

**PROVISION OF INTERIM SERVICES FOR
THE AGENCY FOR THE COOPERATION OF ENERGY REGULATORS**

Framework Contract

TENDER SPECIFICATIONS

OPEN CALL FOR TENDERS

ACER/OP/ADMIN/19/2012

1. Title of the invitation to tender

Provision of interim services for the Agency for the Cooperation of Energy Regulators, tender no. ACER/OP/ADMIN/19/2012.

This tender is not divided into lots.

2. Background information

The Agency for the Cooperation of Energy Regulators (the “Agency”) is a European Union body, established in 2010 by Regulation (EC) No 713/2009¹ and is central to the liberalisation of the EU's electricity and natural gas markets. The Agency is based in Ljubljana, Slovenia.

The Agency works towards a competitive, sustainable, secure and transparent Internal Energy Market for the benefit of all consumers in the European Union (EU). Its overall mission is to assist national energy regulatory authorities (NRAs) to perform their duties at the EU level and to coordinate their actions whenever necessary. The Agency thus cooperates closely with NRAs, but also with EU institutions, European associations of stakeholders and market participants, especially the European Networks of Transmission System Operators (ENTSOs), to deliver a series of instruments for the completion of a single EU energy market.

The main areas on which the Agency's activities focus are:

- supporting European market integration: this is mainly done through the development of common network and market rules as well as through the coordination of regional initiatives which are concrete efforts from market participants to work towards greater integration;
- advising the EU institutions on trans-European Energy infrastructure issues: the Agency issues opinions on ten-year network development plans with a view to making sure that these are in line with priorities set at EU level;

¹ Regulation (EC) No 713/2009 of the European Parliament and of the Council of 13 July 2009 establishing an Agency for the Cooperation of Energy Regulators, OJ L 211, 14.8.2009, p. 1

- energy market monitoring: the Agency has a general mission in terms of market monitoring at the EU level and has, since the end of 2011, a very specific responsibility when it comes to oversight of wholesale energy trading. More specifically, on 28 December 2011, the Regulation (EU) No 1227/2011² of the European Parliament and the Council on wholesale energy market integrity and transparency (hereafter: REMIT) entered into force.

3. Subject of the contract

The Agency may need interim staff, in its various departments (Director's office, Administration, Electricity, Gas and/or Market Monitoring Departments), as a complement to its statutory staff, under the following circumstances (indicative but not limited):

- Replacement of Agency staff member(s) in the event of long-term illness, maternity leave, parental or family leave, other long-term absences;
- Periods of heavy workload, which require an additional workforce for a fixed period of time;
- Specific projects and/or tasks, to be performed on a temporary basis, which require specific competences which are not available within the Agency;
- Assisting different events, meetings and workshops, organised by the Agency;
- Receptions and welcoming events.

The overall objective of the contract is to provide the Agency with the necessary interim staff in a timely fashion and in line with the profiles requested.

4. Description of services

4.1. Profile requirements

The Agency might request interim staff in variety of activities within four job categories.

The following profiles are not exhaustive, they are indicative of the type of assignments likely to arise:

Interim staff category	Profiles	Minimum educational requirements
Category IV Administrator level	Organisation and coordination in the areas of: <ul style="list-style-type: none"> – Project Management; – IT programming and/or Web; – Communication; – Administration; – Human Resources; – Finance and/or Procurement. 	Completed university studies of at least three years attested by a diploma and appropriate professional experience of at least one year.
Category III Assistant level	Support in the areas of: <ul style="list-style-type: none"> – Human Resources; – Administration; – IT help desk and/or Web; – Communication; – Finance and/or Procurement. 	Post-secondary education attested by a diploma OR Secondary education attested by a diploma giving access to postsecondary education and appropriate professional experience of two years.

² Regulation (EU) No 1227/2011 of the European Parliament and the Council on wholesale energy market integrity and transparency, OJ L 326, 08.12.2011, p.1

Interim staff category	Profiles	Minimum educational requirements
Category II Technical assistant level	Support in the areas of: <ul style="list-style-type: none"> – Organisation of meetings and events; – Clerical and secretarial support; – Information and dissemination; – Document management, filing and archiving; – Data input; – IT and logistics technical support. 	Secondary education attested by a diploma giving access to postsecondary education and appropriate professional experience of one year.
Category I Technical support level	<ul style="list-style-type: none"> – Reception and switchboard; – Driver; – Handyman; – Other facility tasks. 	Completed compulsory education and appropriate professional experience of one year.

