



## **Call for tenders**

# **“Railway operators, staff and passengers’ expertise”**

**Provision of services to the S2R Joint Undertaking in the field of:**

**LOT 1 - Expertise in European railway operations**

**LOT 2 - Expertise in European railway human capital aspects**

**LOT 3 - Expertise in European railway passenger aspects**

## **Open Procedure**

**Ref: S2R.19.OP.01**

# **Tender Specifications**

**SINGLE FRAMEWORK SERVICE CONTRACT**

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## **1 INTRODUCTION**

### **1.1 Acronyms and terminology**

|                              |                                                                                                                                                                                                                                                                                                                                                                                                                            |
|------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>AWP</b>                   | The S2R JU Annual Work Plan available at: <a href="http://shift2rail.org/about-shift2rail/reference-documents/">http://shift2rail.org/about-shift2rail/reference-documents/</a>                                                                                                                                                                                                                                            |
| <b>DG MOVE</b>               | Directorate-General for Mobility and Transport                                                                                                                                                                                                                                                                                                                                                                             |
| <b>DG RTD</b>                | Directorate-General for Research and Innovation                                                                                                                                                                                                                                                                                                                                                                            |
| <b>ERA</b>                   | European Union Agency for Railways                                                                                                                                                                                                                                                                                                                                                                                         |
| <b>ERTMS</b>                 | European Rail Traffic Management System                                                                                                                                                                                                                                                                                                                                                                                    |
| <b>ETCS</b>                  | European Train Control System                                                                                                                                                                                                                                                                                                                                                                                              |
| <b>MAAP</b>                  | The S2R JU Multi-Annual Action Plan available at : <a href="http://shift2rail.org/about-shift2rail/reference-documents/">http://shift2rail.org/about-shift2rail/reference-documents/</a>                                                                                                                                                                                                                                   |
| <b>PPP</b>                   | Public Private Partnership                                                                                                                                                                                                                                                                                                                                                                                                 |
| <b>S2R JU</b>                | Shift2Rail Joint Undertaking (hereafter referred to as the S2R JU) was established by Council Regulation (EU) n° 642/2014 of 16 June 2014. The S2R JU is a public-private partnership, providing a platform for the key stakeholders of the European rail system to work together with a view to driving innovation in the years to come by implementing a comprehensive and coordinated research and innovation strategy. |
| <b>SERA</b>                  | Single European Railway Area                                                                                                                                                                                                                                                                                                                                                                                               |
| <b>Contracting Authority</b> | S2R JU                                                                                                                                                                                                                                                                                                                                                                                                                     |

## **2 THE S2R JOINT UNDERTAKING**

### **2.1 Mission and objectives of the S2R Joint Undertaking**

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<sup>1</sup>.

Shift2Rail is the first European rail initiative to seek focused research and innovation (R&I) and market-driven solutions by accelerating the integration of new and advanced technologies into innovative rail product solutions. Shift2Rail promotes the competitiveness of the European rail industry and will meet changing EU transport needs. R&I carried out under this Horizon 2020 initiative will develop the necessary technology to complete the Single European Railway Area (SERA).

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<sup>1</sup> OJ L 177, 17.6.2014, p. 9

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More information is available at the S2R JU website at the following address: <https://shift2rail.org/>.

### 2.2 Purpose of this call for tender

The S2R JU would like to avail itself with expert knowledge from different stakeholders involved in the rail system to be used in combination with the diversified and extensive expert knowledge included in its membership. In particular, the S2R JU would like to procure expert knowledge from

- entities operating the rail systems (e.g. Railway Undertakings, Regional/Urban Operators, Infrastructure Managers, etc.). Such expert knowledge will be embedded in different activities performed in the context of the S2R Programme starting with the establishment of a holistic railway system architecture, covering the different aspects of rail operations, business models and services. In particular, this will require a fast ramp-up phase to ensure the Programme delivery of the first release of the aforementioned architecture by mid-2020, with possibly some intermediary steps;
- representatives at European level of staff working for the aforementioned entities. This expert knowledge will primarily support the S2R JU in matters related to the different aspects of the human capital in railway and the role of railway research and innovation in this respect;
- representatives of the European passengers' views and interests, always at European level. This expert knowledge will contribute to ensure that railway research and innovation, as relevant, will target achieving impact for passengers' integrated and connected mobility.

The extent of the expertise requested from the three contractors may extend to the overall scope of the research and innovation activities of the JU, in relation with the main subject matter of the tender.

As already indicated, the S2R JU is launching an open call for tender divided into 3 (three) Lots aimed at concluding a maximum of 3 (three) **single framework service contracts** (up to one per Lot) for the following assignments:

- Lot 1: Expertise in European railway operations,
- Lot 2: Expertise in European railway human capital aspects,
- Lot 3: Expertise in European railway passenger aspects.

### 2.3 Indicative timetable

Those milestones dates are for indicative purposes only and do not constitute any obligation for the contracting authority. The exact deadlines for the submission of tenders are indicated in the contract notice and in the invitation to tender.

| Milestone                                                                    | Date                                                                              |
|------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|
| <b>Dispatch of the contract notice to the Official Journal of the EU</b>     | <b>07/05/2019</b>                                                                 |
| Deadline for requesting additional information/clarification from the S2R JU | No later than six working days before the closing date for submission of tenders  |
| Last date on which clarifications are issued by S2R JU                       | As soon as possible and no later than 6 calendar days before the closing date for |

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|                                           |                                                                                                                                                                                                                                                              |
|-------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                           | submission of tenders                                                                                                                                                                                                                                        |
| <b>Deadline for submission of tenders</b> | <b>28/08/2019</b><br>Tenders delivered by hand at the S2R premises should be submitted not later than <b>17:00 Brussels time</b>                                                                                                                             |
| Opening Session                           | <b>06/09/2019 at 10 AM, Brussels time</b><br>Maximum two legal representatives per tenderer may attend the opening session. Tenderers shall inform the Joint Undertaking of their intention to attend, at least 3 working days prior to the opening session. |
| Notification of award                     | <b>20/09/2019</b>                                                                                                                                                                                                                                            |
| <b>Contract signature</b>                 | <b>30/09/2019</b>                                                                                                                                                                                                                                            |
| <b>Debriefing meetings</b>                | <b>After the closing of the tendering procedure</b>                                                                                                                                                                                                          |

## **3 TECHNICAL SPECIFICATIONS AND MINIMUM REQUIREMENTS**

### **3.1 Objective and scope of the contract for the three Lots considered**

The objective of the present call for tender is to avail the Contracting Authority with the services of three contractors to ensure that the S2R JU is in the position to achieve its objectives, combining the expert knowledge of its diversified membership with the one of stakeholders not currently directly involved in the S2R Programme. Each framework contract will be implemented through specific contracts where the type of expertise, the duration of the specific services and any other relevant element will be detailed.

Concretely, the S2R JU will require the Contractor to provide experts in the field of expertise identified in each Lot and Specific Order, for a certain number of days at a price as defined in the Framework Contract price list.

### **3.2 LOT 1 - Expertise in European railway operations**

Under the supervision of the S2R JU, the services to be provided under Lot 1 are related to the expertise in railway operations and services. The S2R JU would like to avail itself with expert knowledge from Railway Undertakings, Regional/Urban operators and, where relevant, Infrastructure Managers, in order to establish a holistic railway system architecture, covering the different aspects of rail operations, business models and services. This knowledge will be brought together with other railway stakeholders already involved in the S2R Programme to establish a comprehensive model/architecture, mapping the technologies and strategy for implementation of a

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new comprehensive railway system approach. A first release is planned by mid-2020, possibly with some additional intermediary steps.

With the development of information technology in railways, there is the need to establish an integrated and digital system aimed at providing a detailed framework and system architecture design. The activities to be performed by the Contractor should cover support towards the establishment of the holistic railway system architecture, through which the main subsystems will interact with one another in an optimal manner.

