enable the Governing Board to assess the implementation of the Council Decision 2005/681/JHA of 20 September 2005 <sup>1</sup> establishing CEPOL (repealing Decision 2000/820/JHA) as well as the activities carried out by CEPOL.
Lots	This procurement is not divided into lots.
Volume of the contract	The maximum volume of the contract is 100,000 EUR (excluding VAT)
Contracts	CEPOL wishes to conclude a service contract. The model service contract is included (see Annex I).
Duration of contract	The duration of the execution of the tasks shall not exceed 7 months
Main place of performance of services	The services shall be provided from the contractor's premises
Variants	Not accepted.
Joint offers	Permitted.
Subcontracting	Permitted. However, any intention to sub-contract must be clearly announced in the offer.

<sup>1</sup> as last amended by Regulation (EU) No 543/2014 (OJ L 163, 29.5.2014, p. 5)



## A.2. WHAT IS CEPOL?

The European Police College (CEPOL) is the European agency tasked with organising training for senior police officers in Member States of the European Union. CEPOL brings together senior police officers across Europe to encourage cross-border cooperation in the fight against crime and maintenance of public security and law and order.

CEPOL began operating as an EU agency on 1 January 2006 (Council Decision 2005/681/JHA of 17 September 2005). CEPOL has an annual budget of approximately eight million euro funded by the European Communities. CEPOL's activities — courses, seminars, conferences and meetings — are mainly implemented in and by Member States, by the national police training colleges.

The current seat of the Agency is Budapest, Hungary.

CEPOL organises between 70–100 courses, seminars and conferences per year on key topics relevant to police forces in Europe, as well as carrying out specialised projects such as the CEPOL exchange programme for senior officers.

CEPOL also focuses on developing common curricula to harmonise training programmes, combating cross-border crime through specialist training; disseminating good practice and research findings; providing training for trainers; providing training for police authorities in candidate countries; and providing a state-of-the-art electronic network for sharing knowledge and best practice.

## A.3. WHAT IS PROCUREMENT?

Procurement covers public contracts as well as procurement procedures. Public contracts are defined as purchases by a public authority of services, goods or works. A procurement procedure is the structured way that leads to the award of a public contract.

The purpose is:

- (i) to guarantee the widest possible participation of economic operators,
- (ii) to ensure the transparency of operations, and
- (iii) to obtain the desired quality of services, supplies and works at the best possible price.

Offers submitted in the context of a procurement procedure are referred to as “tenders”.

An economic operator who has submitted a tender is referred to as “tenderer”.

An economic operator who has been awarded the contract is referred to as “contractor”.

CEPOL procurement is governed by the Regulation (EU, EURATOM) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002 and Commission Delegated Regulation (EU) No 1268/2012 of 29 October 2012 on the rules of application of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council on the financial rules applicable to the general budget of the Union.

#### **A.4. CONFIDENTIALITY & PUBLIC ACCESS TO DOCUMENTS**

In the general implementation of its activities and for the processing of tendering procedures in particular, CEPOL observes the following rules:

- Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 and 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 Community institutions and bodies and on the free movement of such data, and;
- Council Regulation (EC) No 1049/2001 of 30 May 2001 regarding public access to European Parliament, Council and Commission documents.

#### **A.5 PARTICIPATION IN THE PROCUREMENT PROCEDURE**

This procurement procedure is open to any natural or legal person wishing to bid for the assignment and established in any of the European Union Member States, Norway, Iceland, Liechtenstein or Switzerland.

In addition, tenderers must not be in any situation of exclusion under the exclusion criteria (see section indicated in section B.6.1. of these tender specifications) and must have the legal capacity to allow them to participate in this tender procedure (see section indicated in section B.6.2.1. of these tender specifications).

Please note that any attempt by a tenderer to obtain confidential information, enter into unlawful agreements with competitors or influence the evaluation committee or CEPOL during the process of examining, clarifying, evaluating and comparing tenders will lead to the rejection of his tender and may result in administrative penalties.

#### **A.6. CAN A CONSORTIUM SUBMIT A TENDER? IS SUBCONTRACTING ALLOWED?**

Consortia of economic operators are authorised to submit tenders (joint offers) in compliance with the terms and conditions specified in Section E.1.

The tenderer may subcontract the tasks specified in Section B.1 (Technical specifications) to other economic operators in compliance with the terms and conditions for subcontracting specified in Section E.2.

### **SECTION B – SPECIFIC INFORMATION ON THIS PROCUREMENT PROCEDURE**

*N.B. This section describes in detail the goods and/or services that CEPOL wishes to acquire. It also provides information on the contract that will be signed following the conclusion of the procurement procedure and provides instructions and guidance to the economic operators willing to submit tenders about the content and nature of the tender they have to submit. Furthermore, it describes in detail how the tenderers and the tenders will be assessed by CEPOL against the exclusion, selection and award criteria and how the successful tenderer(s) will be identified.*



*The technical specifications will serve as the contractor's mandate during the contract execution and the entire tender specifications will become an integral part of the contract that will be concluded following the award.*

## **B.1. TECHNICAL SPECIFICATIONS**

### **B.1.1. OBJECTIVE OF THIS INVITATION TO TENDER**

The objective of this invitation to tender is to award a service contract to the successful tenderer who will deliver an independent external evaluation study for the CEPOL Governing Board. The external evaluation study shall enable the Governing Board to assess the implementation of the Council Decision 2005/681/JHA of 20 September 2005<sup>2</sup> establishing CEPOL (repealing Decision 2000/820/JHA) as well as the activities carried out by CEPOL.

### **B.1.2. BACKGROUND INFORMATION**

The European Police College (CEPOL<sup>3</sup>) was originally set up in 2000 by Council Decision 2000/820/JHA<sup>4</sup> following a meeting of European Council held in Tampere on 15 and 16 October 1999. CEPOL started as a network of existing national institutes for the training of senior law enforcement officials with regard to practical aspects of EU law enforcement cooperation. The aim was to support and promote a joint approach to the major problems encountered by Member States in the fight against crime, crime prevention, and the maintenance of law and order and public security, in particular the cross-border dimensions of those problems.

From 1 January 2006, CEPOL began operating as an EU Agency following Council Decision 2005/681/JHA<sup>5</sup>. The establishing decision defined more precisely its objectives and tasks. CEPOL is financed by the general budget of the European Communities. The Staff Regulations of officials of the European Community and the Conditions of employment of other servants of the European Communities apply to the Director and staff of CEPOL .

CEPOL staff consists of 27 establishment-plan posts, 10 contract agents and 10 Seconded National Experts for the year 2015. The CEPOL Governing Board, consisting of representatives from the EU Member States, is responsible for driving CEPOL's strategy.

- CEPOL's key objective is to deliver training and education to the police, on priority areas. This objective is achieved by meeting training needs with multilevelled training and education actions: Combating cross-border crime through specialist training and cooperation via CEPOL **residential activities**: courses, seminars and conferences. This training tool is selected for development of specialist skills, knowledge and competencies. All residential activities are selected following identification of training needs through analysis of the EU policies and

<sup>2</sup> as last amended by Regulation (EU) No 543/2014 (OJ L 163, 29.5.2014, p. 5)

<sup>3</sup> The acronym CEPOL is French and stands for *Collège Européen de POLice*

<sup>4</sup> Council Decision 2000/820/JHA of 22 December 2000 establishing the European Police College (CEPOL) [OJ 2000/L 336/01]

<sup>5</sup> Council Decision 2005/681/JHA of 20 September 2005 establishing the European Police College (CEPOL) and repealing Council Decision 2000/820/JHA [OJ 2005/L 256/63]

following consultations with CEPOL stakeholders. A List of prioritised activities is approved by the CEPOL Governing Board. These activities are mainly implemented by CEPOL Framework Partners through a grant instrument. 20-30% of activities are implemented by the agency.