In addition to the minimum requirements, the interim staff will be requested to have a very good command of English both written and oral (minimum C1 level of the Common European Framework of Reference for Languages). English is the working language of the Agency. For specific activities, the knowledge of other EU languages might also be required.

For category II to IV, computer literacy and in particular a good knowledge of Ms Outlook, Ms Office and Internet are requested.

Additional profiles may be requested if the Agency considers it necessary during the implementation of the framework contract and its specific contracts.

By requesting interim staff, the Agency will define the job description for the assignment, the skills and qualifications required, and the expected timeframe (starting date and duration).

4.2. Place of performance of the services

The services have to be performed at the Agency's premises. In exceptional cases interim staff might be requested to participate in the activities of the Agency within the Slovenian territory or in the EU member states.

4.3. Working hours

Interim staff will be subject to the normal working hours and the working calendar of the Agency. The normal duration of the working week is 37.5 hours, i.e 7.5 hours per day from Monday to Friday (from 9 am to 5 pm with a lunch break of 30 minutes). Lunch break does not count into working hours and is not paid by the Agency.

Working at the Agency, interim staff shall work subject to the Agency's holiday's calendar, which differs from the Slovenian public holiday calendar to a certain extent. The Agency has from 17 to 19 holiday days per year.

4.4. Implementation of the Contract

In relation to the implementation of the framework Contract and its specific contracts the following conditions shall apply:

- Request for interim staff can occur at any given time throughout the year.
- The Agency will send a vacancy notice/profile description to the contractor, which will specify in detail the tasks for the interim service post, eligibility criteria relevant to the post as well as essential and advantageous criteria.
- On receipt of a request from the Agency, the contractor will be required to identify suitable candidates. The contractor may advertise the requested profile(s), using media adverts, newspapers, websites, and/or online job portals. The advert should also be published in English language.
- The contractor must present candidates that match the requested profile description. The contractor must ensure that the interim staff possesses the necessary professional qualifications for the duties to be carried out.
- The contractor must no later than eight (8) working days from the request, propose at least five (5) qualified persons per requested profile using the EUROPASS CV format; the format can be downloaded from:
<https://europass.cedefop.europa.eu/europass/home/vernav/Europass+Documents/Europass+CV.csp>
- The Agency will, on the basis of the pre-selection of the submitted CVs, invite for interview the candidates proposed by the contractor. The candidates must be available for interviews at the Agency premises within a short notice (minimum one (1) working day and maximum three (3) working days).
- The Agency will confirm to the contractor their choice of the candidate(s) for the assignment within three (3) working days.
- Candidates proposed must be available at the start of the assignment and also be able to work at the Agency's premises, for the required period.
- Following a written request from the Agency, the contractor must replace within seven (7) working days the personnel who prove incapable of carrying out the specified tasks to the required standards. Any such replacement will not involve any additional cost to the Agency.
- In case of 'force majeure', if the interim staff is no longer able to carry out the work, the contractor is obliged to inform the Agency immediately, and to provide a competent replacement person within seven (7) working days. Any such replacement will not involve any additional cost to the Agency.
- In case of replacement, the contractor must propose a minimum of three (3) replacement persons with the required qualifications and experience. For replacements the same selection procedure and deadlines shall apply.

The estimated number of selection procedures the selected Contractor will need to carry out during the contract period, not taking into account replacements in case of 'force majeure', combined for all interim staff categories, is:

- in 2013: between 4 and 10,
- in 2014: between 4 and 10,
- in 2015: between 4 and 10,
- in 2016: between 4 and 10.

5. Interim staff service provider

The Contractor shall:

- Perform with high level of professionalism, human resources competence, and good service manner. The Contractor must ensure that any staff performing under the Contract has the professional qualifications and experience.
- Comply with all the relevant Slovenian labour law, taxes, health insurance, social and pension contributions.
- Ensure the fulfilment of all legal and financial obligations towards the interim staff. The Agency may not under any circumstances be considered the interim staff's employer.
- Be able to communicate in a timely manner. The Contractor shall nominate a contact person. The Contractor's response time shall not exceed two (2) working days.
- Possess good command of English language (C1 level). English shall be used throughout the implementation of the Contract for all communication, reports and other documentation.
- Be in touch with the Agency on any interim staff issues.
- Give at least one month's notice to the Agency of any change in the Contractor's team, i.e. contact person, responsible person for signature of the specific contracts etc.

