

# **Tender Documents**

## **Part II**

# **Tender Specifications**

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## 1 Overview of this Tender

### 1.1 Introduction to the S2R JU

The Shift2Rail Joint Undertaking (hereinafter “the S2R JU”, “the Joint Undertaking” or “the Contracting Authority”), is a public-private partnership in the rail sector, established under Horizon 2020, to provide a platform for coordinating research activities with a view to driving innovation in the rail sector in the years to come. It was established on 7 July 2014, following the entry into force of [Council Regulation \(EU\) No 642/2014 of 16 June 2014 establishing the Shift2Rail Joint Undertaking](#).

### 1.2 Description of the Contract

The service required by the S2R JU under the contract to be potentially awarded as a result of this call for tender is described in the Technical Specifications in Section 2 of the present tender specifications.

### 1.3 Timetable

Summary timetable	Date	Comments
Launch date	31 August 2017	
Deadline for addressing requests for clarification to the S2R JU	8 November 2017	
Last date on which clarifications are issued by the S2R JU	8 November 2017	Tenderers are advised to check the S2R JU Procurement Webpage on a regular basis for possible updates and/or clarifications.
<b>Deadline for Submission of Tenders</b>	<b>15 November 2017</b>	Tenders delivered by hand shall be submitted not later than <b>17:00h, Brussels time</b> .
Opening Session	23 November 2017 at 10:00 AM, Brussels time.	Maximum one legal representative per participating tenderer may attend the opening session. Tenderers shall inform the Joint Undertaking of their intention to attend, at least 5 working days prior to the opening session.
Completion Date for Evaluation of Tenders	15 December 2017	Estimated
Signature of Contract	5 January 2018	Estimated

#### **1.4 Eligibility - Participation in the Tender 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.

In addition, tenderers must not be in any situation of exclusion under the exclusion criteria indicated in section 3.1 / Annex II of these tender specifications and must have the legal capacity to allow them to participate in this tender procedure (see section 3.2.1).

Please note that any attempt by a tenderer to obtain confidential information, enter into unlawful agreements with competitors or influence the evaluation committee or the S2R JU during the process of examining, clarifying, evaluating and comparing tenders will lead to the rejection of his tender and may result in administrative penalties.

#### **1.5 Joint Tenders - Participation of Consortia**

Consortia may submit a tender on the condition that it complies with the rules of competition including satisfying the requirements under the exclusion criteria (see section 3.1) applicable to the award of the contract.

A consortium may be a permanent, legally-established grouping or a grouping which has been constituted informally for a specific tender procedure. All members of a consortium (i.e. the leader and all other members) are jointly and severally liable to the Contracting Authority.

For each consortium member, the tenderer must, at the time of tender submission<sup>1</sup>:

- ✓ Specify the company or person heading the project (the leader) and submit, a copy of the document authorising this company or person to submit a tender on behalf of the consortium (e.g. power of attorney) – alternatively, if already available at the time of tender submission, a duly signed and dated (by each member) consortium agreement.
- ✓ Submit the required evidence for exclusion criteria (see section 3.1.i).
- ✓ Submit the required evidence for selection criteria – legal capacity (see section 3.2.1).
- ✓ For the selection criteria - economic & financial capacity (see section 3.2.2) and technical & professional capacity (see section 3.2.3) the evidence should be provided by each member of the consortium, but will be checked to ensure that the consortium as a whole fulfils the criteria (e.g. not every consortium member needs to fulfil each of the criteria individually – but rather as a whole).
- ✓ In case of successful award & before contract signature: the tenderer to whom the contract is to be awarded shall provide, at the latest, within 15 days following notification of award and preceding the signature of the contract, a duly signed and dated (by each of the consortium members) consortium agreement specifying the company or person heading the project and authorised to submit a tender on behalf of the consortium (unless already submitted at the time to tender submission).

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<sup>1</sup> See also section 1.7 and Annex I – Tender Submission Form – for a summary / overview of documents to be submitted as part of the tender.

The participation of an ineligible person will result in the automatic exclusion of that person. In particular, if that ineligible person belongs to a consortium, the whole consortium will be excluded.

## **1.6 Sub-contracting**

Sub-contractors (including freelancers) must satisfy the requirements under the exclusion criteria (see section 3.1) applicable to the award of the contract.

If the identity of the intended sub-contractor(s) is already known at the time of submitting the tender, for each sub-contractor, the tenderer must, at the time of tender submission<sup>2</sup>:

- ✓ Indicate clearly which parts of the work will be sub-contracted (including freelance consultants, experts etc.) and to what extent (proportion in %). The sub-contractor must not sub-contract further.
- ✓ Submit a duly signed and dated (by the sub-contractor) 'Sub-contractor Declaration' – Annex III - confirming that they are not in any of the situations of exclusion / conflict of interest (see section 3.1) and pledging their irrevocable undertaking to collaborate with the tenderer, should he win the contract and that they will put all appropriate and necessary resources from their part at the tenderer's disposal for the performance of the contract.
- ✓ Proof of Technical & Professional Capacity: Submit the required evidence for technical & professional capacity (see section 3.2.3). Please note the evidence provided by each sub-contractor, for those applicable criteria, will be checked to ensure that the tenderer as a whole fulfils the criteria.]