- Through online support to CEPOL's learning and training, other opportunities for professionalisation have become available: CEPOL's e-learning. Due to its accessibility through the Internet, CEPOL's e-learning products and services allow for an increased reach of the target audience of CEPOL and it provides an added value to the other CEPOL activities. CEPOL's e-learning consists of the following: online modules offer knowledge landscapes identified and developed by content experts in multiple domains, allowing for professionalisation on-the-job, complementary to courses and trainings and self-paced learning. The online modules are accessible on the Learning Management Systems (LMS) to all registered users of CEPOL's e-Net ;
  - Webinars, short for web seminars, are a contemporary way to interact online with a target audience combining advantages of residential trainings and e-learning tools in short training sessions for which there is no need for trainers and trainees to be together in a classroom. Experts contributing to CEPOL webinars can present their knowledge, expertise, good practices and other relevant experiences from their computer. Attendees to webinars are able to hear the presenters and see their contribution on their screen. Thus webinars save time without travel costs and have the additional benefit of reaching out to an audience of up to 1,000 persons. CEPOL webinars are recorded and made available in the Webinar Resources, which can be found on the Learning Management System (LMS) of CEPOL's e Net. This enables those who did not the opportunity to attend the live webinar to view the presentations at their convenience.
  - Through Platforms for Communities of Practice, like-minded professionals in various policing, law enforcement and educational domains have the opportunity to share good practices, build-on to existing knowledge and further develop each others expertise.
  - Through online support to residential CEPOL activities, trainers, course managers and the participants are allowed to prepare themselves for and enhance the implementation of the learning activities in the courses. All activities on are placed in an intuitive template for courses on the LMS and is reviewed and updated annually.
- Initiated in 2005, Common Curricula allow CEPOL to contribute to the harmonisation of police training within EU Member States while respecting the national autonomy with regard to the organisation and implementation of police training and education programmes. The subjects of the Common Curricula are determined by CEPOL's Governing Board and are in line with the priorities outlined at a European level, particularly in the Stockholm programme, and within the EU Policy Cycle; furthermore there are also two Common Curricula on Europol and Eurojust supporting enhanced cooperation with these JHA agencies.
  - In order to help curb crime and safeguard the general public, police forces across Europe not only need access to up-to-date information, but also to develop good practices and share knowledge. The research and science arm of CEPOL's activities, driven by the working group, supports the exchange and development of knowledge and research in the field of policing.
  - In 2011, the original CEPOL/Agis Exchange Programme was changed into the European Police Exchange Programme (EPEP) which is now into its 4<sup>th</sup> year. It offers bilateral exchange opportunities for senior police officers from EU Member States as well as from the European



Neighbourhood Policy - Western Balkan (ENP-WB) countries. It also involves inter-agency exchanges between police and other law enforcement agencies. The programme was prompted by the adoption of The Hague Programme and is in line with the Stockholm Programme. EPEP follows and supports the priorities of the EU Policy Cycle as well as CEPOL's thematic areas. The objectives of the programme are as follows:

- To promote mobility and allow the exchange of police and other law enforcement officials, in the framework of practice-related training programmes;
  - To establish a common and shared practical knowledge in different police fields;
  - To disseminate and share, at the EU level, good policing practice;
  - To contribute to the creation of a European law enforcement culture;
  - To encourage mutual learning and networking in the framework of European police cooperation.
- CEPOL's electronic network – e-Net - was developed specifically to enhance CEPOL's network and activities. At the top level is CEPOL's public website which is accessible to all and contains information about the agency and its work. A secured area provides senior police officers, police training staff and members of the CEPOL network with access to specialised information, and fora.

For further information see:

- CEPOL web site: [www.cepola.europa.eu](http://www.cepola.europa.eu)
- Annual reports for the study period: <https://www.cepola.europa.eu/publications>
- Evaluation reports: <https://www.cepola.europa.eu/who-we-are/key-documents/evaluation-reports>

### **B.1.3. DESCRIPTION OF THE REQUIRED SERVICES**

#### **Objective of the Contract**

The objective of the contract is to deliver an independent external evaluation of CEPOL for the period 2011 – 2015. This evaluation will assess the impact of the Council Decision 2005/681/JHA of 20 September 2005<sup>6</sup> establishing CEPOL (repealing Decision 2000/820/JHA), as well as the activities carried out by CEPOL. The evaluation will also assess the utility, relevance, effectiveness and efficiency of CEPOL and its working practices. It shall identify areas of success and areas for improvement. It shall provide the Governing Board with the necessary input to deliver recommendations to the European Commission. The evaluation will also assess the results and impact of CEPOL's work on European citizens.

The study shall include the evaluation of the four-year European Police Exchange Programme (EPEP) inspired by Erasmus, at the four-year mark from the issuance of the Council conclusions adopted at the 3010th General Affairs Council meeting, Luxemburg, on 26 April 2010.

<sup>6</sup> as last amended by Regulation (EU) No 543/2014 (OJ L 163, 29.5.2014, p. 5)

The evaluation study will assess whether, and how well, the main objectives of the Council Decision have been met by CEPOL with a specific reference to its Article 7(g). This assessment will be conducted taking into consideration the views of the stakeholders (Council of the European Union, European Commission, Europol, Frontex, Eurojust, Member States) according to Article 5 of the Council Decision.

### **B.1.3.1. Scope of the study**

The study should evaluate CEPOL with regards to the tasks laid down in the Council Decision 2005/681/JHA of 20 September 2005<sup>7</sup>.

The Council Decision can be viewed at:

[http://www.cepol.europa.eu/fileadmin/website/About CEPOL/2005681jha.pdf](http://www.cepol.europa.eu/fileadmin/website/About_CEPOL/2005681jha.pdf).

Moreover, the study should evaluate CEPOL internal communication (between Member States, between Member States and CEPOL and within Member States) as well as external communication with stakeholders.

The external evaluator should also analyse the current organisational structure of CEPOL in order to evaluate its effectiveness and efficiency in carrying out its duties. Particular attention should be paid to its size,, workflows and processes.