With particular regard to the main objective of this Lot, i.e. involve the whole railway sector and provide advice to the S2R JU during the preparation of an innovative overall rail system integration, as well as to present the possibilities for implementation and strategic orientation, the expert knowledge required from the contractor may result in tasks such as:

- Review and contribute to the work performed within the S2R Programme in relation with the railway system architecture;
- Contribute to set the ground for a comprehensive railway system approach in combination with the membership work;
- Map the implementation of the S2R innovations and any other relevant technology/solution in the new rail system approach and assess the interdependencies;
- Contribute to determine which systems/subsystems and related operation/maintenance procedures would be affected and how by new technologies and solutions;
- Contribute to understand the impact on the business models and/or business plan of innovative solutions and the cost/benefit associated to them; formulate recommendations as needed;
- Contribute to the definition of a strategy for implementation, dissemination and communication, considering possible sectorial resistances and proposing mitigation actions;
- Support in drafting a first migration plan, taking into account the above;
- Convey the work undertaken in other initiatives and vice-versa.

As already indicated, the S2R JU may request the contractor to provide its expert knowledge to support other Programme activities within the scope of the S2R Programme and its evolution.

The S2R JU intends to integrate the experts provided by the contractor within the project activities performed by the S2R Members in the different actions (projects) in an integrated manner.

### **3.3 LOT 2 - Expertise in European railway human capital aspects**

Under the supervision of the S2R JU, the services to be provided under Lot 2 are related to the expertise in European railway human capital aspects. The S2R JU would like to avail itself of expertise in matters related to human capital in railway operations in the different segments included in the scope of the S2R Programme, through European railway staff associations' representatives.

The activities should cover the support towards human capital aspects, in connection with rail R&I and its impacts in railway operations.

The nature of indicative tasks indicated under Lot 1 will be applicable mutatis mutandis under Lot 2.

As already indicated, the S2R JU may request the contractor to provide its specific expert knowledge to support other Programme activities within the scope of the S2R Programme and its evolution.

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Where needed, also in the context of this LOT 2, the S2R JU may decide to integrate the experts provided by the contractor within the project activities performed by the S2R Members in the different actions (projects) in a consistent manner.

### **3.4 LOT 3 - Expertise in European railway passenger aspects**

Under the supervision of the S2R JU, the services to be provided under Lot 3 are related to the expertise in European railway passenger aspects. The Shift2Rail Joint Undertaking would like to benefit from the knowledge of experts representing the European railway passengers' perspective, in particular to ensure that R&I performed within S2R will be bringing tangible benefits to passengers' future mobility.

The S2R JU will request the contractors to provide expert knowledge to supports its activities in the refinement of the driving elements of the S2R Programme and overall rail research and innovation, including beyond 2020.

The nature of indicative tasks indicated under Lot 1 will be applicable mutatis mutandis under Lot 3.

As already indicated, the S2R JU may request the contractor to provide its specific expert knowledge to support other Programme activities within the scope of the S2R Programme and its evolution.

Where needed, also in the context of this LOT 3, the S2R JU may decide to integrate the experts provided by the contractor within the project activities performed by the S2R Members in the different actions (projects) in a consistent manner.

### **3.5 Human resources: roles and responsibilities**

While ensuring a cost efficient programme management, each Contractor of a LOT will have the capacity to provide expert knowledge to carry out services such as those indicatively described in sections 3.2, 3.3 and 3.4 respectively. The S2R JU may request individual expert knowledge or in the form of a team; the Contractor experts in contact with the S2R JU must be able to work in English. Gender balance and geographical representation can be taken into account. See section 6.3.3 for more details of the required technical and professional capacity.

The Contractor shall provide in each specific contract/order the expert(s) to perform the contracted tasks. Where the expert knowledge is provided by a team of experts, they should collectively possess the knowledge and experience to deliver the contracted services. The Contractor must inform the S2R JU of any changes (departures, arrivals, promotions, etc.) in the composition of the team during the performance of the contract. He/she must ensure that the composition of the team complies with the present tender specifications throughout the full duration of the contract, including providing an appropriate back-up person in case of absences.

The S2R JU reserves the right to request the replacement of any member of the team whose experience and/or competence deems to be inadequate, stating its reasons. Special attention will be paid to the approach proposed by the future Contractor for managing subcontractors. The future Contractor will be required to indicate the kinds of work which they plan to subcontract and the name of any companies to which they are already intending to subcontract a part of the work.



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### **3.5.1 Contract management**

Each Contractor shall appoint one contract manager, who may also be an expert.

The contract manager must manage assignments and respond to S2R JU requests. The contract manager should participate in progress meetings with the S2R JU and contribute to the reporting duties for the activities. With reference to chapter 6. 3.3, for LOTS 1, 2 and 3, the contract manager skills can be combined with those of a senior expert.

The contract manager shall be the main contact point with the S2R JU and will be in charge of overseeing the overall contract and related project activities, including among others:

- Liaising with other future Contractor/s to manage any possible hand-over;
- Responding to S2R JU requests;
- Participating in progress meetings with the S2R JU and or any other S2R group that is deemed necessary by the S2R JU;
- Carrying out the reporting duties on all activities.

## **4 INFORMATION ABOUT THE CONTRACT TO BE AWARDED**

### **4.1 Nature**

The contracts that will be signed are a maximum of 3 (three) single framework service contracts (up to one per each Lot).

The framework contracts resulting from this procurement procedure will be signed as:

- a single framework service contract for Lot 1;
- a single framework service contract for Lot 2; and,
- a single framework service contract for Lot 3.

There will be a maximum of one Contractor per each Lot who will be awarded a single framework service contract and will execute the tasks according to the specific contracts or order forms which will be signed.

A draft of the Framework Contracts which will be concluded is provided with the technical specifications at the S2R JU web site: <https://shift2rail.org/participate/procurement/ongoing-calls-for-tender/>

The drafts of the single framework contracts specify the rights and obligations of the contractor. No changes can be accepted by the Contracting Authority (S2R JU).

In submitting a tender, the tenderer accepts all terms and conditions specified in the invitation to tender, the present tender specifications and the draft framework service contracts.

## **4.2 Duration**

The duration of the framework contracts is 12 months, which may be automatically renewed 3 times for up to a total duration of 48 months (see Article I.3.5 of the draft contract).

The estimated date of the start of the activities is October 2019.

## **4.3 Value**

The value of the present Call for Tenders is EUR 2.000.000,00 which represents the maximum amount for the total duration of the framework contracts (48 months) for the three Lots, excluding VAT and including all possible renewals and the reimbursable expenses. This amount shall also cover any contingencies.

The indicative amount per Lot would be:

- LOT 1: EUR 1.760.000,00 over 4 years
- LOT 2: EUR 120.000,00 over 4 years
- LOT 3: EUR 120.000,00 over 4 years

However, these estimates do not constitute any obligation on the volume to be purchased and are given for information purposes only and without any commitment.

The contracting authority may use a negotiated procedure without prior publication of a contract notice<sup>2</sup> and negotiate with the Contractor the award of new services consisting in the repetition of similar services. It is possible to use this procedure for a maximum of a 50% of the total value of the FWC above indicated, within three years after its signature and provided the new services are within the scope of the initial contract and technical specifications.

## **4.4 Implementation of the framework contracts and the specific contracts**

For the implementation, Article I.4.3 of the framework contracts applies.

A framework contract is a legal agreement between two parties - in this case, the S2R JU and the contractor. It acts as the legal basis for the possible future purchase of services by the S2R JU. The framework contract defines, amongst others, the scope of services that can be purchased, methodology for implementation, timing and fees to be respected by the contractor. The framework contract itself is not an order for services and does not constitute a financial commitment.

Services will be requested (i.e. ordered) under “specific contracts” (or “order forms”) linked to particular activities, over a given period.

### **4.4.1 Request for services and contractor’s offer**

The S2R JU intends to issue individual and successive specific contracts over the period of validity of the framework contract and shall take the form of one of the documents provided under Annex III

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<sup>2</sup> As per Point 11.1 (e) (for services) and (f) (for supplies) of Annex 1 to the Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union.