6. Participation in the call for tender

Participation in the Agency's procurement procedure is open on equal terms to all natural and legal persons or groupings of such persons (consortia) falling within the scope of the Treaties. It includes all economic operators registered in the EU and all EU citizens.

Pursuant to Article 106 of the general Financial Regulation³ the participation is also open to all natural and legal persons from non-EU countries that have a ratified agreement with the European Union in the field of public procurement on the conditions laid down in that agreement. The Agency can therefore accept offers from and sign contracts with tenderers from 34 countries, namely: the 27 EU Member States, 3 European Economic Area (EEA) Countries (Lichtenstein, Norway, Iceland) and 4 Stabilisation and Associations Agreements (SAA) Countries (Croatia, FYROM, Albania and Montenegro). The Agency's procurement

³ Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities, as amended by Council Regulation (EC, Euratom) No 1995/2006 of 13 December 2006

procedures are not open to tenderers from countries covered by the Agreement on Government Procurement (GPA).

A natural or legal person can take part (as an individual tenderer or as a member of a consortium submitting a tender) in only one tender for each lot. If a natural or legal person takes part in more than one tender for each lot, all tenders in which that person has participated may be excluded from the evaluation.

7. Variants

No variants are permitted.

8. Size of the contract

The initial duration of the framework Contract shall be one (1) year and may be renewed up to three (3) times, each time for an additional period of one (1) year. The total duration of the framework Contract shall not exceed four (4) years.

The maximum total value of services which may be placed for each year is as follows:

- maximum ceiling in 2013: EUR 100.000,00, excluding VAT
- maximum ceiling in 2014: EUR 100.000,00, excluding VAT
- maximum ceiling in 2015: EUR 100.000,00, excluding VAT
- maximum ceiling in 2016: EUR 100.000,00, excluding VAT

The estimated date for signature of the framework Contract is end November 2012.

9. Documents available to the tenderer

- Contract notice published in the Official Journal of the European Union (OJ EU) S 155 on 14.08.2012;
- Call for tender documents and annexes;
- Other documents, as mentioned in these tender specifications.

10. Contractual framework

10.1. Type of contract

The services described above will be a subject of a framework service Contract. The Contract will lay down the legal, financial, administrative and technical conditions applicable throughout its period of validity, including price indexation. The draft framework Contract is attached in Annex III to the invitation to tender.

Signature of the Framework contract does not commit the Agency to placing orders and does not give the Contractor any exclusive rights regarding the services covered by the Framework contract. In any case, the Agency reserves the right, at any time during the validity of the Framework contract, to cease placing orders, without the Contractor having the right to any compensation.

10.2. Modus Operandi

Within 1 working day of a request for services being sent by the Agency to Contractor, the Agency shall receive a notification from the Contractor confirming that the request has been received and is readable.

Within 2 working days of a request for services being sent by the Agency to the Contractor, the Agency shall receive a reply from the Contractor informing the Agency whether he intends to submit the offer. Should the Contractor be unavailable, he shall give reasons for refusal within the same period.

Within 8 working days of a request for services being sent by the Agency to the Contractor, and if the latter has confirmed its intention to submit an offer, the Agency shall receive CVs of at least five (5) qualified persons per requested profile as specified under point 4.4 of these tender specifications.

Once the offer is accepted by the Agency, the Agency shall forward the specific contract to the Contractor for signature.

Performance of the tasks shall start from the date on which the specific contract is signed by the last contracting party.

In the event of failure to observe any of the above mentioned deadlines or disagreement, the Contractor shall be considered unavailable.

The Contractor must work in close and regular cooperation with the responsible units within the Agency. The Contractor works under his own capacity and responsibility and does not represent the Agency. The Contractor's staff works under the instructions of the Contractor.