The study should assess and evaluate three main areas. Firstly CEPOL's learning and training activities, looking at the quality of deliverables, the organisation and funding of training, secondly the EPEP, and thirdly the structure and governance of CEPOL. The evaluation should aim at answering the following questions:

#### 1. On the CEPOL learning and training activities

1.1. Have CEPOL activities been relevant to its mandate, with particular focus on the following aspects:

- Coherence with CEPOL's Strategy 2010-2014;
- Alignment of CEPOL priorities to those specific priorities identified by the Member States;
- Alignment of CEPOL's annual work programme with the priorities identified by institutional stakeholders such as the, European Commission, European External Action Service, agencies operating in the area of Justice and Home Affairs, and others);
- Degree of integration and complementarity of CEPOL activities at national level within the Member State's law enforcement training systems;
- Selection and use of trainers and participants (target group, rank vs. specialism);

1.2. How well CEPOL met the quality expectations as defined in CEPOL strategy document (Decision 43/2010/GB) with particular reference to the following aspects:

- quality and depth of provision across all subjects
- qualified teachers, trainers, lecturers and tutors
- committed, self-directed life-long learners

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<sup>7</sup> as last amended by Regulation (EU) No 543/2014 (OJ L 163, 29.5.2014, p. 5)

- cutting-edge technology
  - close interactive relationship between learning, science, and research
  - the place of CEPOL within the broader academic community
  - the encouragement of a questioning spirit
  - qualitative exchange experience for students, teachers, trainers, tutors and associates through networking
- 1.3. Has CEPOL provided sufficient funding and organisational support for the training activities across its network, with particular reference to:
- Financing of learning and training activities
    - Efficacy of the implementation of the budgetary and financial processes
    - Reimbursement procedures
2. On the European Police Exchange Programme (EPEP)
- 2.1. Has the EPEP achieved its goals as per Council Conclusions<sup>8</sup> of 26 April with particular reference to:
- Funding availability and mechanisms;
  - Coherence with CEPOL's Strategy 2010-2014;
  - Adherence to European Union priorities (e.g. The Stockholm Programme and post-Stockholm process, EU Policy Cycle etc.);
  - Alignment with the 11 CEPOL thematic areas;
  - Capacity of the programme to reach the formulated objectives and satisfy the demand by the Member States.
- 2.2. Has the management and administration of the EPEP been efficient with particular reference to the following:
- Relevance of the exchanges (matching process, hosting plans, narrative reports);
  - Effectiveness of the cascading processes within the Member States (how is knowledge gained during an exchange recascaded in the Member States);
  - Analysis of the evaluation processes (narrative reports; online feedback);
  - Responsiveness and adaptability to Member State needs (e.g. last-minute changes in schedules or in logistical arrangements, etc.);
  - Implementation of rules in the User Guide by CEPOL and participating countries;
  - Communication between the Agency and the National Exchange Coordinators.
3. How efficient has the Agency been in terms of its strategy, governance, structure and relocation with particular attention to the following:
- CEPOL's strategy and mission
    - Has CEPOL achieved its aims?
    - Have the Agency's operations met the criteria of legality and regularity?
    - How efficient has the implementation of the strategic decision making process been?
    - What are the results and impact of CEPOL's work on European citizens, and how were those results communicated?
  - CEPOL governance

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<sup>8</sup> Council of the European Union 8309/1/10, REV, 1 ENFOPOL 93

- How efficient has the division of labour between the CEPOL components been (Governing Board, the Director, the National Contact Points)?
- CEPOL structure
  - How has the CEPOL structure (including its bodies and advisory groups) helped to achieve the Agency's mission and implement its strategy?
- CEPOL relocation
  - How efficient has the relocation of CEPOL been (timeliness, cost-effectiveness, and impact on business continuity)?

The study should produce a set of reasoned conclusions on the utility, relevance, effectiveness and efficiency of CEPOL and its working practices. The study will provide the CEPOL Governing Board with recommendations to improve the current functioning of the organisation and its component parts.

#### **B.1.3.2. Expected methodology and technical and human resources**

The tenderer shall describe the methodology or methodologies that it will follow to carry out the study. The implementation of the methodology should be adapted to be compatible with the reporting schedule described in this document. All information should be cross-checked/double-checked. The selected methodological approach shall be submitted together with the tender and will become part of the contract.

CEPOL activities and core tasks shall be evaluated taking into account the main assessment criteria of effectiveness (have the objectives been met?), efficiency (were the costs involved justified given the changes achieved?), coherence (do CEPOL actions complement other actions or are there contradictions?), relevance (is the EU action still necessary?) and added value (can or could similar changes have been achieved without EU action, or did EU action make a difference?).

The selected methodological approach shall be sufficient to enable notable the evaluation of the following:

- A) CEPOL organisation and procedures,
- B) Achievement of objectives expressed in the Annual Work Programmes,
- C) Impact of CEPOL's learning products on the delivery of training within the EU Member States,
- D) the relevance, effectiveness, efficiency and impact of the European Police Exchange Programme (EPEP)
- E) The agency's overall impact on EU citizens
- F) The agency's contribution to Police cooperation in Europe

The methodology should be described in full including the processes and techniques that will be used to gather data to enable evaluation.

The evaluation should be structured according to the Terms of Reference as defined in the scope of the study.

The Contractor shall ensure that staff assigned to the evaluation have the required experience and expertise in results-oriented monitoring and evaluation, and are supported adequately in terms of administration and logistics.

#### **B.1.3.3. Implementation of the study by the Contractor**

Regardless of the proposed methodology and of the number of steps proposed, the successful tenderer shall at least propose a **familiarisation phase**, an **analysis phase** and a **final report-drafting phase**. Progress must be reported for each of these distinctive phases.

The analysis of each of the thematic areas should provide the basis for the overall conclusions and recommendations regarding the implementation of the Council Decision 2005/681/JHA and the EPEP.

#### **B.1.3.4. Deliverables and Timeframes**

The contractor shall be required to submit a number of different reports at various key stages of the evaluation.

The reports required are the following:

A **preliminary report** within **three months** following the date of signature of the contract. The preliminary report can include an updated work-plan ensuring the submission of the final report within the contractual deadline. It shall include the main findings of the work undertaken so far and provide some preliminary answers. Problems / risks encountered shall also be mentioned.

Within three weeks of receiving the preliminary report, CEPOL will inform the Contractor of its acceptance or of any comments or requests for complementary work. The Contractor will submit an amended preliminary report taking account of the comments within two weeks.

A **draft final report** within **six months** following the date of signature of the contract. The draft final report shall provide the conclusions of the study. These conclusions shall be clearly based on evidence generated through the evaluation. Judgements provided shall be clear, explicit and supported by due evidence collected during the course of the study. The draft final report may also contain some explanatory recommendations developed on the conclusions reached by the contractor. The draft final report will be deemed to have been accepted by CEPOL if it does not expressly inform the contractor of any comments within fifteen working days of its receipt. Within three weeks of receiving the comments and observations from CEPOL on the draft final report, the contractor will send CEPOL the final report, which will either take account of the comments or put forward justified alternative points of view.

The **final report** will be submitted at the latest within **seven months** of the date of signature of the contract.

CEPOL will monitor the evaluation process and will be empowered to accept or reject deliverables submitted by the contractor.

The contractor will be required to present, in electronic format and in a printable version, all data collected as part of this study (Microsoft Office compatible).



The presentation of the texts, tables and graphs must be clear, complete and meet commonly recognised standards for reports intended for publication. All reports shall be written in English and should be understandable for a multi-lingual audience. All reports will be submitted in both Word and PDF formats.

The final report shall be sent in two signed paper copies and one electronic version on CD, DVD or USB to CEPOL at the address indicated in the Contract.

The contractor will observe a confidentiality clause and will use any information provided solely in the context of the evaluation and will not disseminate this information to any third party unless explicitly authorised to do so by the Steering Group. The Contractor will guarantee that any personal data collected that is related to any natural person associated in any way to CEPOL will be stored and disposed of in accordance with all applicable EU Data Protection regulations.

#### **B.1.3.5. Information to be provided to the contractor**

CEPOL will provide the Contractor with all information available relating to the evaluation time period. The available information will be disclosed to and reviewed with the Contractor at the earliest opportunity; preferably immediately following the signing of contract.