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(models for specific contracts and order forms) to the draft framework contracts. Either format may be used for implementation of the framework contracts, depending on the S2R JU's needs.

The request of services may include a period of time with different tasks and/or specific stand-alone tasks.

The Contracting Authority will issue a request for services to be answered by the Contractor within 15 calendar days, unless otherwise agreed by the S2R JU, which may include the following elements to be answered:

1. description of the services requested;
2. expert profile;
3. starting date, delivery date and estimated number of days requested;
4. any other element relevant for the Contractor to fulfil the specific order.

The Contractor may decide to request clarifications to be answered by the Contracting Authority within 5 calendar days. This does not suspend the obligation of the contractor deadline in answering the request for services.

If the Contractor is not in the position to perform the requested services, it shall inform the Contracting Authority by the aforementioned deadline, indicating duly motivated reasons. The Contracting Authority may consider the reasons brought forward by the Contractor and maintain it, adapt it or cancel it.

The Contractor should submit a specific offer in response to S2R JU 's request for services for specific contracts within a maximum deadline of 5 working days unless differently agreed by the Contracting Authority. The Contracting Authority shall approve the offer of the Contractor within 10 calendar days from the submission and formalize it in a draft specific contract to be submitted to the Contractor for signature.

### **4.4.2 Handover to the next contractor**

At the end of the contract, the Contractor shall take the necessary steps to ensure efficient and effective handover of activities to the next contractor to guarantee continuity of operations. Upon conclusion of the contract, the Contractor will be required to provide the S2R JU and the next contractor with all the necessary information to continue the services.

Timing for submission: 1 month before the expiry date of the framework contract.

### **4.4.3 Specific contract's deliverables**

Each request for services will specify the deliverables to be provided during the execution of each specific contract and the timetable for its execution.

The deliverables submitted in accordance with the specific orders shall be approved by the Contracting Authority, in accordance with the framework contract conditions.

### **4.4.4 Activity reports for the framework contract**

The following reports must be produced on all the work carried out in the performance of the Framework Contract by the contractor, who must supply S2R JU with one copy by electronic mail.

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### **4.4.4.1 Intermediate reports**

The S2R JU may request in the Specific Order that at its completion, the Contractor provides with the final deliverable a report not exceeding five pages which would describe the progress achieved over the reporting period in the implementation of the specific contract, any risk/issue/opportunity/recommendation which would further improve the performance of the contact and the financial reporting on the use of the resources, including its own resources.

### **4.4.4.2 Final report**

The contractor shall deliver a final report one month before the end of the framework contract with a similar content of the Intermediate Report

The cost of producing the above reports must be borne exclusively by the contractor; the S2R JU will not participate in any way in the expenditure incurred, whether it relates to the drafting, production or distribution - this list not being exhaustive - of the reports required.

## **4.5 Place of performance and delivery**

The implementation of the services will be undertaken at the contractor's premises or where relevant meetings will take place.

In any case, the main place of delivery shall be at S2R JU premises in Brussels, Belgium.

## **4.6 Communication**

Communication between the tenderer and the S2R JU must be possible by phone, electronic mail, fax, normal and registered mail, and a communications solution such as video conference systems or equivalent.

## **4.7 Language services**

The working language of the S2R JU is English. The English language shall be used throughout the project duration for all communication, reports and other documentation.

## **4.8 Meetings**

When face-to-face meetings between the S2R JU and the contractor are needed, these will take place at the S2R JU's premises in Brussels.

Where possible, meetings between the S2R JU and the contractor can be made by utilising modern technologies such as video conference systems.

The costs of these meetings must be borne exclusively by the contractor; the S2R JU will not reimburse separately the expenditure incurred.

## **4.9 Payments terms**

The payment arrangements are laid down in the draft framework contract for services (Article I.6).

# **5 INFORMATION ON TENDERING**

## **5.1 Participation**

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

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It also open to all natural and legal persons established in Overseas Countries and Territories (OCT) as listed in the Annex II of the TFEU<sup>3</sup> and to all natural and legal persons established in Iceland, Norway and Lichtenstein, as per the EEA Agreement<sup>4</sup>.

As indicated in the Appendix I to the WTO Agreement on Government Procurement (GPA)<sup>5</sup>, any EU institution or body other the Commission, the EEAS and the Council cannot open their procurement procedures to economic operators established in GPA countries. Therefore, this procurement procedure is not open to economic operators established in GPA countries.

### Notice for tenderers from United Kingdom:

Please be aware that after the UK's withdrawal from the EU, the rules of access to EU procurement procedures of economic operators established in third countries will apply to tenderers from the UK depending on the outcome of the negotiations. In case such access is not provided by legal provisions in force, tenderers from the UK could be rejected from the procurement procedure.

### Notice for S2R JU Members

Participation in this tender procedure is not open to any S2R JU Founding or Associated member acting either as a single tenderer or as leaders or consortia members (in case of joint tender); this does not apply to subcontractors.

## 5.2 Variants

Variants, any equivalent alternatives to the model solution of the contracting authority, are prohibited.

In addition, tenderers may not submit tenders for only part of the services required.

## 5.3 Compliance with environmental, social and labour law

The tenderer must respect the applicable obligations under environmental, social and labour law established by Union law, national law, collective agreements or by the international environmental, social and labour law provisions listed in Annex X to Directive 2014/24/EU<sup>6</sup>.

## 5.4 Identification of the tenderer

The tenderer must fill-in all the information requested in the **Tender Submission Form (Annex I)**, signed by an authorised representative, presenting the name of the tenderer (including all entities in case of consortia or joint tender) and identified subcontractors (if applicable), and the name of the single contact point (leader) in relation to this procedure.

The tenderer (and each member of the group in case of consortia or joint tender) must also declare whether it is a Small or Medium Size Enterprise in accordance with Commission Recommendation 2003/361/EC<sup>7</sup>. This information is used for statistical purposes only.

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<sup>3</sup> Consolidated versions of the Treaty on European Union and the Treaty on the Functioning of the European Union. Official Journal C 326 , 26/10/2012 P. 0001 - 0390

<sup>4</sup> <http://www.efta.int/eea/eea-agreement>

<sup>5</sup> [https://www.wto.org/english/tratop\\_e/gproc\\_e/gp\\_gpa\\_e.htm](https://www.wto.org/english/tratop_e/gproc_e/gp_gpa_e.htm)

<sup>6</sup> Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC (OJ L 94, 28.3.2014, p. 65).

<sup>7</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2003:124:0036:0041:en:PDF>

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All tenderers (including all members of the group in case of consortia or joint tender) must provide a signed **Legal Entity Form** with its supporting evidence. The form is available on: [http://ec.europa.eu/budget/contracts\\_grants/info\\_contracts/legal\\_entities/legal\\_entities\\_en.cfm](http://ec.europa.eu/budget/contracts_grants/info_contracts/legal_entities/legal_entities_en.cfm)

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

The tenderer (or the leader in case of consortia or joint tender) must provide a **Financial Identification Form** with its supporting documents. Only one form per tender should be submitted. No form is needed for subcontractors and other members of the group in case of joint tender. The form is available on: [http://ec.europa.eu/budget/contracts\\_grants/info\\_contracts/financial\\_id/financial-id\\_en.cfm](http://ec.europa.eu/budget/contracts_grants/info_contracts/financial_id/financial-id_en.cfm)

### 5.5 Consortia and Joint tenders

A group of two or more economic operators may submit a tender ("consortium" or joint tender). A joint tender will be treated in the same way as any other type of tender, being assessed on its own merits in the light of the criteria set out in these specifications. A joint tender may include subcontractors, in addition to the joint tenderers.

Any change in the composition of the group during the procurement procedure may lead to rejection of the tender, except with the prior written authorisation of the Shift2Rail Joint Undertaking. Any change in the composition of the group after the contract has been signed and without the prior written authorisation of the Shift2Rail Joint Undertaking may result in the contract being terminated.