\*Important Note: If the identity of the sub-contractor(s) is not known at the time of submitting the tender, the tenderer who is awarded the contract will have to seek the S2R JU's prior written authorisation before entering into a sub-contract. Where no sub-contracting is indicated in the tender the work will be assumed to be carried out directly by the bidder.

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<sup>2</sup> See also section 1.7 and Annex I – Tender Submission Form – for a summary / overview of documents to be submitted as part of the tender.

## **1.7 Submission of Tenders**

It is strictly required that tenders be presented in the correct format and include all documents necessary to enable the evaluation committee to assess them. Failure to respect these requirements will constitute a formal error and may result in the rejection of the tender. As a result, tenders must comply with the following conditions for submission.

### **1.7.1 Presentation of the Tender**

Tenders must be submitted in accordance with the double envelope system:

Outer Envelope: The outer envelope or parcel should be sealed with adhesive tape, signed across the seal and carry the following information as shown in the diagram in 1.7.4 below:

- ✓ the ref. number of the invitation to tender: **S2R.2017.OP.02**
- ✓ the project title: **Pantograph - Overhead Contact Line Interaction - Dynamic Behaviour and Quality of the Current Collection**
- ✓ the name of the tenderer
- ✓ the indication ***“Tender - Not to be opened by the internal mail service”***
- ✓ the address for submission of tenders *(as indicated in the letter of invitation to tender)*
- ✓ the date of posting *(if applicable)* should be legible on the outer envelope

Inner Envelopes: The outer envelope must contain three inner envelopes, namely, Envelopes A, B and C. The content of each of these three envelopes must be as follows:

<b>ENVELOPE A – ADMINISTRATIVE DATA</b>	
✓	<b>Tender Submission Form</b> (front page of administrative documents) – using template in <b>Annex I</b> .
✓	<b>Declaration of Honour</b> (section 3.1 Exclusion Criteria) – using template in <b>Annex II</b> .
✓	<i>In case of sub-contracting (section 1.6):</i> <b>Sub-contractors Declaration</b> – <b>Annex III</b> .
✓	<b>Financial Identification Form</b> – using the template downloadable from the following website: <a href="http://ec.europa.eu/budget/contracts_grants/info_contracts/financial_id/financial_id_en.cfm">http://ec.europa.eu/budget/contracts_grants/info_contracts/financial_id/financial_id_en.cfm</a>
✓	<b>Legal Entity Form</b> (section 3.2.1 Selection Criteria - Legal Capacity) – using template from link below and the supporting documents requested in section 3.2.1: <a href="http://ec.europa.eu/budget/contracts_grants/info_contracts/legal_entities/legal_entities_en.cfm">http://ec.europa.eu/budget/contracts_grants/info_contracts/legal_entities/legal_entities_en.cfm</a>
✓	<b>Economic &amp; Financial Capacity Documents</b> (section 3.2.2 Selection Criteria – Economic & Financial Capacity) – using template in <b>Annex IV.a</b> accompanied by the documents requested therein.
✓	<i>In case of consortia (section 1.5):</i> <b>Consortium agreement</b> (if already available), or, <b>powers of attorney</b> issued by the consortium members empowering the representative of the consortium leader (tenderer) to submit a tender of their behalf.

<b>ENVELOPE B – TECHNICAL DOCUMENTS:</b> One signed original and 3 (three) copies* (identical in full to the original) of the:	
✓	Technical & Professional Capacity Documents as requested in section 3.2.3.
✓	Technical Offer providing all information requested in section 4.1.
<b>ENVELOPE C - FINANCIAL DOCUMENTS:</b> One signed original and 3 (three) copies* (identical in full to the original) of the:	
✓	<b>Financial Offer</b> (section 4.2) using the template found in <b>Annex V</b>

\*The original tender must be marked “ORIGINAL”, and the copies (of the signed original) marked “COPY”.