#### **B.1.4. VARIANTS**

Variants are alternatives to any technical or financial aspects, or to any contractual conditions described in invitation to tenders.

Variants are not permitted in this invitation to tender.

CEPOL 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 tendering specifications.

#### **B.1.5. DIVISION INTO LOTS**

This procurement procedure is not divided into lots. The tenderer must be able to provide all services requested.

### **B.2. CONTRACT**

#### **B.2.1. TYPE OF CONTRACT**

CEPOL wishes to conclude a direct service contract for the provision of the services specified in the Section B.1 of the Tender Specifications.

## **B.2.2. MODEL CONTRACT AND ACCEPTANCE OF THE TERMS AND CONDITIONS**

A model contract is attached to these Tender Specifications as **Annex I**.

In particular, the model contract indicates the method and the conditions for payments to the contractor.

The resulting contract with the successful tenderer will be based on this model contract.

Submission of a tender implies acceptance of all the terms and conditions set out in this invitation to tender and in the model contract and, where appropriate, waiver of the tenderer's own general or specific terms and conditions. It is binding on the tenderer to whom the contract is awarded for the duration of the contract.

**CEPOL reserves the right to decline without further comment any tender that does not accept its model contract.**

## **B.2.3. CONTRACT PRICES AND PRICE REVISION**

Prices for the provision of the services listed in the technical proposal of the successful tenderer shall be as indicated in the tenderer's financial proposal.

### **Fixed prices**

Once the contract has entered into force, the prices indicated in the financial proposal of the successful tenderer shall be fixed and shall not be subject to revision for the contract duration.

## **B.2.4. DURATION OF THE CONTRACT**

The duration of the execution of the tasks shall not exceed 7 months.

## **B.2.5. VOLUME OF THE CONTRACT**

The maximum available budget for this contract is 100,000 EUR excluding VAT.

## **B.2.6 PAYMENT**

The payment periods and formalities are described in Article I.4 of the attached model contract (see Annex I).

### B.2.7. CONTRACT IMPLEMENTATION TIMETABLE

A provisional timetable for the contract signature and subsequent provision of the interim services is given below.

The estimated date for signature of the contract is March 2015.

After the signature of the contract, a kick-off meeting will be held at CEPOL premises in Budapest, Hungary, in order to settle all the details of the contract performance. It is expected that the contract manager, responsible for the implementation of the contract, will be present at the meeting.

Action	Timetable
Signature of the contract	March 2015
Kick-off meeting	1 week after signature of the contract
Delivery of the preliminary report	Within 3 months after signature of the contract
Delivery of the draft final report	Within 6 months after signature of the contract
Delivery of the final report	Within 7 months after signature of the contract

### B.3. THE CONTENT OF THE TECHNICAL PROPOSAL

The technical proposal must be consistent with the Technical Specifications (see Section B.1). In preparing the technical proposal the tenderers should bear in mind the award criteria against which it will be evaluated (see Section B.7)

The tenderers must use the **Technical Proposal Form (see Annex II)** in preparing their technical proposals.

The tenderer is required to present a detailed action plan describing how they plan to achieve the delivery of the services within the contractual timeframe as described in section B.1.3.4.

The tender will be presented in a structured way:

1. The description of the tenderer's understanding of the services to be provided and the work to be performed to achieve the objectives specified in the Technical Specifications (section B.1).
2. Details on how the tenderer intends to address each of the tasks defined in the Technical Specifications (section B.1).
3. Proposed methodology and tools for undertaking of the tasks defined in the technical specifications.



4. The approach for the management of the work: the proposed team size, organisation and structure which will be put in place for implementation of the contract, experience and qualifications of the team.
5. Tenderer's proposal for the coordination of the activities between the contract implementation team and CEPOL in order to achieve the expected results within the contractual timeframe and with the expected level of quality.

#### **B.4. THE CONTENT OF THE FINANCIAL PROPOSAL**

The tenderers must use the **Financial Proposal Form (see Annex III)** in preparing their financial proposals.

Each page of the financial proposal must be signed by an authorised representative of the tenderer.

#### **NOTES FOR THE FINANCIAL PROPOSAL**

- The prices must be inclusive of all costs directly or indirectly related to the performance of the contract, which may be sustained by the tenderer (e.g. cost of administration, contract management costs, etc.).
- All prices must be quoted in Euro (EUR)
- All prices must be free of all duties, taxes and other charges (including VAT), as CEPOL is, as a rule, exempt from all taxes and duties, and in certain circumstances is entitled to a refund for indirect tax incurred such as value added tax (VAT), pursuant to the provisions of Articles 3 and 4 of the Protocol on the Privileges and Immunities of the European Union. Tenderers must therefore give prices which are exclusive of any taxes and duties. Where applicable, any amount of VAT must be indicated separately.

**N.B.** The financial proposal shall be completely unambiguous. Your tender shall be disqualified, if it contains any statements preventing an accurate and complete comparison of the tenders (such as "To be discussed", "Conditional to", "Depending on X" etc.)

#### **B.5. ASSESSMENT OF TENDERERS AND TENDERS**

The assessments of tenderers and tenders will be conducted in accordance with the procedures described in **Section D**.

For joint tenders and for tenders envisaging subcontracting, **Section E** will apply.

#### **B.6. ASSESSMENT OF TENDERERS: ELIGIBILITY AND CAPACITY**

### **B.6.1. ELIGIBILITY OF THE TENDERER: EXCLUSION CRITERIA**

Tenderers shall be excluded from participation in this procurement procedure if:

- a) they are bankrupt or being wound up, are having their affairs administered by the courts, have entered into an arrangement with creditors, have suspended business activities, are the subject of proceedings concerning those matters, or are in any analogous situation arising from a similar procedure provided for in national legislation or regulations;
- b) they or persons having powers of representation, decision making or control over them have been convicted of an offence concerning their professional conduct by a judgment of a competent authority of a Member State which has the force of res judicata;
- c) they have been guilty of grave professional misconduct proven by any means which the contracting authority can justify including by decisions of the EIB and international organisations;
- d) they are not in compliance with their obligations relating to the payment of social security contributions or the payment of taxes in accordance with the legal provisions of the country in which they are established or with those of the country of the contracting authority or those of the country where the contract is to be performed;
- e) they or persons having powers of representation, decision making or control over them have been the subject of a judgment which has the force of res judicata for fraud, corruption, involvement in a criminal organisation, money laundering or any other illegal activity, where such illegal activity is detrimental to the Union's financial interests;
- f) they are subject to an administrative penalty referred to in Article 109(1) of the Financial Regulation (Regulation (EU, EURATOM) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002).

In addition, the contract shall not be awarded to tenderers who, during the procurement procedure for that contract:

- are subject to a conflict of interests;
- are guilty of misrepresenting the information required by the contracting authority as a condition of participation in the procurement procedure or fail to supply that information;
- find themselves in one of the situations of exclusion, referred to in Article 106(1) of the Financial Regulation (Regulation (EU, EURATOM) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002), for the procurement procedure.

Any attempt by a tenderer to obtain confidential information, enter into unlawful agreements with competitors or influence the evaluation committee or CEPOL during the process of examining, clarifying, evaluating and comparing tenders will lead to the rejection of its tender and may result in administrative penalties.

Evidence to be provided:

The tenderers shall provide - in original - a declaration on honour drawn up according to the template found in **Annex IV**, dated and duly signed by the legal representative of the tenderer.