The group must provide the data requested in the Tender Submission Form (Annex I), stating clearly the identity and the separation of tasks among the members of the group. The group shall appoint (through a power of attorney signed by each member) a legal entity ("leader") with full authority to bind the group and each of its members vis-a-vis the Contracting Authority for submission of a tender and the signing of the contract.

Following the award, the contract will be signed between the contracting authority and the 'leader' of the consortium.

The duly authorised 'leader' will be also responsible for administration of the contract (order forms or specific contracts), invoicing, receiving payments, etc.) on behalf of other members of the group.

In the case of a consortia or joint tender, all the members of the group are jointly and severally liable for the performance of the contract.

Exclusion criteria (see point 6.2 below) will be assessed in relation to each member of the group individually. Selection criteria (see points 6.3 below) will be assessed in relation to the group as a whole.

For each consortium or group member, the tenderer must, at the time of tender submission<sup>8</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);

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<sup>8</sup> See also section 7.1 and Annex I – Tender Submission Form – for a summary / overview of documents to be submitted as part of the tender.

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- Submit the Declaration on the honour on exclusion and selection criteria using the template in **Annex II**. To this end, each member of the group must duly fill in sections I to VI of above-mentioned declaration; in section VII they shall indicate 'N/A', as this will be filled in only by the leader.
- Submit the required evidence for selection criteria – legal capacity (see section 6.3.1).

For the selection criteria - economic & financial capacity (see section 6.3.2) and technical and professional capacity (see section 6.3.3) 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).

### 5.6 Subcontracting

Subcontracting is permitted but the contractor shall retain full liability towards the contracting authority for performance of the contract as a whole.

Tenderers are required to identify subcontractors whose share of the contract is **above 10% (in value or in tasks to be subcontracted)**. For each identified sub-contractor, the tenderer must, at the time of tender submission<sup>9</sup>:

- Indicate clearly which parts of the work will be sub-contracted (including freelances, consultants, experts etc.) and to what extent (proportion in %).
- Submit the Declaration on the honour on exclusion and selection criteria. To this end, they must duly fill in sections I to VI of above-mentioned declaration; in section VII they shall indicate 'N/A', as this will be filled in only by the leader.
- Submit a duly signed and dated (by the sub-contractor) “Letter of intent” using the template provided in **Annex III** - confirming its unambiguous undertaking to collaborate with the tenderer if they are awarded the contract and detailing the resources that they will put at the tenderer’s disposal for the performance of the contract.
- Proof of Technical & Professional Capacity: Submit the required evidence for technical and professional capacity (see section 6.3.3). Please note the evidence provided by each sub-contractor, for those applicable criteria, will be checked only to ensure that the tenderer as a whole fulfils the criteria.

All subcontracting must be approved by the contracting authority, either by accepting the tender, or, if proposed by the Contractor after Framework Contract signature, by prior agreement of the contracting authority. In the latter case, the modification may be accepted only in exceptional circumstances when the contracting authority considers sub-contracting to be necessary to complete the project and when it does not lead to distortion of competition. Where no sub-contracting is indicated in the tender the work will be assumed to be carried out directly by the tender.

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<sup>9</sup> See also section 7.1 and Annex I – Tender Submission Form – for a summary / overview of documents to be submitted as part of the tender.

## 6 EVALUATION AND AWARD

### 6.1 Introduction

The evaluation will be based solely on the information provided in the submitted tender by the tenderer and in the light of the criteria set out hereunder.

For each lot, the evaluation procedure will be carried out in four consecutive stages:

- Stage 1 – Verification of non-exclusion of tenderers on the basis of the exclusion criteria (see section 6.2 below),
- Stage 2 – Selection of tenderers on the basis of selection criteria (see section 6.3 below)
- Stage 3- Verification of compliance with the minimum requirements set out in these tender specifications (see section 6.4 below)
- Stage 4 – Evaluation of tenders on the basis of the award criteria (see section 6.5 below).

The tenders will be evaluated in the order indicated above.

Only tenders meeting the requirements of one step will pass to the next step.

### 6.2 Verification of non-exclusion of tenderers on the basis of the exclusion criteria

Tenderers must provide a declaration on their honour (**Annex II**), dated and signed by a duly authorised legal representative, stating that they are not in one of the situations referred to in Article 136 Financial Regulation.<sup>10</sup>

In case of consortia or joint tender, each member of the group must provide the declaration on honour signed by an authorised representative. To this end, each member of the group must duly fill in sections I to VI of above-mentioned declaration; in section VII they shall indicate 'N/A', as this will be filled in only by the leader.

In case of subcontracting, all subcontractors whose share of the contract is above 10 % and all subcontractors whose capacity is necessary to fulfil the selection criteria must provide a declaration on honour signed by an authorised representative. To this end, they must duly fill in sections I to VI of above-mentioned declaration; in section VII they shall indicate 'N/A', as this will be filled in only by the leader.

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

**The exclusion criteria will be applied to each member of the group and each subcontractor concerned individually.**

Supporting document: declaration on honour on exclusion and selection criteria (**Annex II**).

Evidence: the successful tenderer will be asked to submit evidence as defined in the declaration (section VI – Evidence upon request), before the signature of the framework contract and

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<sup>10</sup>Regulation (EU, Euratom) 2018/1046 on the financial rules applicable to the general budget of the Union, repealing Regulation (EU, Euratom) No 966/2012



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within a deadline given by the contracting authority. This requirement applies to each member of the group in case of consortium or joint tender. It also applies to all subcontractors whose share of the contract is above 10% and to all subcontractors whose capacity is necessary to fulfil the selection criteria. The successful tenderer, referred to as “the person” here below and in the declaration, must submit:

For situations described in **(a), (c), (d) (f) (g) and (h)** of the declaration,

- production of a recent extract from the judicial record is required or, failing that, a recent equivalent document issued by a judicial or administrative authority in the country where the person is established, showing that these requirements have been met.

For situations described in **(b)**,

- production of recent certificates issued by the competent authorities of the State concerned are required. These documents must provide proof of payment of all taxes and social security contributions for which the person is liable, including for example, VAT, income tax (natural persons only), company tax (legal persons only) and social security contributions.

Where any document described above is not issued in the country concerned, it may be replaced by a sworn statement made before a judicial authority or a notary or, failing that, by a solemn statement made before an administrative authority or a qualified professional body in its country of establishment.

A tenderer (or a member of the group in case of consortia or joint tender, or a subcontractor) is not required to submit the documentary evidence if it has already been submitted for another procurement procedure and provided the documents were issued not more than one year before the date of their request by the contracting authority and are still valid at that date. In such cases, the tenderer must declare on its honour that the documentary evidence has already been provided in a previous procurement procedure, indicate the reference of the procedure and confirm that there has been no change in its situation.

If the tenderer is unable to provide the documents requested within the period specified by the contracting authority and cannot therefore prove that he is not in one of the situations of exclusion, the tender may be rejected and the contracting authority reserves the right to sign the contract with another tenderer.

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

Please refer to the following web page for additional information regarding the relevant requirements and model documents under national laws of the EU Member States: <https://ec.europa.eu/growth/tools-databases/ecertis/>

The obligation to submit supporting evidence does not apply to international organisations, but applies to public bodies.

## **6.3 Selection of tenderers on the basis of selection criteria**

Tenderers must have the overall capabilities (legal, regulatory, economic, financial, technical and professional) to perform the contract.

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All the requirements listed below must be met in order to enter the next phase of the assessment in the light of award criteria.

Please note that:

- in the selection phase, assessment focuses on the experience and capacity of the tenderer, and not on the quality of the (technical) offer submitted. The latter is to be assessed in the light of the award criteria. Therefore, the evaluation of the selection criteria will be made on a YES/NO basis.
- Selection criteria apply to the tenderer as a whole (including all members of a joint tender, subcontractors and third parties on which the tenderer relies to fulfil some selection criteria). Therefore a consolidated assessment will be performed.

Supporting document:

- the tenderer (sole tenderer or leader in case of consortia or joint tender) must provide the declaration on honour (by filling in section VII of Annex II) stating that the tenderer, including all members of the group in case of joint tender and including subcontractors if applicable, fulfils the selection criteria, for which a consolidated assessment will be carried out. This declaration is part of the declaration used for exclusion criteria (see section 6.2) so only one declaration covering both aspects should be provided by each concerned entity.