### 1.7.2 Language of the Tender

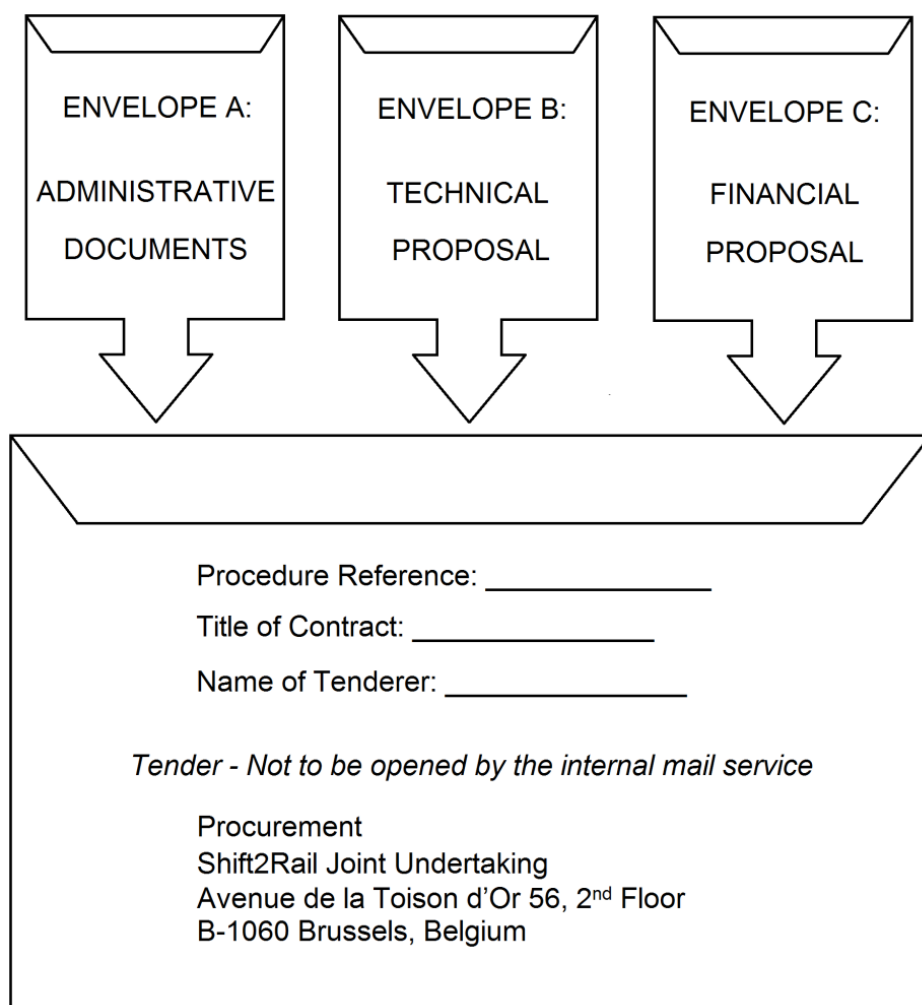
Tenders should be drafted in one of the official languages of the European Union, preferably English.

### 1.7.3 Division into Lots

This tender is not divided into lots. The tenderer must be in a position to provide all the services requested.



#### 1.7.4 Tender Submission - Envelope Diagram



### 1.8 Environmental Considerations

The S2R JU is committed to minimising the environmental impact of its everyday business activities, including, promoting an eco-friendly approach in its purchasing activity. Therefore, contractors of the JU should also follow / adopt such environmental considerations and strive to be eco-friendly (i.e. reduce water, energy and waste consumption, actively recycle, using reusable / recyclable materials etc.) in their related business operations.

In addition, the contractor shall ensure compliance with any European and national rules on environmental protection, safety and health.

Moreover, it is strongly recommended that tenders are submitted in an environmentally friendly way, e.g. by choosing a simple and clear structure (list of contents and consecutive page numbering), double-sided printing, limiting attachments to what is required in the tender specifications (no additional material) and avoiding plastic folders or binders.

## **1.9 Period during which tenders are binding**

The period of validity of tenders, during which tenderers may not modify the terms of their tenders in any respect is 90 days after the deadline for the submission of tenders. In exceptional cases, before the period of validity expires, the JU may ask tenderers to extend the period for a specific number of days, which shall not exceed 40.

The selected tenderer must maintain its tender for a further 60 days from the date of notification that his tender has been recommended for the award of the contract. The further period of 60 days is added to the initial period of 90 days irrespective of the date of notification.

## **1.10 Contacts between the S2R JU and Tenderers**

Contacts between the Joint Undertaking and tenderers are prohibited throughout the procedure save in exceptional circumstances and under the following conditions only:

### Before the final date for submission of tenders:

- At the request of the tenderer, the S2R JU may provide additional information solely for the purpose of clarifying the nature of the contract.
- Any request for clarification must be made in writing by e-mail at [procurement@shift2rail.europa.eu](mailto:procurement@shift2rail.europa.eu) and should indicate the reference number and the title of the tender.
- Requests for clarification received by the S2R JU after the deadline for such requests for clarification as specified in section 1.3 – Timetable may not be processed.
- The S2R JU may, on its own initiative, inform interested parties of any error, inaccuracy, omission or any other clerical error in the text of the call for tenders.
- Any clarifications including that referred to above will be published on the S2R JU's Procurement Webpage. Please ensure that you visit regularly the site for updates.