## **B.6.2. CAPACITY OF THE TENDERER: SELECTION CRITERIA**

The tenderer must have the overall capabilities (technical / professional, economic / financial, legal) to perform the contract. If one of the selection criteria listed below is not positive, your tender may not be further evaluated.

As proof of the tenderer's capacity, as specified in this section, except for the cases where original documents are requested, copies of original certificates/documents issued by an official authority in the country of origin or provenance may be accepted.

### **B.6.2.1. ECONOMIC AND FINANCIAL CAPACITY**

#### a) Economic and financial capacity - Selection criteria:

The tenderer must prove that they are in a stable financial position and they have the financial capacity to provide the required services. Furthermore, the tenderer's average yearly turnover for each of the last three financial years for which accounts have been closed should be at least 300,000 EUR per year.

Evidence to be provided:

- financial statements (balance sheets & profit and loss account) for the last three financial years for which accounts have been closed, or equivalent documentation (e.g. where company law in the country in which the tenderer is established does not require the publication of the balance sheet);
- the tenderers may, where appropriate and for a particular contract, 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 CEPOL 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. CEPOL may require that the tenderer and the entities referred above are jointly liable for the execution of the contract.

If, for any valid reason, the tenderer is unable to provide the documents requested by the contracting authority, he may prove his economic and financial standing by any other document which the contracting authority considers appropriate.

### **B.6.2.2. TECHNICAL AND PROFESSIONAL CAPACITY**

#### Selection criteria:

- a) The tenderer must have a minimum experience of at least 3 years in providing the services required in these Tender Specifications and their professional capacity should be appropriate to the required services.

Evidence to be provided:

- a brief history of the economic operator, including length of time in business, overall size and description of activities relating to services of the type required in these tender specifications;
- a presentation of at least 3 contracts for provision of similar services as those requested in this invitation to tender, successfully implemented in the past five years, with a value of minimum **50,000 EUR**. The tenderer is requested to specify the following in regard of each contract

*Customer name and address*

*Contact name and telephone number*

*Contract reference and brief description of service undertaken*

*Total contract value*

*Name(s) of sub-contractors and/or consortium members and their role*

N.B. CEPOL may contact any of the above companies for a reference. Your permission to do so will be assumed unless you state any objections.

- b) The tenderer must prove that they have the necessary means and resources to be put at the disposal for the implementation of the contract as requested in these tender specifications.

Evidence to be provided:

- a presentation of the economic operator showing its organisational structure available for the activities covered by these tender specifications;
- c) The tenderer must demonstrate that they have the following knowledge, expertise and experience:
- sound knowledge in the policy area Freedom, Justice and Security, particularly in the field of police co-operation
  - sound knowledge of the most important stakeholders and other relevant actors
  - proven experience in the evaluation of projects, preferably of programmes and projects in the field of police training and education programmes
  - linguistic knowledge, in particular demonstrating that the team members can execute the contract and deliver the reports in English,
  - familiarity with the European Institution's regulatory and institutional framework

Evidence to be provided:

- CV's of the staff that will be assigned to the implementation of the contract demonstrating the tenderer's knowledge, expertise and experience required above.

### B.6.2.3. AUTHORISATION TO PERFORM THE CONTRACT UNDER NATIONAL LAW

Selection criteria:

The tenderer must prove that he is authorised to perform the contract under national law.

Evidence to be provided:

A certificate of registration in the relevant trade or professional registers in the country of establishment/incorporation. If the tenderer is not required or allowed to register in such a register for reasons related to its statute or legal status, CEPOL shall accept, as satisfactory evidence, a sworn declaration or certificate, membership of a specific organisation, express authorisation or entry in the VAT register.

## B.7. ASSESSMENT OF THE TENDERS: EVALUATION OF THE AWARD CRITERIA

Once the tenderer has demonstrated the eligibility and appropriate capacity to perform the contract on the grounds of the exclusion and selection criteria, the tender will be assessed on the basis of the award criteria.

### B.7.1 TECHNICAL EVALUATION

Tenders will be first checked for compliance with the minimum (mandatory) requirements mentioned in the Section B.1. Only tenders which meet the minimum requirements will be considered for further technical evaluation against specific criteria.

The technical evaluation will be carried out by establishing an overall technical score for each tender, which takes into account the individual scores for the following specific criteria:

<b>Criterion</b>	<b>Maximum obtainable points</b>
Understanding of services to be provided and the work to be performed to achieve the objectives specified in the Technical Specifications (section B.1)	15
How the tenderers intend to address each of the tasks defined in the Technical Specifications (section B.1)	25
Proposed methodology and tools for undertaking of the tasks defined in the technical specifications.	30
Approach for the management of the work: the proposed team size, organisation and structure which will be put in place for the implementation of the contract, in particular the ratio between the number of senior and junior consultants in the team.	20
Quality of the tenderer's proposal for the coordination of the activities between the contract implementation team and CEPOL in order to achieve	10

the expected results within the contractual timeframe and with the expected level of quality	
<b>TOTAL</b>	<b>100</b>

Points will be allocated according to the following system:

<b>Points awarded<sup>9</sup></b>	<b>Definition</b>
0%	No evidence / total failure: The tender totally fails to address the criterion under examination, or cannot be assessed due to missing evidence.
20%	Very poor: The criterion under examination is addressed in an incomplete and unsatisfactory manner; serious concerns.
40%	Poor: The criterion under examination is partly addressed but with a few major gaps or issues.
60%	Fair: The criterion under examination is generally addressed with minor issues.
80%	Good: The criterion under examination is fully addressed.
100%	Excellent: The criterion under examination is fully addressed and the tender offers some added value.

### **Total technical score**

The total technical score for each tender will be calculated as the sum of the individual scores for the specific criteria.

### **Thresholds**

In order to guarantee for a minimum level of quality, tenders that do not reach a minimum of 70% of the possible overall score for the technical evaluation will be eliminated from further evaluation (i.e. 70 points minimum, out of the overall total of 100 points).

In addition, tenders that do not reach a minimum score of 60% for each criterion of the technical evaluation will be considered of insufficient quality and will be eliminated from further evaluation.

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<sup>9</sup> 100% equals the maximum number of points achievable per question

### B.7.2. FINANCIAL EVALUATION

The financial evaluation will be carried out on the basis of total price indicated in the Financial Proposal.

The tender providing the lowest price will receive a **financial score of 100 points**.

The financial score for the other tenders will be calculated by using the following formula:

**Financial score = Lowest price among all tenders /price of the tender being evaluated x 100.**

### B.7.3. AWARD OF THE CONTRACT

The contract will be awarded to the most economically advantageous tender which will be established by weighing technical quality against price on a **50/50 basis**.

The final score will be calculated using the following formula:

**Final score = Technical score x 50% + Financial score x 50%**

The tender obtaining the highest final score will be deemed to be the most economically advantageous tender.