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

**After contract award, the successful tenderer will be required to provide the evidence mentioned below (i.e.: under “evidence to be provided only on request”) before signature of the contract and within a short deadline given by the contracting authority (i.e.: 2-3 working days).** This requirement applies to each member of the group in case of joint tender and to subcontractors whose share of the contract is above 10% and to all subcontractors whose capacity is necessary to fulfil the selection criteria.

A tenderer (or a member of the group in case of consortia or joint tender, or a subcontractor) is not required to submit the documentary evidence if it has already been submitted for another procurement procedure and provided the documents were issued not more than one year before the date of their request by the contracting authority and are still valid at that date. In such cases, the tenderer must declare on its honour that the documentary evidence has already been provided in a previous procurement procedure, indicate the reference of the procedure and confirm that that there has been no change in its situation.

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

Please refer to the following web page for additional information regarding the relevant requirements and model documents under national laws of the EU Member States: <https://ec.europa.eu/growth/tools-databases/ecertis/>

### **6.3.1 Legal and regulatory capacity**

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

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

Evidence (to be provided only on request):

- Tenderers shall provide a dully filled-in **Legal Entity Form**, including all associated supporting documentation:  
[http://ec.europa.eu/budget/contracts\\_grants/info\\_contracts/legal\\_entities/legal\\_entities\\_en.cfm#en](http://ec.europa.eu/budget/contracts_grants/info_contracts/legal_entities/legal_entities_en.cfm#en)
- If required under applicable law, evidence of 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.

### **6.3.2 Economic and financial capacity criteria**

The tenderer must demonstrate sufficient economic and financial resources to perform the contract until its end. In order to prove their capacity, the tenderer must comply with the following selection criteria.

#### **1) Criterion. Turnover.**

- For Lot 1 the average annual turnover of the last two financial years for which accounts have been closed must be above **EUR 440 000** . This criterion applies to the tenderer as a whole, i.e. the combined capacity of all members of a group in case of consortia or joint tender and subcontractors.
- For lot 2 and lot 3, considering the nature of the expert knowledge requested as well as the total value of those lots (as indicated in section 4.3), no minimum turnover is requested.

Evidence (to be provided only on request):

- 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

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closed (where publication of the balance sheet is required under the company law of the country in which the economic operator is established).

- Failing that, appropriate statements from banks.

If, for some exceptional reason which the contracting authority considers justified, the tenderer is unable to provide the required evidence, it may prove its economic and financial capacity by any other document which the contracting authority considers appropriate. In any case, the contracting authority must at least be notified of the exceptional reason and its justification. The contracting authority reserves the right to request any other document enabling it to verify the tenderer's economic and financial capacity.

In the case of consortia or group each member will have to provide the information required above. In the case of subcontractors performing a share of the contract representing more than 10% of the total value of the Framework Contract, the information requested above must be provided separately for each subcontractor.

NB: Public bodies and higher education establishments are not subject to a verification of their economic and financial capacity.

### 6.3.3 Technical and professional capacity criteria

Tenderers must demonstrate that they have sufficient technical and professional capacity to perform the contract by complying with the following criteria:

#### 6.3.3.1 Tenderer's experience in the field of the contract

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

##### 1) Criterion. Professional experience.

- Lot 1: Expertise in European railway operations.** The tenderers need to demonstrate their capacity to bring on their own, or through the establishment of Consortia, representatives from entities operating the railway systems in the Member States of the European Union (such as railway operators, infrastructure managers, etc. of the different segments identified in the S2R Programme). In particular, tenderer's proven experience should be in areas such as railway system and subsystem requirement specifications, railway interfaces, modelling and refining of railway requirements, train control domain requirements, ERTMS/ETCS specifications, safety analysis, business analysis, migration strategies setup. The tenderers shall demonstrate their capacity through evidence of previous experience during the last five years in similar European Union projects.
- Lot 2: Expertise in European railway human capital aspects.** Tenderer's proven experience in the subject of the contract during the past five years, and in particular in areas with specific competencies in human resources management for train drivers and workers from EU operators and infrastructure managers, especially from the organisational perspective, involving the analysis of the determinants of competence and skills, both internal (impact on achieving goals, organisational culture, phase of development of the organisation), and external (market value of

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competencies, ageing pace of competencies, difficulties in substituting, as well as the link between competences and competitive advantage).

- c. **Lot 3: Expertise in European railway passenger aspects.** Tenderer's proven experience in the subject of the contract during the past five years, and in particular in areas such as passenger transport market and modal shares of railways in it, user needs, national railway policies, etc.

Evidence (to be provided only on request):

- The tenderer must complete and sign the '**Annex IVb-Technical and professional capacity template- Tenderer's experience in the field of the contract**' and provide the supporting documents indicated above.
- For each Lot for which a tender is submitted, the tenderer must provide references for at least three (3) similar projects/services where either the requested expertise in European railway operations (Lot 1), or in European railway human capital aspects (Lot 2), or in European railway passenger aspects (Lot 3) have been performed by the tenderer during the past five years. This includes experience with projects/services that cumulatively cover more than one EU Member State. A project/service reference that covered the expertise area of more than one Lot can be provided as reference in all fitting Lots.

- 2) **Criterion. Language capacity:** the tenderer must prove capacity to work in English (C1 level in the Common European Framework for Reference for Languages<sup>11</sup>) and prove experience and capacity to draft and deliver excellent quality reports in English.

Evidence (to be provided only on request):

- The references for the at least three (3) projects delivered and successfully completed in the fields indicated above must show that they have been delivered in English.

### 6.3.3.2 Capacity of the team proposed by the tenderer/delivering the service - LOT 1: Expertise in European railway operations-

The tenderer must have the following team and must include, as a minimum, the following profiles with the number of persons (13) indicated below:

| Profile                        | Minimum number | Minimum years of experience |
|--------------------------------|----------------|-----------------------------|
| <b><u>Contract Manager</u></b> | 1(*)           | 10                          |
| <b><u>Senior expert</u></b>    | 5              | 10                          |
| <b><u>Junior expert</u></b>    | 7              | 5                           |

(\*) Contract manager's skills linked to/combined with senior expertise for LOT1

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<sup>11</sup> <http://europass.cedefop.europa.eu/en/resources/european-language-levels-cefr>.

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### 1) Criterion. Profile 1 – Contract manager

#### (a) Education

At least one (1) Contract manager with a higher education degree or equivalent professional experience and senior expertise for the Lot considered.

#### (b) Professional experience and skills

The Contract manager must demonstrate at least ten (10) years of professional experience in project management including quality control of the service, conflict resolution in projects of a similar size (i.e.: projects which the same value of this contract) and with experience in management of team in any kind of service (i.e. not only related to the field of this contract) Professional experience includes the years of practice after obtaining the diploma(s) required.

Evidence (to be provided only on request):

- The *curriculum vitae* of the Contract manager proving the professional experience described above. In the context of this call for tender, the tenderer is obliged to use the Europass format, which can be downloaded from the following address: <http://europass.cedefop.europa.eu>
- The tenderer must complete and sign the **Annex IVc- Technical and professional capacity template** -Capacity of the team proposed by the tenderer/delivering the service and provide the supporting document indicated above (CV of the Contract manager).

### 2) Criterion. Profile 2 – Senior expert

#### (a) Education

At least five (5) senior experts with a higher education degree or equivalent professional experience and as least one expert with Project Management skills for the Lot considered.

#### (b) Professional experience

##### (b.1) Professional experience – Expertise in European railway operations

Each senior expert must demonstrate professional experience of at least ten (10) years in the subject of the contract, and in particular in areas such as: evaluation of system and subsystem requirement specifications, analysis of interface specifications documents, modelling and refining requirements and typical train control domain requirements, ERTMS/ETCS specifications, safety analysis, business analysis, migration strategies setup, and experience with projects that cumulatively cover more than one EU Member State during the last ten (10) years. Professional experience includes the years of practice after obtaining the diploma(s) required.