### After the opening of tenders:

- If, after the tenders have been opened, some clarification is required in connection with a tender, or if obvious clerical errors in the submitted tender must be corrected, the S2R JU may contact the tenderer, although such contact may not lead to any alteration of the terms of the submitted tender.

## **1.11 Visits to the Premises of the S2R JU**

No site visits at S2R JU's premises are deemed necessary for this procedure.

## **1.12 Variants**

Variants are not permitted.

### **1.13 Only for service contracts: Scope for additional services or for the repetition of similar services**

The S2R JU may, under certain circumstances (eg for maintenance needs), extend the project in duration and/or scope subject to the availability of funding and to satisfactory performance by the contractor.

For additional services which are not included in this contract but which, through unforeseen circumstances, would become necessary for the performance of the services under this contract, the Contracting Authority may make use of the negotiated procedure without prior publication of a contract notice and potentially award the additional contract to the contractor performing this contract.

For new services consisting in the repetition of services similar to the ones initially entrusted to the contractor under the contract, the Contracting Authority may make use of the negotiated procedure without prior publication of a contract notice and potentially award them to the contractor performing this contract.

### **1.14 Confidentiality & Public Access to Documents**

In the general implementation of its activities and for the processing of tendering procedures in particular, the S2R JU 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.

### **1.15 Contract Provisions**

In drawing up your tender, you should bear in mind the provisions of the draft contract (see Part III of the Tender Documents). In particular, the draft contract indicates the method and the conditions for payments to the contractor.

**\*Important Note:** Submission of a tender implies acceptance of all the terms and conditions set out in the Tender Documents (Part I - invitation to tender, Part II - tender specifications and Part III - draft 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.

In this respect every tenderer is also required to sign a declaration to this effect in as part of the tender submission form in Annex I.

## 2 Technical Specifications

These Technical Specifications (TS) will become an integral part of the contract that may be awarded as a result of the tender.

### 2.1 Introduction: Background to the Invitation to Tender

Relevant information to help operators understand the context against which a particular procurement procedure is launched and ultimately to understand the subject of the contract.

*The performance and quality of interaction between the pantograph and overhead contact line (OCL) have the crucial influence on the performance of the electric vehicles and as a consequence of the railway. Electric traction with engines easily accepting overloading and - what is nowadays important - environmental friendly (no direct pollution) is considered as particularly suitable for the railway with high speed, frequent or heavy freight traffic.*

*With the increase of speed and power demand, the quality of current collection - dependent of proper interaction between OCL and pantograph(s) – became more and more critical. OCL became more complicated mechanically, with wires under higher mechanical tensions, and pantographs became lighter, that can follow easily contact wires but able to convey more current to the vehicle.*

*The introduction into European legislation of the first interoperability directive 1996/48 (referring high-speed network) and development on this base the first batch of TSIs, brought the need to find common approach on technical parameters important for interoperability. For the energy subsystem, a definition of parameters describing the quality of current collection – particularly significant for high-speed trains – became a substantial issue.*

*In the first ENE TSI from 2002 (Dec.2002/733) the requirements for the subsystem, based on the current state of the art, contain - apart from geometry – the parameter Requirements for dynamic behaviour and quality of current collection, referring to uplift and mean contact force (defined by dedicated formulas) and its standard deviation or number of arcs. Additionally for OCL as interoperability constituent (IC) the TSI stipulated also:*

- *wave propagation speed;*
- *elasticity and uniformity of elasticity.*

*With gaining experiences in the TSIs implementation, the subsequent revisions of TSI reduced in one hand the number of requirements defining the performance between the OCL and the pantograph to the dynamic behaviour and quality of current collection parameter, but on the other hand, the complexity of the assessment methods – for interoperability constituent (IC) and subsystem – was increased.*

*As a consequence, today this parameter is considered, in the framework of authorisation for placing in service, as the most demanding requirement, due to the difficulty of the tests – simulation tests and field tests – and overall costly and time consuming.*

*This project is included in the Shift2Rail Annual Work Plan 2017 in Cross-cutting activities (CCA) and relates to System integration, safety and interoperability area of the Shift2Rail Master Plan.*

*It aims to contribute, in accordance with the S2R JU Regulation objectives, to the removal of remaining technical obstacles holding back the rail sector in terms of interoperability and efficiency, in particular by endeavouring to close points which remain open in Technical Specifications for Interoperability (TSIs) due to lack of technological solutions. For this reason the European Union Agency for railways will be involved for reviewing the project activities that could contribute to defining target systems in regulatory requirements (in accordance with Art.12 of the Statutes of the JU Regulation).*