### B.8. TIMETABLE

Milestone	Deadline (*)	Notes
Deadline for sending requests for additional clarifications	12 January 2015	The modalities for sending requests for additional clarifications are specified in Section C.5.
Deadline for dispatching tenders	19 January 2015	The modalities for preparing and dispatching tenders are specified in Sections C.1, C.2, C.3. and C.4.
Deadline for registering at the public opening session	21 January 2015	The modalities for attending and registering for the public opening session are specified in Section D.1.
Public opening session	26 January 2015, 10:00	The public opening session will take place at premises in Budapest, Hungary, located at the following address: Ó utca 27 1066 Budapest Hungary

First meeting of the evaluation committee	Within 1 week following the public opening session	Estimated
Notification of the outcome of the procurement procedure to the successful and unsuccessful tenderers	Within 1 week after the award decision is signed	
Signature of the contract	March 2015	Estimated

## SECTION C – INSTRUCTIONS ON HOW TO TENDER

### C.1. CONTENTS OF YOUR TENDER

The tenders shall consist of the following three elements:

#### Envelope A: Administrative documentation

1. A cover letter enclosing the Tender on the official letterhead paper of the Tenderer and signed by an authorised representative of the Tenderer. The cover letter shall contain:
  - The name and the designation of the person who is authorised to sign the contract on behalf of the tenderer;
  - The written statement on tenderer's acceptance of the CEPOL's model contract without reservations;
  - The confirmation that the period of validity of the tender is as required in Section C.1.1.
2. Filled in Tenderer's Identification form (see **Annex V**)
3. Filled in Legal Entity Form (see **Annex VII**)
4. Filled in Financial Identification Form (see **Annex VIII**)
5. Information and documentation about the tenderer's eligibility and capacity including:
  - Original Declaration of Honour on Exclusion Criteria (see **Annex IV**) as specified in Section B.6.1.
  - Duly filled in and signed Tender form (see **Annex VI**)
  - Copies of all original certificates and documents on the tenderer's capacity as specified in Section B.6.2. issued by an official authority in the country of origin or provenance of the tenderer.
  - All other evidence documents and the information required for the assessment of the selection criteria as specified in Section B.6.2.
6. If applicable, information and documentation on members of consortia and subcontractors as specified in Section E.



## 7. Checklist of documents which tenderers must submit (see **Annex IX**)

### **Envelope B: Technical Proposal**

Technical proposal duly signed by the tenderer's authorised representative on the front page and initialled on each page, in one original signed copy and one electronic copy on CD, DVD or USB. Please use the Technical Proposal Form (see **Annex II**). For more details on the content of the technical proposal please refer to **section B.3. "THE CONTENT OF THE TECHNICAL PROPOSAL"** of these tender specifications.

### **Envelope C: Financial Proposal**

Financial proposal duly filled in and signed by the tenderer's authorised representative, in one original signed copy and one electronic copy on CD, DVD or USB. Please use the Financial Proposal Form (see **Annex III**). For more details on the content of the technical proposal please refer to **section B.4. "THE CONTENT OF THE FINANCIAL PROPOSAL"** of these tender specifications.

#### **C.1.1. IMPORTANT NOTE**

- The tenders shall be submitted strictly in accordance with the conditions set out in these Tender Specifications (including the annexes). If any other conditions are attached to or referred to in the tenderer's tender, the tenderer should declare that such conditions are entirely withdrawn.
- The period of validity of the tender, during which the tenderer may not modify the terms of the tender in any respect, must be at least six months following the deadline for dispatching tenders.
- **CEPOL reserves the right to decline without further comment any proposal that does not accept its model contract.**

#### **C.2. LANGUAGE OF YOUR TENDER**

The tenders may be submitted in any of the official languages of the European Union.

Since CEPOL's working language is English, CEPOL would highly appreciate to receive tenders written in English, although this does not constitute a selection or an award criterion and will be ignored for the purpose of assessing the tenders.

#### **C.3. HOW TO PACKAGE YOUR TENDER?**

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

Both the **outer and the inner envelopes** must carry the following information:

**CEPOL PROCUREMENT**

**TENDER – NOT TO BE OPENED BY CEPOL RECEPTION OR SECURITY STAFF**

**Tender Ref. No. CEPOL/PR/OP/2014/003**

**Tender Title: Five Year External Evaluation of CEPOL**

Name of the Tenderer: -----

Address of the Tenderer: -----

-----

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

The **inner envelope** shall contain three envelopes properly marked, as follows:

- **Envelope A** containing the **Administrative documentation**
- **Envelope B** containing one signed original of the **Technical proposal** and one electronic copy on CD, DVD or USB
- **Envelope C** containing one signed original of the **Financial proposal** and one electronic copy on CD, DVD OR USB

#### C.4. HOW TO DISPATCH YOUR TENDER?

The tenderer shall dispatch his tender not later than the date and time indicated in Section B.8.

The tenderer may choose to dispatch his tender by registered mail, courier service or hand delivery, to the following address:

**European Police College**  
**1066 Budapest**  
**Ó utca 27**  
**HUNGARY**

Tenders sent by other means (e.g. by e-mail or fax) or dispatched later than the deadline indicated in Section B.8 will be rejected.

N.B. The tenderer shall note that, in case of tenders dispatched through registered mail or courier service, if the proof of dispatch is duly provided to CEPOL as explained in Section C.4.1.a below, tenders will be accepted even if – due to unexpected delays – they arrive after the date of the opening session.

If no proof of dispatch is provided to CEPOL and the tenders arrive after the opening session takes place, tenders will be rejected.

#### C.4.1. IMPORTANT NOTE: PROOF OF DISPATCH

##### C.4.1.a. REGISTERED MAIL AND COURIER SERVICE

The tenderer shall dispatch its tender to the postal or courier service by the deadline indicated in **Section B.8** at the latest.



As a proof of dispatch, date and time of dispatch shall be clearly indicated by the postal or courier service on the outer envelope of the tender.

In addition, the tenderer shall obtain a receipt of delivery issued by the postal or courier service clearly indicating the date and time of dispatch. By the deadline indicated in **Section B.8**, the tenderer must send a copy of this receipt to CEPOL by e-mail ([tenders@cepol.europa.eu](mailto:tenders@cepol.europa.eu)) or by fax +36 (06) 1 8038032 specifying the title and reference number of this procurement procedure, together with the name, email address and telephone number of the tenderer.

#### **C.4.1.b. HAND DELIVERY**

The tenderer shall hand in its tender to the CEPOL official taking delivery by the deadline indicated in **Section B.8** at the latest.

As a proof of dispatch, the tenderer shall obtain a receipt, signed and dated by the CEPOL official taking delivery, clearly indicating the date and time when the CEPOL official took delivery of the tender.

In order to ensure punctual hand delivery, the tenderer is strongly advised to take into account the time needed for security checks when entering the CEPOL premises and for the actual handover of its tender to the CEPOL official in charge of taking delivery.

CEPOL may not be held liable for any delays incurred by the tenderer when in CEPOL's premises; the tenderer alone is responsible for ensuring that its tender is delivered on time.

### **C.5. CONTACTS BETWEEN CEPOL AND TENDERERS**

Contacts between CEPOL and the tenderer may only take place in exceptional circumstances, under the following conditions:

#### **C.5.1. BEFORE THE DEADLINE FOR DISPATCHING TENDERS**

##### **C.5.1.1. REQUESTS FOR CLARIFICATIONS**

Should the tenderer discover any discrepancies in the Tender Specifications or be in any doubt as to their meaning, the tenderer should notify CEPOL.

The tenderer may also request additional information and/or clarifications on the procurement procedure, the Tender Specifications or the nature of the contract.

Such requests shall be made in writing only; no telephone queries will be accepted.

The requests shall indicate the tender reference number and title, and shall be sent by e-mail, fax or mail to:

**European Police College (CEPOL)**  
**1066 Budapest**  
**Ó utca 27**  
**HUNGARY**

**Fax: +36 (06) 1 8038032**

**E-mail: [tenders@cepol.europa.eu](mailto:tenders@cepol.europa.eu)**

All queries shall be sent to CEPOL no later than the deadline indicated in **Section B.8**. Tenderers shall note that CEPOL is not bound to reply to requests for additional clarifications made less than 5 working days before the deadline for dispatching tenders.