Evidence (to be provided only on request):

- The tenderer must complete and sign the **Annex IVc- Technical and professional capacity template** -Capacity of the team proposed by the tenderer/delivering the service. No supporting documents (CVs) are requested.

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### 3) Criterion. Profile 3 - Junior expert

#### (a) Education

At least seven (7) junior experts with a higher education degree or equivalent professional experience.

#### (b) Professional experience

##### (b.1) Professional experience – Expertise in European railway operations

Each junior expert must demonstrate professional experience of at least three (3) years in the subject of the contract, and in particular in areas such as; evaluation of system and subsystem requirement specifications, analysis of interface specifications documents, modelling and refining requirements and typical train control domain requirements, ERTMS/ETCS specifications, safety analysis, business analysis, migration strategies setup and experience with projects that cumulatively cover more than one EU Member State and during the last five (5) years. Professional experience includes the years of practice after obtaining the diploma(s) required.

Evidence (to be provided only on request):

- The tenderer must complete and sign the **Annex IVc- Technical and professional capacity template** -Capacity of the team proposed by the tenderer/delivering the service. No supporting documents (CVs) are requested.

In the case of consortia or joint tender, each member will have to provide the information required above according to their role in the consortium. In the case of subcontractors performing a share of the contract representing more than 10 % of the total value of the Framework Contract, the information requested above must be provided separately for each subcontractor according to their role in the consortium.

### 6.3.3.3 Capacity of the team proposed by the tenderer/delivering the service - LOT 2: Expertise in European railway human capital aspects

The tenderer must have the following team and must include, as a minimum, the following profiles with the number of persons (2) indicated below:

| Profile                 | Minimum number | Minimum years of experience |
|-------------------------|----------------|-----------------------------|
| <u>Contract Manager</u> | 1(*)           | 10                          |
| <u>Senior expert</u>    | 1 (*)          | 10                          |

(\*)Contract Manager's skills linked to/combined with senior expertise for LOT2

### 3) Criterion. Profile 1 – Contract manager

#### (a) Education

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At least one (1) Contract manager with a higher education degree or equivalent professional experience and senior expertise for the Lot considered.

### (b) Professional experience and skills

The Contract manager must demonstrate at least ten (10) years of professional experience in project management including quality control of the service, conflict resolution in projects of a similar size (i.e.: projects which the same value of this contract) and with experience in management of team in any kind of service (i.e. not only related to the field of this contract) Professional experience includes the years of practice after obtaining the diploma(s) required.

Evidence (to be provided only on request):

- The *curriculum vitae* of the Contract manager proving the professional experience described above. In the context of this call for tender, the tenderer is obliged to use the Europass format, which can be downloaded from the following address: <http://europass.cedefop.europa.eu>
- The tenderer must complete and sign the **Annex IVc- Technical and professional capacity template** -Capacity of the team proposed by the tenderer/delivering the service and provide the supporting document indicated above (CV of the Contract manager).

## 4) Criterion. Profile 2 – Senior expert

### (a) Education

At least one (1) senior expert with a higher education degree or equivalent professional experience with Project Management skills for the Lot considered.

### (b) Professional experience

#### (b.1) Professional experience – Expertise in European railway human capital aspects

Each senior expert must demonstrate professional experience of at least ten (10) years in the subject of the contract, and in particular in areas with specific competencies in human resources management, especially from the organisational perspective, involving the analysis of the determinants of competence and skills, both internal (impact on achieving goals, organisational culture, phase of development of the organisation), and external (market value of competencies, aging pace of competencies, difficulties in substituting, as well as the link between competences and competitive advantage), experience with projects that cumulatively cover more than one EU Member State, and during the last ten (10) years. Professional experience includes the years of practice after obtaining the diploma(s) required.

Evidence (to be provided only on request):

- The tenderer must complete and sign the **Annex IVc- Technical and professional capacity template** -Capacity of the team proposed by the tenderer/delivering the service. No supporting documents (CVs) are requested.

## 6.3.3.4 Capacity of the team proposed by the tenderer/delivering the service - LOT 3: Expertise in European railway passenger aspects



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The tenderer must have the following team and must include, as a minimum, the following profiles with the number of persons (2) indicated below:

| Profile                 | Minimum number | Minimum years of experience |
|-------------------------|----------------|-----------------------------|
| <u>Contract manager</u> | 1 (*)          | 10                          |
| <u>Senior expert</u>    | 1 (*)          | 10                          |
| <u>Junior expert</u>    | 1              | 3                           |

(\*) Only one profile: Contract manager's skills linked to/combined with senior expertise for LOT3

### 5) Criterion. Profile 1 – Contract manager

#### (a) Education

At least one (1) Contract manager with a higher education degree or equivalent professional experience and senior expertise for the Lot considered.

#### (b) Professional experience and skills

The Contract manager must demonstrate at least ten (10) years of professional experience in project management including quality control of the service, conflict resolution in projects of a similar size (i.e.: projects which the same value of this contract) and with experience in management of team in any kind of service (i.e. not only related to the field of this contract) Professional experience includes the years of practice after obtaining the diploma(s) required.

Evidence (to be provided only on request):

- The *curriculum vitae* of the Contract manager proving the professional experience described above. In the context of this call for tender, the tenderer is obliged to use the Europass format, which can be downloaded from the following address: <http://europass.cedefop.europa.eu>
- The tenderer must complete and sign the **Annex IVc- Technical and professional capacity template** -Capacity of the team proposed by the tenderer/delivering the service and provide the supporting document indicated above (CV of the Contract manager).

### 6) Criterion. Profile 2 – Senior expert

#### (a) Education

At least one (1) senior expert with a higher education degree or equivalent professional experience and Project Management skills for the Lot considered.

#### (b) Professional experience

##### (b.1) Professional experience – Expertise in European railway passenger aspects

Each senior expert must demonstrate professional experience of at least ten (10) years in the subject of the contract, and in particular in areas such as; passenger transport market and modal shares of railways in it, user needs, national railway policies, experience with projects that cumulatively cover more than one EU Member State, during the last ten (10) years. Professional experience includes the years of practice after obtaining the diploma(s) required.

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Evidence (to be provided only on request):

- The tenderer must complete and sign the **Annex IVc- Technical and professional capacity template** -Capacity of the team proposed by the tenderer/delivering the service. No supporting documents (CVs) are requested.

### 4) Criterion. Profile 3 - Junior expert

#### (a) Education

At least one (1) junior expert with a higher education degree or equivalent professional experience.

#### (b) Professional experience

##### (b.1) Professional experience – Expertise in European railway passenger aspects

Each junior expert must demonstrate professional experience of at least three (3) years in the subject of the contract, and in particular in areas such as; passenger transport market and modal shares of railways in it, user needs, national railway policies, experience with projects that cumulatively cover more than one EU Member State, and during the last five (5) years. Professional experience includes the years of practice after obtaining the diploma(s) required.

Evidence (to be provided only on request):

- The tenderer must complete and sign the **Annex IVc- Technical and professional capacity template** -Capacity of the team proposed by the tenderer/delivering the service. No supporting documents (CVs) are requested.

In the case of consortia or joint tender, each member will have to provide the information required above according to their role in the consortium. In the case of subcontractors performing a share of the contract representing more than 10 % of the total value of the Framework Contract, the information requested above must be provided separately for each subcontractor according to their role in the consortium.

## 6.4 Compliance with minimum requirements

Tenders must comply with all the minimum requirements set out in the technical specifications (section 3).

Tenders deviating from the requirements or not covering all minimum requirements set out in the technical specifications will be rejected based on non-compliance with the tender specifications and will not be further evaluated.

Tenderers will not be considered as meeting the minimum requirements if they merely repeat the text of the technical specifications.

Any compliant tender will be assessed on the basis of the award method detailed below.

## 6.5 Evaluation on the basis of the award criteria –Lots 1, 2 and 3

For each lot, the contract will be awarded to the economically most advantageous tender as detailed in the sections below.