## 2.2 Description of the Subject and Scope of the Contract

*For the ENE TSI (Commission Regulation (EU) No 1301/201 of 18 November 2014 on the technical specifications for interoperability relating to the 'energy' subsystem of the rail system in the Union) one of the most important points is the dynamic behaviour and quality of the electric current collection.*

*It is one of the most demanding and most costly requirement and together with developed assessment methods the most difficult to fulfil both at ICs and subsystems level.*

*For this requirement, the TSI relies principally on simulation and integrated field-testing.*

*The scope of the expected contract is to analyse the phenomena of the interaction of the OCL and the pantograph taking into account the state of the art of the technology. In addition, the contractor shall propose alternative methods to simplify the requirement and assessments as much as possible and thereby reduce the cost and the timescale of the authorisation process of both interoperability constituents: OCL and pantograph and their integration into subsystems.*

### 2.2.1 Current situation

#### **Requirement**

*The requirement is set out in the point 4.2.12 Dynamic behaviour and quality of current collection (it is also referred to in points 5.2.1.3 and 5.2.1.4 for OCL as IC) of the ENE TSI.*

#### **Assessment methods**

*In case of assessment, TSI distinguishes methods between evaluation of OCL as IC and assessment of the subsystem.*

*For IC the assessment defined methods (see the point 6.1.4.1 of the ENE TSI) are more developed and more demanding. The reasons behind are to check all details and correct possible mistakes in the design before putting a relevant OCL on the EU market.*

*For the installation of OCL - already assessed as IC - in the subsystem (see the point 6.2.4.5 of the ENE TSI), the assessment is less challenging, based on the measurement, concentrated on indication of installation and allocation errors.*

## 2.3 Description of tasks

*The analysis should address issues related to two areas:*

- ANA\_1: requirements
- ANA\_2: assessment

*The tasks to be performed should address issues related to two areas:*

- ANA\_1: requirements
- ANA\_2: assessment

#### **ANA\_1: requirements.**

*This part should cover the following elements:*

- *Challenge what should be considered as a proper quality of electric current collection, from both - OCL and pantograph point of view*
- *Collect experiences from OCL pantograph performance interaction and use outcomes from other similar projects (e.g. PANTOTRAIN)*
- *Critical analyses of the existing parameters in the TSIs and EN standards for the OCL and pantograph dynamic interaction defining:*
  - *quality of the electric current collection*
  - *safety.*
- *Define new/adapted parameters or reference systems for the dynamic behaviour and quality of the current collection take into account the state of the art of technology, and demonstrate that parameters not included are not relevant for the results.*

*These parameters:*

  - *can be different for assessing ICs and assessing the sub-system when it incorporates the ICs;*
  - *have to consider the usability for the assessment of ICs and test of the sub-system when incorporating them;*
  - *need to be qualified in relation to safety and performance.*

#### **ANA\_2: assessment**

*This part should cover the following elements:*

- *Define new methods of assessment for previously defined parameters or reference systems.*

*These methods of assessments:*

  - *should include a sound demonstration of the advantages (in terms of reduction of the efforts);*
  - *need to rely as much as possible on simulation and/or bench methods in order to reduce the field test.*
  - *should propose improvements (in terms of reduction of costs, time and resources for the assessment) to current standards and specifications.*
  - *should define and split safety and performance assessment.*
  - *should provide evidence of practical implementation in real cases*
- *Improve the critical assessment issues, such as: definition of representative section of line, complex lab train for the tests.*

<b><i>Deliverables</i></b>	<b><i>Planning</i></b>
<b><i>ANA_1</i></b>	<i>Total: 6 months</i>
<i>a) Kick-off meeting ANA_1</i>	<i>Two weeks after the signature of the contract</i>
<i>b) Interim meeting, presentation of the preliminary results of ANA_1</i>	<i>Within 3 months after a)</i>
<i>c) Interim report including preliminary results of ANA_1</i>	<i>Within two weeks after b)</i>
<i>d) REP_1: final report of ANA_1</i>	<i>Within 1 months after c)</i>
<i>e) Final meeting: presentation: final meeting on results of ANA_1</i>	<i>Within 1 month after d)</i>
<b><i>ANA_2</i></b>	<i>Total: 6 months</i>
<i>f) Kick-off meeting ANA_2</i>	<i>Two weeks after e)</i>
<i>g) Interim meeting, presentation of the preliminary results of ANA_2</i>	<i>Within 3 months after f)</i>
<i>h) Interim report including preliminary results of ANA_2</i>	<i>Within two weeks after g)</i>
<i>i) REP_2: final report of ANA_1</i>	<i>Within 1 months after h)</i>
<i>j) REP 3: final report of ANA_1 + ANA_2</i>	<i>Within two weeks after i)</i>
<i>k) Final meeting: presentation: final meeting on results of the project</i>	<i>Within two weeks after j)</i>

## **2.4 Description of the Contract**

A direct contract is a legal and financial agreement between two parties - in this case, the S2R JU and the contractor. The direct contract is a contract of fixed price and duration and defines, amongst others, the subject and scope of the services to be delivered, remuneration, deliverables and milestones etc. of the contract at the outset of the particular project.