10.3. Subcontracting

Special attention will be paid to the approach proposed by the Contractor for managing his subcontractors. Tenderers will be required to indicate the kind of work which they plan to subcontract and the name of any companies to which they are intending to subcontract part of the work.

Subcontracting during performance of the Contract is permitted only with the prior written consent of the Agency. The Contractor remains solely liable for proper performance of the Contract.

11. Contractors' obligations

Employment law applicable to transfers of undertakings:

Tenderers are reminded that their bid must be established in conformity with the applicable national and European employment legislation regarding the transfer of undertakings, and specifically Directive 2001/23/EC⁴ and its national implementing measures. In particular, tenderers should take note of the provisions on safeguarding employees' rights in the event of a change of employer as a result of a legal transfer.

⁴ Council Directive 2001/23/EC of 12 March 2001 on the approximation of the laws of the Member States relating to the safeguarding of employees' rights in the event of transfers of undertakings, businesses or part of undertakings or businesses, OJ L 82 of 22.03.2001, p. 16.

12. Language

Working language of the Agency is English. All communication, all the required services and all documentation must be provided in English.

13. Payment methods

Except where the specific contracts provides for otherwise, provisions related to payment are laid down in the draft framework Contract (Annex III to the invitation to tender). Payments will be made exclusive of VAT, as the Agency is exempt from all duties and taxes, including value added tax (VAT) under Articles 3 and 4 of the Protocol on the Privileges and Immunities of the European Communities and Article 7 of the Seat Agreement between the Government of the Republic of Slovenia and the Agency for the Cooperation of Energy Regulators (Official Journal of the Republic of Slovenia no. 109/2010 dated 30.12.2010). Invoices presented by the contractor must be exclusive of VAT. Invoice(s) presented by the Contractor must specify the amount(s) exclusive of VAT.

The services will be invoiced on the basis of the services provided after full delivery and approval of monthly reports and against invoice(s), in line with the payment schedule described in the draft contract (Annex III) to the invitation to tender.

14. Prices

- Prices must be quoted in Euro.
- The unit prices quoted must be firm and not subject to revision for the first year of the contract.

From the beginning of the second year prices may be revised upwards or downwards according to the harmonised indices of consumer prices (HICP) for Slovenia (MUICP index) and the method laid down in the contract.

The prices quoted should include all services as described in these tender specifications.

- Prices must be all inclusive and given by hourly rate for each interim staff category.
- Under Article 3 and 4 of the Protocol on the privileges and immunities of the European Communities and Article 7 of the Seat Agreement between the Government of the Republic of Slovenia and the Agency for the Cooperation of Energy Regulators (Official Journal of the Republic of Slovenia no. 109/2010 dated 30.12.2010), the Agency is exempt from all duties, taxes and other charges, including VAT and as such will not be taken into account when calculating the reference price. Tenderers are requested to indicate separately in their tender the applicable VAT.
- No expenses incurred within the framework of the preparation of the offer will be reimbursed.

15. Submission of offers

The bid must be accompanied by a **dated cover letter signed by the tenderer** and **duly completed reference table** related to the exclusion and selection criteria (see Annex A of these tender specifications).

The tenderer's offer should include:

- A. The declaration on honour relating to the exclusion criteria listed under point 16 of these tender specifications (model provided in Annex C to these tender specifications), fully completed and signed and dated by the tenderer;
- B. All the documents relating to the selection criteria listed under point 17 of these tender specifications;
- C. The technical tender which must include the following:
 - C.1. a description of the methodology for the selection of interim staff, including the assessment of the abilities and potentials of individuals for different categories of interim personnel,
 - C.2. a description of the methodology on presenting the candidates for interviews at the Agency per each requested profile, including the minimum number of candidates for each requested profile,
 - C.3. a description of the methodology for the implementation of the contract, including steps relative to the entry into service (i.e. administrative formalities, etc.), replacement and exit procedures of interim personnel with detailed timeframe for each step.
- D. The financial offer based on the model in Annex II to the invitation to tender, signed and dated by the tenderer, containing: (a) an hourly rate for each interim staff category and (b) the selection fee for one successfully completed selection procedure.

In case the offer involves subcontracting or the tender is submitted by a consortium or grouping of service providers, the tender must contain additional information as specified in points 16 and 17 of these tender specifications.