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### 6.5.1 Evaluation of the quality of the offer

The quality of the technical offer covering the requirement will be evaluated in accordance with the award criteria and the associated weighting detailed in the tables below. The tender must reach the minimum scores indicated for each criterion (50%) and 70 points or more globally as a result of the technical evaluation in order to be admitted to the financial evaluation.

A maximum total score of **100 points** will be awarded for the quality of the tender. A minimum number of points (“threshold”) must be achieved in each individual criteria.

The overall quality of each tender shall be evaluated on the basis of the following criteria:

***NB: tenders for LOTS 1, 2 and 3 will be evaluated separately, notwithstanding for each lot the same technical award criteria as described below will apply.***

| Quality criteria                             | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Maximum points | Threshold (minimum number of points to be achieved) |
|----------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|-----------------------------------------------------|
| 1. Quality and appropriateness of the tender | <p>This criterion will be evaluated on the basis of the feasibility, relevance and effectiveness of the proposed approach to provide expert knowledge to the S2R JU and its Programme:</p> <ul style="list-style-type: none"><li>- the suitability and strength of the proposed approach for achieving, in an efficient and comprehensive manner, the tasks.</li><li>- the approach to dealing with unforeseen difficulties arising in the implementation of the tasks.</li><li>- how well the specificities of the tasks are taken into account.</li></ul> | 50             | 25                                                  |
| 2. Organisation of the work and resources    | <p>The tender shall provide details on how it intends to allocate the resources ( time, human and budget resources) and the rationale behind the choice of this allocation.</p> <p>This criterion will be evaluated on the basis of:</p> <ul style="list-style-type: none"><li>- the extent to which the tenderer will provide an effective, swift and smooth</li></ul>                                                                                                                                                                                     | 40             | 20                                                  |

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|                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |            |           |
|-----------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|-----------|
|                             | <p>organisation of the requested services while maintaining a high quality of service during contract implementation.</p> <ul style="list-style-type: none"> <li>- roles, interfaces and responsibilities of the experts made available (including subcontractors if applicable) for each task</li> <li>- how the roles and responsibilities of the proposed team and of the different economic operators (in case of joint tenders) are distributed</li> <li>- availability and involvement of the contract manager, interaction and coordination with the experts team.</li> <li>- appropriateness of proposed tools in facilitating budget allocation and human resources organisation.</li> <li>- contract follow-up and business continuity</li> </ul>                                      |            |           |
| 3. Quality control measures | <p>This criterion will be evaluated on the basis of the risk management strategy and quality control system applied to the services foreseen in these tender specifications and the extent to which the quality control system is relevant for every specific task. The quality control system must cover the soundness of the analysis, the quality of the deliverables, the monitoring and guarantee of deadlines and the continuity of service in case of absence of members of the team. The quality system should be detailed in the tender and be specific to the tasks at hand; a generic quality system will result in a low score. The quality control measures and risk management strategies proposed in the tender will be applicable during the whole duration of the contract.</p> | 10         | 5         |
| <b>TOTAL</b>                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | <b>100</b> | <b>70</b> |

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Only the tenders having reached a minimum score (“threshold”) for each criterion and a total number of points equal to 70 out of 100 will be considered for the financial evaluation. Tenders that do not reach the minimum quality thresholds will be rejected.

### 6.5.2 Prices and financial evaluation

After verification of the conformity of financial tenders submitted, the financial evaluation will be carried out **for each Lot** and based on the analysis of the price among the admissible tenders who passed the technical evaluation.

To present its financial offer, **for each lot** the tenderer must complete the **Model Financial offer form** in **Annex V** with the utmost care. In order to do this, the tenderer must fill in the column “Price per person/day” of the excel document, according to the Lot. In doing so, all relevant cells of the excel document (“Weighted price per profile” and “Total price”) will be filled in automatically.

The Model Financial offer form per LOT 1, 2 and 3 (“Price Schedule”) of the Annex V will serve as an evaluation scenario for the calculation of the total price of the tender. The objective of this Price schedule is to provide a fair basis for comparing the financial offers. In particular, for the financial comparison of the tenders, the price for the tender must be made up of the sums of the “Weighted price per profile” for each profile (all tasks included) expressed in euro (to two decimal places). The total price that will be taken into account for the financial evaluation and the award of the framework contract is the “Total price “- sum of the weighted price per profile (1),(2) and (3)- proposed by the tenderer in the financial offer after application of the method for weighting (%) per profile.

The Price Schedule cannot under any circumstances be considered to constitute a commitment on the part of the Contracting Authority to conclude specific contracts or order forms for the related services and quantities, and cannot give rise to any right or legitimate expectation on the part of the Contractor. **After the signature of the Framework Contract, only the “price per person/day” indicated in the Price Schedule will be used for the calculation of the price of each specific contract/order form implementing the Framework Contract. The Contractor must respect the “price per person/day” during the whole implementation of the Framework Contract.**

Tenderers from countries outside the Eurozone must also quote their prices in euro. The price quoted may not be revised in line with exchange rate movements. It is for the tenderer to assume the risks or the benefits deriving from any variation.

Prices must be quoted free of all duties, taxes and other charges. In particular, they must be quoted free of VAT as the S2R is exempt from such charges, as specified under Articles 3 and 4 of the Protocol on the privileges and immunities of the European Union. The tenderer may indicate the amount of VAT but it must be shown separately.

Where a service is provided free of charge, the tenderer must indicate EUR 0, 00.

The quoted price must be a fixed amount, which includes all tasks included in the technical specifications and all charges (including travel and subsistence). Travel and subsistence expenses are not refundable separately.

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Costs incurred in preparing and submitting tenders are borne by the tenderer and shall not be reimbursed.

The contracting authority may reject abnormally low financial tenders, in particular if it established that the tenderer or a member of the group (in case of consortia or joint tenders) does not comply with applicable obligations in the fields of social and labour national law.

### 6.5.3 Award formula and ranking of tenders

**For each lot**, the contract will be awarded to the most economically advantageous tender, i.e. the tender offering the best price-quality ratio determined in accordance with the formula below. A weight of **70/30%** (in percentage) is given to quality and price.

To determine the order in which the tenders are ranked, the total score awarded to each tender will be calculated as follows:

|                    |   |                                                          |   |     |   |                       |   |                                                                     |   |                                  |
|--------------------|---|----------------------------------------------------------|---|-----|---|-----------------------|---|---------------------------------------------------------------------|---|----------------------------------|
| Score for tender X | = | $\frac{\text{Cheapest price}}{\text{Price of tender X}}$ | * | 100 | * | Price weighting (30%) | + | Total quality score (out of 100) for all award criteria of tender X | * | Quality criteria weighting (70%) |
|--------------------|---|----------------------------------------------------------|---|-----|---|-----------------------|---|---------------------------------------------------------------------|---|----------------------------------|

All offers above the minimum quality threshold are ranked.

The tender which, in the final evaluation, receives the highest score will be considered the most economically advantageous tender.