#### **2.4.1 Volume of the Contract**

The S2R JU intends to sign a direct service contract with the successful tenderer for a maximum total value of € 700 000 (seven hundred thousand EUROS), covering the implementation of the two phases described in Section 2.3.

#### **2.4.2 Duration and Implementation of the Contract**

The duration of the direct contract shall not exceed 12 months from contract signature.

The contract will be implemented in two successive phases.

The service contract the Contracting Authority will conclude with the successful tenderer will cover the first phase (ANA\_1) of the assignment, only.

The service contract will then be extended to cover the second phase of the assignment (ANA\_2) upon proper and successful implementation of the first phase (ANA\_1).

Exhaustive and proper implementation of ANA\_1 is thus a condition for initiation of ANA\_2.

Tenderers should take this into consideration when drawing up their financial offer based on the model made available in Annex V.

#### **2.4.3 Place of Delivery/Execution**

The main place of delivery shall be at S2R JU premises in Brussels, Belgium. In some specific cases, some meetings may also take place in Valenciennes or Lille (ERA headquarters/facilities) at the request and presence of the JU.

#### **2.4.4 Deliverables & Reporting**

In general, the tenderer shall propose the deliverables supporting the implementation of the contract, such as reports, presentations, results etc., including, where necessary timings, quality levels, etc.

More specifically, the contractor shall have to provide the deliverables listed in table in section 2.3 here above.

The S2R JU will have <twenty> days to approve or submit comments on a deliverable. The contractor shall have <ten> days in which to submit additional information and/or a new deliverable as requested by the JU. The final version of each report shall incorporate the comments, corrections and recommendations agreed by the contractor with the S2R JU.

**\*Important Note:** Proper delivery and the S2R JU approval of the interim and final reports shall be a condition for the initiation of corresponding payments by the S2R JU.

#### **2.4.5 Monthly Progress Reports**

In addition to the reports mentioned above the contractor shall be required to deliver monthly progress reports containing the following:

- Activities provided during this period;



- Potential obstacles/risks to be tackled (if any);
- Proposed solution how to tackle those obstacles/risks;
- Planned activities foreseen until the next progress report.

#### **2.4.6 Project Meetings**

A series of project meetings shall be held between the S2R JU and the contractor to monitor the progress of the project and any identified issues. In total, <number> project meetings are planned. Please note that the contractor shall start the project work immediately after signing the contract independent of the date of the kick-off meeting:

- 1) Kick-off Meeting:** a first general / kick-off project meeting held at S2R JU as defined in 2.3;
- 2) Interim Meetings:** Before submission of the interim report the draft report shall be presented to the S2R JU in order to hold any necessary discussions and receive some initial feedback / input;
- 3) Final Meeting / Presentation:** the results of the project shall be presented to the S2R JU in a final presentation at S2R JU premises in Brussels.

*\*Important Note:* Travelling to the above mentioned meetings / activities, accommodation and any other costs related thereto shall be at the sole expense of the contractor and shall be fully included in the price presented in the financial offer (Annex V).

*\*Important Note:* The framework contract itself is not an order for services or supplies and does not constitute a financial commitment.

### 3 Exclusion and Selection Criteria

#### 3.1 Exclusion Criteria

Requirement:

Participation in this tender is only open to tenderers who are not in any of the situations of exclusion listed in Annex II.

Evidence:

i. At the time of Tender Submission:

Tenderers shall provide a declaration on their honour (see model in Annex II), duly signed and dated.

ii. In case of successful award & before contract signature:

The tenderer to whom the contract is to be awarded shall provide, within 15 days following notification of award and preceding the signature of the contract, the following documentary proofs to confirm the declaration referred to above:

- For points a), b) and e) a **recent extract from** the judicial record or, failing that, an equivalent document **recently issued by** a judicial or administrative authority in the country of origin or provenance showing that those requirements are satisfied.
- For point d) a **recent certificate issued by** the competent authority of the State concerned.

Where the document or certificate referred to above is not issued in the country concerned, it may be replaced by a sworn or, failing that, a solemn statement made by the interested party before a judicial or administrative authority, a notary or a qualified professional body in his country of origin or provenance.

#### Selection Criteria

Tenderers must submit evidence of their legal, economic & financial, technical & professional capacity to perform the contract.