Tenders may be drafted in any of the official languages of the European Union.

The working language of the Agency is English.

16. Exclusion criteria

Tenderers must prove that they are not in one of the situations giving rise to exclusion as described below, by providing the following information, evidence and documents with their bid.

Exclusion from participation

Candidates or tenderers will be excluded from participation in a procurement procedure if:

- a) they are bankrupt or being wound up, are having their affairs administered by the courts, have entered into an arrangement with creditors, have suspended business activities, are the subject of proceedings concerning these matters, or are in any analogous situation arising from a similar procedure provided for in national legislation or regulations;
- b) they have been convicted of an offence concerning their professional integrity by a judgment which has the force of res judicata;

- c) they have been guilty of grave professional misconduct proven by any means which the awarding authority can justify;
- d) they have not fulfilled their obligations relating to the payment of social security contributions or the payment of taxes in accordance with the legal provisions of the country in which they are established, or with those of the country of the awarding authority, or with those of the country where the contract is to be performed;
- e) they have been the subject of a judgment which has the force of *res judicata* for fraud, corruption, involvement in a criminal organisation or any other illegal activity detrimental to the Communities' financial interests;
- f) following another procurement procedure or grant award procedure financed by the Community budget, they have been declared to be in serious breach of contract for failure to comply with their contractual obligations.

Evidence

1. Tenderers shall provide a declaration on their honour, duly signed and dated, stating that they are not in one of the situations referred to above, using the form provided in Annex C to these tender specifications.
2. The tenderers to whom it is proposed to award the contract shall furnish, within a time-limit specified by the awarding authority and prior to the signature of the contract, the following evidence in support of their declarations:

The contracting authority will accept, as evidence that the candidate or tenderer is not in one of the situations described in points (a), (b) and (e) above, the production of a recent extract from the judicial record (issued less than 90 days prior to the deadline for tender submission) or, failing this, a recent equivalent document (issued less than 90 days prior to the deadline for tender submission), issued by a judicial or administrative authority in the country of origin or provenance, showing that the requirements are met. The contracting authority will accept, as satisfactory evidence that the candidate or tenderer is not in one of the situations described in point (d) above, a recent certificate (i.e. less than 90 days old on the date of the deadline for tender submission) issued by the competent authority of the State concerned.

Where no document or certificate of the type referred to in the paragraph above is issued in the country concerned, and for the other cases of exclusion referred to in points c) and f), it may be replaced by a declaration under oath, or, failing that, a solemn declaration made by the interested party before a judicial or administrative authority, a notary or a qualified professional body in his country of origin or provenance.

Depending on the national legislation of the country in which the tenderer or candidate is established, the documents referred to above shall relate to legal persons and/or natural persons, including, where considered necessary by the awarding authority, company directors or any person with powers of representation, decision-making or control in relation to the candidate or tenderer.

3. The Agency reserves the right to check the information provided by tenderers.

Exclusion from award of contract

Contracts will not be awarded to tenderers who, during the procurement procedure:

- (a) are subject to a conflict of interests.

The Agency must ensure that on the date on which the tender is submitted, no tenderer is subject to a conflict of interests; such conflict of interests could arise in particular as a result of economic interest, political or national affinity, family or emotional ties, or any other relevant connection or shared interest.

The Agency reserves the right to judge whether such a conflict of interests exists.

Tenderers are also asked to declare:

- that they have not made and will not make any offer of any type whatsoever from which an advantage can be derived under the contract;
- that they have not granted, sought, attempted to obtain or accepted any advantage, financial or in kind, to or from any party whatsoever, constituting an illegal practice or involving corruption, either directly or indirectly, as an incentive or reward relating to the award of the contract;
- that they will inform the contracting authority without delay of any situation constituting a conflict of interests or which could give rise to a conflict of interests.

(b) are guilty of misrepresentation in supplying the information required by the awarding authority as a condition of participation in the procurement procedure, or fail to supply this information.

Evidence:

Tenderers shall provide a declaration on their honour, duly signed and dated, stating that they are not in one of the situations referred to above, using the form provided in Annex C to these tender specifications.

The Agency reserves the right to check the information provided by tenderers.