#### **C.5.1.2. AMENDMENT OF THE TENDER SPECIFICATIONS**

At any time prior to the deadline for dispatching tenders, CEPOL may modify the Tender Specifications by amendment.

In order to allow tenderers reasonable time in which to take the amendment into account in preparing their tenders, CEPOL, at its discretion, may extend the deadline for dispatching tenders.

**N.B.** The information concerning requests for clarifications and/or amendments of the Tender Specifications will be made available electronically on the CEPOL web site (<https://www.cepola.europa.eu/who-we-are/working-with-cepola/procurement>) no later than 6 days before the deadline for dispatching tenders.

CEPOL web site will be updated regularly. It is the tenderer's responsibility to check for updates and modifications during the tendering period.

Clarifications and/or amendments will be regarded as an integral part of the Tender Specifications.

#### **C.5.2. AFTER THE DEADLINE FOR DISPATCHING TENDERS**

If, after the deadline for dispatching tenders, a clarification is needed by CEPOL or if obvious clerical errors in the tender need to be corrected, CEPOL may contact the tenderer, although such contacts may not lead to any alterations of the terms of the submitted tender.

### **SECTION D – HOW WILL TENDERS BE EVALUATED?**

#### **D.1. PUBLIC OPENING SESSION**

Tenders are opened by an opening committee, whose members are appointed by CEPOL on a personal basis under guarantee of impartiality and confidentiality.

##### **D.1.1. FORMAL OPENING REQUIREMENTS**

The main aim of the opening session is to check whether the tenders received are compliant with the following formal requirements:

1. the tender was not dispatched later than the dispatch deadline indicated in **Section B.8**,
2. the inner envelope containing the tender is sealed as specified in **Section C.3**, in order to guarantee the confidentiality and integrity of data,
3. the tender contains information and documentation indicated in **Section C.1**,

4. the Technical and Financial proposals are signed on the front page and initialled on each page, as indicated in **Section C.1**,
5. the tender is submitted in the number of copies required in **Section C.3**.

If tenders are not compliant with requirements no. 1 and 2, they will be rejected.

#### D.1.2. MODALITIES TO ATTEND THE PUBLIC OPENING SESSION

The public opening session will take place at CEPOL's premises on the date and time indicated **Section B.8**.

One representative per tenderer is allowed to attend the opening session as an observer.

Should a tenderer wish to be present, it shall inform CEPOL of the name of its representative by email ([tenders@cepol.europa.eu](mailto:tenders@cepol.europa.eu)) or by fax (+36 (06) 1 8038032), not later than the date and time indicated in **Section B.8**.

#### D.2. TENDER EVALUATION SESSION

Tenders complying with the formal opening requirements checked during the opening session are evaluated in four stages by an evaluation committee, whose members are appointed by CEPOL on a personal basis under guarantee of impartiality and confidentiality.

- (i) The evaluation committee first checks the eligibility of the tenderer to participate in the procurement procedure as defined in **Section B.6.1**.
- (ii) The evaluation committee then checks the capacity of the tenderer to perform the contract against the selection criteria as defined in **Section B.6.2**. If one of the relevant criteria is not positive, its tender may not be further evaluated.
- (iii) The evaluation committee checks if all the minimum requirements listed in **Section B.1** are met. The tenders that do not meet all the minimum requirements shall be rejected.
- (iv) Afterwards, the evaluation committee evaluates the technical and financial proposals against the award criteria and identifies the offer presenting the best value for money as explained in **Section B.7**.

In case of joint offers submitted by consortia and in case of subcontracting, the exclusion, selection and award criteria are assessed in compliance with the terms and conditions specified in **Section E**.

N.B. The evaluation procedure is confidential. The deliberations of the evaluation committee are held in closed session and its recommendations are collective. The members of the evaluation committee are bound to confidentiality.

## SECTION E – JOINT OFFERS SUBMITTED BY CONSORTIA AND SUBCONTRACTING: TERMS AND CONDITIONS

Companies can consider two ways of collaborating in a tender: either as joint partners in the tender or through subcontracting. Unless stated otherwise in the contract notice and/or the tendering specifications, both **joint tenders** and **subcontracting** are allowed in response to a call for tenders issued by CEPOL. Tenders may even combine both approaches.

In any case, the file must specify very clearly whether each economic operator involved in the tender is acting as a partner in a joint tender 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). Please fill in the relevant information in the **Tender Form (see Annex VII)** 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.

### E.1. JOINT OFFERS SUBMITTED BY CONSORTIA

#### E.1.1. INTRODUCTION

Groups of economic operators (consortia) are authorised to submit tenders (joint offers). In this case, each member of the consortium shall fulfil the requirements and accept the terms and conditions set out in the Invitation to Tender, the Tender Specifications, the Model Contract as well as all 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 point of contact with CEPOL in connection with the present procurement procedure.

CEPOL may not demand that consortia must have a given legal form in order to be allowed to submit a tender. However, the consortium selected may be required to adopt a given legal form after it has been awarded the contract and before the contract is signed, if this change is necessary to the proper performance of the contract.

#### E.1.2. DOCUMENTATION / INFORMATION TO BE PROVIDED

Each member of the consortium must provide the following documentation:

- Documentation related to its eligibility to tender, as specified in **Section B.6.1**;
- Documentation related to the economic and financial capacity of the tenderer and documentation related to its legal capacity as specified in **Section B.6.2.1**;

Documentation related to its technical and professional capacity, as specified in **Section B.6.2.2**, shall relate to the whole consortium

### E.1.3. EVALUATION

Joint offers submitted by consortia will be assessed as follows:

- The exclusion criteria (**Section B.6.1**) and the selection criteria for the legal capacity (**Section B.6.2.1**) will be assessed in relation to each member of the consortium individually;
- The selection criteria for the economic and financial capacity (**Section B.6.2.1**) will be assessed as follows:
  - For criteria set as minimum viability standards on financial and economic standing (e.g. by means of appropriate statements from banks or balance sheets), an individual evaluation will be made;
  - For criteria that are deemed to be achieved above a certain level (e.g. overall turnover or turnover with respect to the specific tender), a consolidated assessment – all members of the consortium together – will be made;
- The selection criteria for the technical and professional capacity (**Section B.6.2.2**) will be assessed in relation to the combined capacities of all members of the consortium, as a whole;
- The technical and financial evaluation of the offers (**Section B.7**) will be carried out in relation to the tender.

Since all members of the consortium are jointly and severally liable towards CEPOL for the performance of the contract, statements included in the joint offer saying, for instance:

- that each member of the consortium will be responsible only for a specific part of the contract, or
- that a separate contract should be signed with each member of the consortium if the joint offer is successful,
- are incompatible with the principle of joint and several liability.

CEPOL will disregard any such statement contained in a joint offer, and it reserves the right to reject such offers without further evaluation, on the grounds that they do not comply with the Tender Specifications.

**N.B.** If a member of the consortium does not fulfil one of the exclusion or selection criteria, the whole consortium shall be excluded.

### E.1.4. CONTRACT IMPLEMENTATION

Once the Contract has entered into force, all members of the consortium shall be jointly and severally liable towards CEPOL for the performance of the Contract, they shall comply with the terms and conditions of the Contract and ensure the proper execution of their respective share of the services.