##### 3.2.1 Legal Capacity

Requirement:

Tenderers (including consortium members) are asked to prove that they are authorised to perform the contract under the national law as evidenced by inclusion in a trade or professional register, or a sworn declaration or certificate, membership of a specific organisation, express authorisation or entry in the VAT register.

Evidence required:

- A duly filled in and signed Legal Entity Form, to be downloaded, depending on the tenderer's nationality and legal form (i.e. individual, private/public company), from the following website:  
[http://ec.europa.eu/budget/contracts\\_grants/info\\_contracts/legal\\_entities/legal\\_entities\\_en.cfm](http://ec.europa.eu/budget/contracts_grants/info_contracts/legal_entities/legal_entities_en.cfm);

- Supporting documents – a copy of any official document (i.e. official gazette, register of companies etc.) showing the individual's / contractor's name and address and the registration number given to it by the national authorities. A copy of the VAT registration document (if applicable) should be submitted if the VAT number does not appear on the official document referred to above.

*Note:* Where a tenderer has already signed another contract with the S2R JU, he may provide instead of the legal entity file and its supporting documents a copy of the legal entity file provided on that occasion, unless a change in his legal status occurred in the meantime or the legal entity file or its supporting documents are older than one year.

### **3.2.2 Economic & Financial Capacity**

#### Requirement(s):

- The tenderer must be in a stable financial position and have the economic and financial capacity to perform the contract;
- The yearly overall turnover in the last three years must not have fallen below € 100 000.

#### Evidence required:

Proof of economic and financial capacity shall be furnished by completing Annex IV.a – Economic & Financial Capacity, and, providing the balance sheets or extracts from balance sheets for at least the last two years for which accounts have been closed (where publication of the balance sheet is required under the company law of the country in which the economic operator is established).

*Note:* if, for some exceptional reason which the S2R JU considers justified, the tenderer is unable to provide the references requested by the Contracting Authority, he may prove his economic and financial capacity by any other means which the JU considers appropriate.

### **3.2.3 Technical & Professional Capacity**

The technical & professional capacity criteria will define the 'minimum requirements' which need to be fulfilled by an economic operator in order to be able to perform the contract. This could cover: experience of the tenderer/company, staffing structure, experience of the project team, experience of staff members, available facilities etc.

The evaluation of these criteria will be made on a yes / no basis, on hand of the evidence submitted, and should therefore be drafted accordingly – for each requirement, the evidence which should be submitted in order for you to be able to assess their fulfilment, should be defined.

In drafting the criteria please be proportionate and reasonable – keeping in mind to not be overly restrictive but however ensuring that only those economic operators who actually and realistically could perform the contract are considered further.

\*A list of previous examples is provided below to facilitate the drafting of the technical & professional capacity criteria.

Nr.	<u>Requirement</u>	<u>Evidence<sup>3</sup></u>
	The tenderer must possess the following technical and professional capabilities in order to perform the contract:	The following documents and information must be presented as evidence of compliance with the set technical and professional requirements:
Tenderer's experience		
a.	<p>The tenderer's capacity will be evaluated based on the information provided from the tenderer concerning the following items:</p> <p>a) Proven experience in OCL/pantograph interaction research and, in this respect, projects performed in the least 5 (five) years.</p> <p>b) Proven ability and sufficient equipment in measurement instruments and methodology to perform OCL/pantograph interaction tests,</p> <p>c) Proven experience in survey techniques, data collection, statistical analyses, drafting reports and recommendations, and execution of tests as well.</p> <p>d) Proven linguistic knowledge, in particular demonstrating that the tenderer can guarantee a high standard of spoken and written English.</p>	<p>a) 1. Examples of publications (books, professional magazine articles, thesis, etc.) referring the OCL/pantograph interaction in the last five years</p> <p>2. experience in development of simulation tools of OCL/pantograph interaction</p> <p>b) 1. Ownership or access to proven simulation/measurement tools for OCL/pantograph interaction</p> <p>2. Access to a laboratory with equipment able to perform dynamic tests</p> <p>Evidence of at least three similar assignments, successfully implemented.</p> <p>c) Proof of similar assignments conducted in English.</p>
Project Team/Expertise		
	<p><b>Tenderer must have:</b></p> <p>i. <b>Project Team:</b> Tenderer must have a competent and experienced project team for the performance of the contract. In principle, staff involved in the execution of the contract should possess at least 5 years of experience in a similar role and an adequate educational background and expertise relevant to the tasks that they shall perform, as well as a very good level of English language.</p> <p><b>Project Team leader:</b> a suitable project team leader with appropriate academic qualifications in physics (mechanics), 5 years of experience in a similar role and <b>at least 1 experience in another comparable project</b> in the same role; a very good command of English is required.</p>	<ul style="list-style-type: none"> <li>- <b>Overview of the project team</b> (using the template provided in <b>Annex IV.c</b>), and,</li> <li>- <b>CVs of the key experts</b> to carry out the project (using the EU CV format available at: <a href="http://europass.cedefop.europa.eu/en/home">http://europass.cedefop.europa.eu/en/home</a>) covering education and training, organisational, technical and work experience including any relevant supporting documentation i.e. accreditations, certificates etc.</li> </ul>
Quality Management System		

<sup>3</sup> Please note that the S2R JU reserves the right to request further evidence in support of the technical & professional capacity criteria.