Tenders submitted by consortia or groups of service providers – tenders involving subcontracting:

In the case of tenders submitted by consortia or groups of service providers, each of the economic operators involved in the tender must provide a dated and signed declaration on honour, based on the model provided in Annex C to these tender specifications, confirming that none of the exclusion criteria for participation in or award of the contract apply to them.

The tenderers proposed for award of the Framework contract must furnish, within the time-limit specified by the awarding authority and prior to the signature of the Framework contract, the evidence listed above, corroborating the declaration on their honour, in respect of each economic operator forming part of their consortium or group of service providers.

In the case of tenders involving subcontracting, the tenderer proposed for award of the contract must furnish, within the time-limit specified by the awarding authority and prior to the signature of the contract, the declaration on their honour and/or the evidence listed above regarding exclusion criteria for participation in or award of the contract, in respect of each of the subcontractors in respect of whom the Agency requests such evidence.

The Agency reserves the right to check the information provided by tenderers.

17. Selection criteria

Tenderers must demonstrate that they have the necessary economic, financial, technical and professional capacity to perform the tasks described in these tender specifications in

accordance with the payment schedule specified in the draft framework Contract at Annex III to the Invitation to Tender.

Where the bid is submitted by a consortium or group of service-providers, the economic and financial capacity must be ascertained at the level of each economic operator forming part of the consortium or group. Technical and professional capacity may be ascertained at consortium or group level, or at the level of each member of the consortium or group.

Where the bid is submitted by a tenderer who intends to subcontract part of the tasks or entrust them to another economic operator, the subcontractors or economic operators involved must demonstrate that they have the requisite economic, financial, technical and professional capacity.

An economic operator may, if necessary and for a particular contract, rely on the capacities of other entities, regardless of the legal nature of the links he has with them. He must in this case prove to the awarding authority that he will have at its disposal the resources necessary for performance of the contract, for example by producing an undertaking on the part of those entities to place those resources at its disposal.

Tenderers must provide proof of their professional, economic, financial, and technical capacity by enclosing with their tender the following information and documents, accompanied by the reference tables shown in Annex A to these tender specifications:

17.1. Professional capacity

For natural and legal persons:

- Duly completed and signed identification form (see Annex B to these tender specifications);
- Duly completed and signed financial identification form (see Annex D to these tender specifications) – the form can be downloaded from:
http://ec.europa.eu/budget/contracts_grants/info_contracts/financial_id/financial_id_en.cfm
- Certificate of enrolment on the professional or trade register in accordance with the legislation of the Member State in which the tenderer is established.
- Duly completed and signed legal entity form (see Annex E to these tender specifications) – the form can be downloaded from:
http://ec.europa.eu/budget/contracts_grants/info_contracts/legal_entities/legal_entities_en.cfm

For legal persons the following information is necessary in addition to the above:

- Legal form
- Copy of the Company's Articles of Association
- Names and duties of managerial staff

17.2. Financial and economic capacity (for natural and legal persons)

Evidence of financial and economic capacity must be provided by means of one or more of the following documents:

- Statements from the bank indicating good financial viability or evidence of professional risk insurance covers;
- Balance sheets or extracts from balance sheets for at least the last two years for which accounts have been closed, where publication of the balance sheet is required under the company law of the country in which the economic operator is established;
- A statement of overall turnover concerning the services covered by the contract during the last three (3) financial years.

17.3. Technical capacity

Tenderers must provide the following documentation to enable an assessment of their technical and professional capacity. For joint applications, the capacities of all members of the joint application, including subcontractors, shall be taken into account

Tenderers are requested to provide:

- A statement of the average annual manpower and the number of managerial staff over the last three years.
- List of contracts performed during the last three (3) years, similar to the services as described in these tender specifications, for a total invoiced amount of at least EUR 100,000.00 in 2010 and 2011 respectively.
- At least three (3) references of international institutions with a seat in Ljubljana to which the tenderers are/have provided interim services during the last three (3) years;
- The number of interim staff provided in 2011;
- The number of individuals per category presently available in the tenderer's database;
- The language skills of interim staff in the tenderer's database;
- Between two (2) to four (4) CVs, for indicative purposes, of individuals presently available per category.