The Consortium Leader – duly authorised by the other members of the consortium – will be entitled to sign any contractual documents; it shall act as a single point of contact with CEPOL in connection with the services to be provided under the Contract; it shall co-ordinate the provision

of the services by the consortium members to CEPOL; it shall guarantee a proper administration of the Contract.

The composition of the consortium and the allocation of tasks among the members of the consortium shall not be altered without prior written information to CEPOL.

## E.2. SUBCONTRACTING

### E.2.1. INTRODUCTION

The tenderer may subcontract the tasks specified in Section B.1 (Terms of Reference) to other economic operators, as long as the supplies and/or services are provided in accordance with the Tender Specifications and have no impact on the prices proposed in its financial proposal.

### E.2.2. DOCUMENTATION / INFORMATION TO BE PROVIDED

The tenderer shall:

- (i) State which tasks it intends to subcontract and clearly indicate the already identified subcontractor(s), their roles, activities and responsibilities;
- (ii) Specify the volume or proportion of the activities likely to be subcontracted;

In addition, if the tenderer intends to subcontract above 50% of the activities specified in Section B.1 to other economic operators, and the subcontractor(s) is/are already identified, the tenderer shall provide the following documentation for each subcontractor:

- Documentation related to the eligibility to tender of the already identified subcontractor(s), as specified in Section B.6.1
- Documentation related to the economic and financial capacity and documentation related to the legal capacity of the subcontractor, as specified in Section B.6.2.1;
- Documentation related to the technical and professional capacity of the subcontractor (documentation to be provided to the extent of the activities that will be subcontracted), as specified in Section B.6.2.2.

### E.2.3. EVALUATION

In case of subcontracting, the tender will be assessed as follows:

- *(if applicable)* the exclusion criteria (Section B.6.1) and the selection criteria for the legal capacity (**Section B.6.2.1**) will be assessed in relation to each proposed subcontractor individually;
- *(if applicable)* the selection criteria for the economic and financial capacity (Section B.6.2.1) will be assessed as follows:
  - For criteria set as minimum viability standards on financial and economic standing (e.g. by means of appropriate statements from banks or balance sheets), an individual evaluation will be made;



- For criteria that are deemed to be achieved above a certain level (e.g. overall turnover or turnover with respect to the specific tender), a consolidated assessment – tenderer plus subcontractor(s) – will be made, depending on the extent to which the subcontractor(s) will put their resources at the disposal of the tenderer for the performance of the contract;
- (if applicable) the selection criteria for the technical and professional capacity (Section B.6.2.2) will be assessed in relation to the combined capacities of the tenderer and the subcontractor(s), as a whole, depending on the extent to which the subcontractor(s) will put their resources at the disposal of the tenderer for the performance of the contract;
- The technical and financial evaluation of the offers (Section B.7) will be carried out in relation to the tender.

#### E.2.4. CONTRACT IMPLEMENTATION

Once the contract has entered into force, the successful tenderer shall retain full liability towards CEPOL for the performance of the contract as a whole. CEPOL will not have any direct legal commitment with the subcontractor(s).

During the execution of the contract, the contractor will need CEPOL's express authorisation to replace a subcontractor with another subcontractor and/or to subcontract tasks for which subcontracting was not envisaged in the original tender, in compliance with the provisions on subcontracting foreseen in the contract.

#### SECTION F – SIGNATURE OF THE CONTRACT WITH THE SUCCESSFUL TENDERER: PROVISION OF DOCUMENTATION

##### Eligibility documentation (exclusion criteria)

The successful tenderer to whom CEPOL intends to award the contract will have to provide – within a time limit of 10 calendar days from the date of notification of award of the contract and preceding the signature of the contract – specific evidence in order to prove that they are not in a case of exclusion.

The following documentary evidence, confirming the declaration on honour, as referred to in Article 143 (3) of the Rules of Application (Commission Delegated Regulation (EU) No 1268/2012 of 29 October 2012 on the rules of application of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council on the financial rules applicable to the general budget of the Union) is listed below and will be accepted in **original only**:

1. For the situations described in point (a), (b) or (e) of **Section B.6.1** of the Tender Specifications, CEPOL shall accept, as satisfactory evidence, a recent extract from the judicial record or, failing that, a recent equivalent document issued by a judicial or administrative authority in the country of origin or provenance showing that those requirements are satisfied (eligibility documents 1);
2. For the situation described in points (a) and (d) of **Section B.6.1** of the Tender Specifications, CEPOL shall accept, as satisfactory evidence, a recent certificate issued by the competent authority of the State concerned (eligibility documents 2).

However, where the eligibility documents 1 and 2 are not issued in the country concerned, CEPOL shall accept, as satisfactory evidence for the situations described in points a) to e) of **Section B.6.1** of the Tender Specifications, a sworn or, failing that, a solemn statement made by the successful tenderer before a judicial or administrative authority, a notary or a qualified professional body in its country of origin or provenance, clearly stating that the requested eligibility documents are not issued in the country concerned and that the successful tenderer is not in one of the above-described situations.

Depending on the national legislation of the country in which the successful tenderer is established, these documents must relate to legal persons and/or natural persons. Where considered necessary by CEPOL, the successful tenderer may be requested to provide that documentary evidence for company directors or any person with powers of representation, decision-making or control in relation to the successful tenderer.

However, CEPOL may decide to waive the obligation of the successful tenderer to submit the documentary evidence if such evidence has already been submitted to CEPOL for the purposes of another procurement procedure and provided that the issuing date of the documents does not exceed one year and that they are still valid. In such a case, the successful tenderer shall declare on its honour that the documentary evidence has already been provided to CEPOL in a previous procurement procedure and confirm that no changes in its situation have occurred.

**N.B.** In case of joint offers submitted by consortia, the above listed documentary evidence shall be provided by each member of the consortium.

In case of subcontracting, the above listed documentary evidence shall be provided on CEPOL's request.

The successful tenderer shall acknowledge that the notification letter sent by CEPOL to inform him that CEPOL intends to award him the contract does not constitute the award of the contract itself. This will not be completed until the contract has been signed by the successful tenderer and CEPOL.

Please note that the signature of the contract between CEPOL and the successful tenderer will be conditional upon provision of the documentary evidence from the successful tenderer.

#### **Capacity documentation (selection criteria)**

On CEPOL's request, the successful tenderer shall submit – within a time limit of 10 calendar days from the date of notification of award of the contract and preceding the signature of the contract – the original certificates / documents to CEPOL for conformity check prior to the signature of the contract.

In such case, please note that the signature of the contract between CEPOL and the successful tenderer will be conditional upon provision of the original certificates / documents from the successful tenderer.



## **LIST OF ANNEXES**

Please see attached as separate documents the following annexes to the tender specifications:

ANNEX I – MODEL CONTRACT

ANNEX II – TECHNICAL PROPOSAL FORM

ANNEX III – FINANCIAL PROPOSAL FORM

ANNEX IV – DECLARATION BY THE TENDERER

ANNEX V – IDENTIFICATION OF THE TENDERER

ANNEX VI – TENDER FORM

ANNEX VII – LEGAL ENTITY FORM

ANNEX VIII – FINANCIAL IDENTIFICATION FORM

ANNEX IX - CHECKLIST OF DOCUMENTS WHICH TENDERERS MUST SUBMIT