The tenderer must have in place a quality management system (QMS).	Proof of a quality management system in place such as DIN EN ISO 9001 or equivalent system.
<b>Environmental Considerations<sup>45</sup></b>	
The tenderer shall have / adopt a suitable <b>environmental policy</b> .	A description or copy of the <b>tenderer's environmental policy</b> (specifying the status of implementation).

*\*Amend/add/delete where necessary*

\*Important Note: the S2R JU reserves the right to ask for clarification or further material in the case that the documents submitted are not found as adequate evidence that the tender fulfils the exclusion and/or selection criteria.

## 4 Award of the Contract

Only the tenderers meeting the requirements of the exclusion and selection criteria will have their tender evaluated in terms of quality and (potentially) price.

The contract shall be awarded to the tenderer submitting the admissible tender offering the best-value-for-money (best quality-price ratio).

### 4.1 Assessment of Technical Quality

#### 4.1.1 Technical Evaluation

The quality of technical offers reaching this stage will be evaluated in accordance with the award criteria and the associated weighting as detailed in the evaluation grid below.

Example of an evaluation grid for a service tender (criteria below are indicative - criteria and associated weightings are to be adjusted depending on the particular characteristics of each procedure). Only criteria capable of being reasonably measured / assessed based on tenders and supporting documents should be included. Overlaps between criteria (amongst award criteria but also between award criteria and selection criteria) are to be avoided.

NO	TECHNICAL AWARD CRITERIA	MAX POINTS
1	<b>Methodology:</b> Approach and quality of the methodology to meet the objectives of the contract, reference list of activities, related inputs and outputs, a description of the input from each of the consortium members (in case of consortia), description of the support facilities, response time etc.	40
2	<b>Timetable organisation and quality check:</b>	30

<sup>4</sup> In light of the S2R JU's commitment to 'Green Procurement' this capacity should be included as standard and only removed in exceptional cases i.e. highly technical / sensitive subjects where overly restrictive criteria have to be minimised.

<sup>5</sup> Depending on the services/supplies needed the S2R JU has defined, for certain cases, in the GPP toolkit, criteria/details per area to take into account – this also provides guidance on distinguishing between suitable selection/award criteria:  
[http://ec.europa.eu/environment/gpp/eu\\_gpp\\_criteria\\_en.htm](http://ec.europa.eu/environment/gpp/eu_gpp_criteria_en.htm)

	Tasks organisation, sequence and duration of the proposed activities, identification of major milestones in execution of the contract etc.	
3	<b>Delivery approach</b> Organisation of work, availability and involvement of key personnel, specific role of each individual within the project team, interaction and coordination of tasks etc.	30
	<b>TOTAL</b>	<b>100</b>

#### 4.1.2 Technical Quality Threshold

Only tenders scoring 70 points or more (of a maximum of 100 points) against the technical award criteria will have their financial offer evaluated.

## 4.2 Assessment of Price

### 4.2.1 Financial Evaluation

Any tenderer submitting a financial offer exceeding the budget indicated in Section 2.4.1 will be rejected.

The financial evaluation will be made on the basis of the price offered in the model financial offer (Annex V) applying the following formula:

$$\text{Financial Score for Tender X} = 100 * (\text{Cheapest Price} / \text{Price of Tender X})$$

### 4.2.2 Financial Offer

- The financial offer must be presented in the format provided in Annex V.
- A price shall be indicated for each category and must not amount to zero. Failure to comply with this requirement may lead to rejection of the tender.
- Prices must be quoted in EURO and include all expenses necessary to perform the contract. No further reimbursements shall be made whatsoever.
- The price quoted is fixed and shall be subject to NO revision.
- Prices must be quoted free of any duties, taxes (such as VAT) and/or other charges, as the S2R JU is exempt from such charges under Articles 3 and 4 of the Protocol on the privileges and immunities of the European Union.
- Costs incurred in preparing and submitting tenders are borne by the tenderer and shall not be reimbursed.

#### 4.3 Contract Award - Choice of the Selected Tender

The most economically advantageous tenders are established by weighing technical quality against price on a 70/30 basis.

The consolidated score for each tenderer will be calculated as follows: (using the 70/30 example)

$$\text{Consolidated score} = \text{Technical score} * <0,7> + \text{Financial score} * <0,3>$$

The contract will be awarded to the best ranked tender.