**The tender ranked first after applying the formula will be awarded the contract for the relevant Lot.**

## 7 CONTENT AND PRESENTATION 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.

### 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 7.3 below:

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- ✓ the ref. number of the call for tenders: **S2R.19.OP.01**
- ✓ the title of the contract : **Railway operators, staff and passengers expertise**
- ✓ the title of the lot(s) the tender is submitted for:
  - LOT 1 - Expertise in European railway operations**
  - LOT 2 - Expertise in European railway human capital aspects**
  - LOT 3 - Expertise in European railway passenger aspects**
- ✓ 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:

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

**ENVELOPE A – ADMINISTRATIVE DATA:** One signed original for documents listed 1 to 9.

**Administrative Offer** providing all information requested in section 5 and sections 6.1 to 6.3

**THE TENDERER MUST ALSO PROVIDE IN “ENVELOPE A” AN ELECTRONIC COPY (IN A USB KEY) OF THE TENDER: “ADMINISTRATIVE DATA” AND “TECHNICAL DOCUMENTS”**

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|                                                                                                                                                                                                                                                                                                                                                                                                                       |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. <b>Tender Submission Form</b> – using template in <b>Annex I (front page of administrative documents)</b>                                                                                                                                                                                                                                                                                                          |
| 2. <b>Declaration of honour on exclusion and selection criteria</b> – using template provided in <b>Annex II</b> . In case of joint tender or consortia (section 5.5), the declaration of the “Leader” must be a signed original but those of other members may be electronic copies. Same apply in case of subcontractors (section 5.6)                                                                              |
| 3. <i>In case of joint tender or consortia (section 5.5):</i> <b>powers of attorney</b> (or equivalent document) issued by the consortium members empowering the representative of the consortium leader (tenderer) to submit a tender of their behalf.                                                                                                                                                               |
| 4. <i>In case of sub-contracting (section 5.6):</i> <b>Letter of intent for subcontractors</b> – using the template provided in <b>Annex III</b> .                                                                                                                                                                                                                                                                    |
| 5. <b>Financial Identification Form</b> – using the template available in the link below with its supporting documents:<br><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>                                                                                      |
| 6. <b>Legal Entity Form</b> (section 6.3.1 Selection Criteria - Legal and regulatory capacity) – using template available in the link below and the supporting documents requested in section 6.3.1:<br><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> |
| 7. <b>Economic &amp; Financial Capacity Documents</b> (section 6.3.2 Selection Criteria – Economic & Financial Capacity) – using the template provided in <b>Annex IV.a</b> and accompanied by the documents requested <b>To be provided only on request</b>                                                                                                                                                          |
| 8. <b>Technical &amp; Professional Capacity Documents</b> (section 6.3.3 -- Tenderer’s experience in the field of the contract) using the template provided in <b>Annex IV.b</b> and accompanied by the documents requested. <b>To be provided only on request</b>                                                                                                                                                    |
| 9. <b>Technical &amp; Professional Capacity Documents</b> (section 6.3.3-Capacity of the team proposed by the tenderer/delivering the service) using the template provided in <b>Annex IV.c</b> . <b>To be provided only on request</b>                                                                                                                                                                               |
| <b>ENVELOPE B – TECHNICAL DOCUMENTS:</b> One signed original and one copy* (identical in full to the original) of the:                                                                                                                                                                                                                                                                                                |
| ✓ <b>Technical Offer</b> providing all information requested in section 6.5.                                                                                                                                                                                                                                                                                                                                          |
| <b>ENVELOPE C - FINANCIAL DOCUMENTS:</b> One signed original and one copy* (identical in full to the original) of the:                                                                                                                                                                                                                                                                                                |
| ✓ <b>Financial Offer</b> (section 6.5.2) using the template provided in <b>Annex V-</b> Model Financial offer form                                                                                                                                                                                                                                                                                                    |
| ✓ <b>THE TENDERER MUST ALSO PROVIDE IN “ENVELOPE C” AN ELECTRONIC COPY (IN A USB KEY and in an excel file) OF THE TENDER: FINANCIAL OFFER</b>                                                                                                                                                                                                                                                                         |

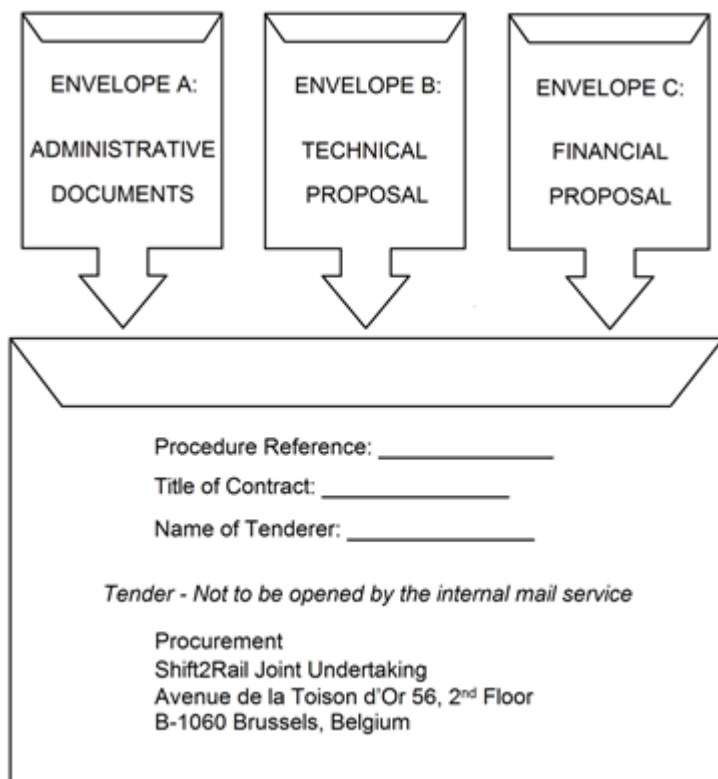
## 7.2 Language of the Tender

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



## 7.3 Tender Submission - Envelope Diagram

Tenders must be submitted in a separate envelope **for each Lot**.



## 8 OUTCOME OF THE CALL FOR TENDERS

During the assessment period of a call for tenders, the S2R JU will not provide any information. The only contacts allowed with tenderers are those mentioned in the invitation to tender.

### 8.1 Notification of results

As soon as the competent authorising officer has signed the award decision, notification letters will be sent simultaneously to all tenderers; letters to unsuccessful tenderers will state the grounds on which the decision was taken. Consequently all unsuccessful tenderers who are so entitled pursuant to Article 113 of the Financial Regulation, will be notified of the name of the tenderer to whom the contract is awarded, the characteristics and relative advantages of the successful tender and the contract value simultaneously with the dispatch of the notification letters.

### 8.2 Signing of the framework contracts and publishing of the award notice

No contractual relationship will exist until the framework contracts have been signed by the successful tenderers and the contracting authority. The dispatching of the notification letters does not create any contractual relationship.

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The contracting authority undertakes not to sign the framework contracts until a standstill period of at least ten (10) calendar days has elapsed following the dispatch of the notification letters.

Additionally, the framework contracts will not be signed unless the successful tenderers provides, depending on the Contracting Authority request, the evidence referred to in Section 6.2 above, confirming the declaration on their honour for the exclusion criteria.

When the framework contracts are signed, the Contracting Authority will publish an award notice in the Official Journal of the European Union summarising the result of the call for tenders.

### **8.3 Optional debriefing meetings**

After the closing of the tendering procedure and in order to improve the quality of tenders and the quality of our procedures, the SRR JU could foresee optional debriefing meetings of its representatives with unsuccessful tenderers, aimed at exchanging feedback and suggestions for improvement in view of future procurement procedures. In particular, once the outcome of the procedure is notified (section 8.1), unsuccessful tenderers may submit a request for a debriefing meeting; the S2R JU reserves the right to accept or refuse such requests and schedule a meeting date after the outcome of the procedure (i.e.: after the contract is signed by the successful tenderer or the procedure is cancelled in case of non-award of the contract) depending on the existing workload. In order to respect the confidentiality of the procedure, the meeting will be organised individually with each unsuccessful tenderer. No written record of the meeting will be provided by the S2R JU.

The S2R JU would like to stress that during the debriefing meeting, it is not free to disclose any information which would hinder the application of the law, be contrary to public interest, harm the legitimate business interests of public or private undertakings or distort fair competition.

## **9 ANNEXES**

- Annex I- Tender Submission Form per LOT 1, 2 and 3
- Annex II-Declaration of honour on exclusion and selection criteria per LOT 1, 2 and 3
- Annex III- Letter of intent for identified subcontractors per LOT 1, 2 and 3
- Annex IV.a – Economic and Financial Capacity template per LOT 1, 2 and 3
- Annex IVb-Technical and professional capacity - Tenderer's experience in the field of the contract per LOT 1, 2 and 3
- Annex IVc- Technical and professional capacity -Capacity of the team proposed by the tenderer/delivering the service per LOT 1, 2 and 3
- Annex V-Model Financial offer form per LOT 1, 2 and 3