For those tenders including subcontracting, the tenderer must submit:

- A document stating clearly the identity, roles, activities and responsibilities of the subcontractor(s) and specifying the volume/proportion of the tasks of (each of) the subcontractor(s), as well as the description of the quality control measures he intends to apply on the tasks to be carried out by (each of) the subcontractor(s);
- A letter of intent by (each of) the subcontractor(s) stating its unambiguous undertaking to collaborate with the tenderer if he wins the contract and the extent of the resources that it will put at the tenderer's disposal for the performance of the contract.
- In the absence of this, a document stating that the tenderer does not intend to subcontract and that he/she will inform the Agency about any change in this situation. The Agency reserves the right to judge if such change would be acceptable.

For those tenders submitted by a consortium or grouping of service providers, the tender must contain:

- A document stating clearly the composition and constitution of the grouping or similar entity (company/temporary association/...), or the legal form their cooperation will take, should they be awarded the contract;
- A letter signed by each member stating its commitment to execute the services in the tender clearly indicating its role, qualifications and experience;
- A document signed by all members specifying the lead of the consortium or grouping of service providers and authorising the appointed lead of the consortium or grouping of service providers to submit the offer.

Tenders which do not meet the exclusion/selection criteria will not be considered. Tenderers who do not provide the documents required in these tender specifications with regard to the exclusion and selection criteria might be excluded from further evaluation.

Tenders which do not meet the exclusion and/or selection criteria will not be considered. Tenderers who do not provide the documents required in these tender specifications with regard to the exclusion and/or selection criteria may be excluded. The Agency will decide whether the substantiating documents provided constitute compliance with the selection criteria.

18. Award criteria

The contract will be awarded to the tender offering the best value for money on the basis of the criteria specified below.

18.1. Technical quality, with 60% weighting:

A. Relevance, comprehensiveness, quality and clarity of the proposed methodology on the selection of interim staff, including the assessment of the abilities and potentials of individuals for different categories of interim personnel; *with a maximum of 40 points.*

B. Relevance, comprehensiveness and quality of the proposed methodology on presenting the candidates for interviews per each requested profile, including the minimum number of candidates for each requested profile, allowing the contracting authority to have a sufficient range of options; *with a maximum of 30 points.*

C. Relevance, quality and flexibility of the proposed methodology and timeframes for the implementation of the contract (including steps relative to the entry into service, replacement and exit procedures of interim personnel); *with a maximum of 30 points.*

Tenders scoring less than 60 in the overall points or less than 60% in the points awarded for each of the single criterion will be excluded from the further evaluation.

18.2. Price, with 40% weighting:

In order to evaluate the offers, the Agency will calculate a total reference price, based on the financial offer submitted by the tenderer in Annex II to the invitation to tender. The total reference price has no contractual value.

Price criteria will be calculated on the basis of the total reference price, which will be used solely for the purpose of this evaluation, as follows:

	SERVICES	ALL INCLUSIVE PRICE in EUR	UNIT	MULTIPLIER COEFFICIENT	VALUE
A	B	C	D	E	F = C * E
1.	Interim staff - Category IV, 1 – 3 years of relevant working experience		price per hour	* 4%	
2.	Interim staff - Category IV, 3 or more years of relevant working experience		price per hour	* 10%	
3.	Interim staff - Category III, 1 – 3 years of relevant working experience		price per hour	* 15%	
4.	Interim staff - Category III, 3 or more years of relevant working experience		price per hour	* 19%	
5.	Interim staff - Category II, 1 – 3 years of relevant working experience		price per hour	* 15%	
6.	Interim staff - Category II, 3 or more years of relevant working experience		price per hour	* 19%	
7.	Interim staff - Category I, 1 – 3 years of relevant working experience		price per hour	* 5%	
8.	Interim staff - Category I, 3 or more years of relevant working experience		price per hour	* 10%	
9.	Selection fee		price per one completed selection procedure	* 3%	
TOTAL REFERENCE PRICE = VALUES 1 + 2 + 3 + 4 + 5 + 6 + 7 + 8 + 9					

14.3. Final evaluation

The formulae to calculate economically the most advantageous offer is:

$$\text{Final score for tender X} = \frac{\text{Cheapest total reference price}}{\text{Total reference price of tender X}} * 40 + \frac{\text{Total technical quality of tenderer X}}{100} * 60$$

The tenderer with the highest mark for the final score will be awarded the contract.