



TENDER SPECIFICATIONS

Reference: OC/EFSA/HUCAP/2019/02

Subject: Provision of assistance with staff selection procedures

Procurement procedure: Open call (Article 164(1) (a) of the Financial Regulation) EU bodies joint procurement for the following EU bodies and Joint Undertakings: BEREC, CDT, CEDEFOP, EASA, ECDC, EFSA, EMA, EMSA, ENISA, ESMA, EU-LISA, EUROPOL, EUROFOUND, FRA, FRONTEX, F4E, IMI2JU, GSA, OSHA, SESAR JU, herein referred to as "EU body" under singular or plural form.

Project/Process code: HUCAP-07

Tender specifications purpose:

1. specify what EU bodies will buy under the contract resulting from this procurement procedure;
2. announce the criteria to be used to identify the successful contractor;
3. guide tenderers in the preparation and sending of their offer;
4. form annex 1 of the contract resulting from this procurement procedure and be binding for contract implementation.

Additional guidance:

Please read the [EFSA Guidance for tenderers](#) available on the EFSA website, designed to assist potential tenderers in their understanding of EFSA procurement procedures.

Provide EFSA with feedback:

If you considered applying to this call for tenders but finally decided not to, please provide EFSAProcurement@efsa.europa.eu with your feedback on the call and reasons for not applying. Feedback will be treated confidentially and will only be used for improving future EFSA procurement calls.



PROCEDURE TIMETABLE

Milestone	Date ¹	Comments
Launch date	14/11/2019	Date Contract Notice is sent to Official Journal
Deadline for sending request for clarification to EFSA	07/01/2020 at 14:30 (CET/CEST)	Requests for clarification may only be submitted through the e-Tendering website as described in the Invitation Letter. EFSA is not obliged to reply to clarifications received less than 6 working days before the deadline for submission of offers.
Deadline for EFSA to reply to clarification questions	09/01/2020	
"Receipt Time Limit" - Closing date and time for receipt of offers	15/01/2020 at 14:30 (CET/CEST)	Refer to the Invitation letter and part 3 of these tender specifications regarding how to submit your offer.
Opening session	16/01/2020 at 14:30 (CET/CEST)	EFSA - Via Carlo Magno 1A, Parma, 43126, Italy. Requests to attend the opening session must be made 2 working days in advance of the opening session. Refer to Invitation letter for details.
Notification of evaluation results	Estimated March 2020	The outcome of the procurement procedure will be communicated to all tenderers exclusively using the e-mail address indicated in their offer. Please check regularly the inbox in question.
Contract signature	Estimated April 2020	

¹ All times are in the time zone of Italy, the country in which EFSA is based.



PART 1 TECHNICAL SPECIFICATIONS - WHAT DOES EFSA NEED TO BUY THROUGH THIS PROCUREMENT PROCEDURE?	4
1.1 BACKGROUND	4
1.2 OBJECTIVE	6
1.3 TASKS, DELIVERABLES, TIMELINE AND PAYMENTS	7
1.4 INFORMATION ON THE CONTRACT	17
1.5 OWNERSHIP, INTELLECTUAL PROPERTY RIGHTS, USE OF RESULTS	19
1.6 PERSONAL DATA PROTECTION	19
PART 2 EVALUATION - HOW WILL YOUR OFFER BE ASSESSED?	22
2.1 OPENING OFFERS.....	22
2.2 ORDER OF EVALUATION	22
2.3 GROUNDS FOR EXCLUSION	22
2.4 SELECTION CRITERIA	23
2.5 COMPLIANCE WITH TENDER SPECIFICATION AND MINIMUM REQUIREMENTS.....	25
2.6 AWARD CRITERIA	25
PART 3 - HOW TO SUBMIT YOUR OFFER USING E-SUBMISSION	27
ANNEX 1 - FINANCIAL OFFER TEMPLATE.....	30
ANNEX 2 - DRAFT CONTRACT.....	30



PART 1 TECHNICAL SPECIFICATIONS - WHAT DOES EFSA NEED TO BUY THROUGH THIS PROCUREMENT PROCEDURE?

1.1 BACKGROUND

The European Food Safety Authority (EFSA), as the leading EU body of this call for tenders, is the keystone of European Union (EU) risk assessment regarding food and feed safety. In close collaboration with national authorities and in open consultation with its stakeholders, EFSA provides independent scientific advice and clear communication on existing and emerging risks. Information about EFSA can be found under the following link: <http://www.efsa.europa.eu/en/aboutefsa.htm>.

In addition to EFSA the following EU bodies join this call for tenders:

EU Agency	Country	Website address
BEREC Office - Agency for Support for BEREC	LATVIA	https://berec.europa.eu/
CDT-Translation Centre	LUXEMBOURG	https://cdt.europa.eu/
CEDEFOP-European Centre for the Development of Vocational Training	GREECE	http://www.cedefop.europa.eu/
European Union Aviation Safety Agency EASA	GERMANY	https://easa.europa.eu
European Centre for disease Prevention and control ECDC	SWEDEN	https://www.ecdc.europa.eu
EMA-European Medicines Agency	THE NETHERLANDS	https://www.ema.europa.eu/en



European Maritime Safety Agency EMSA	PORTUGAL	https://www.emsa.europa.eu
ENISA-European Union Agency for Network and Information Security	GREECE	http://www.enisa.europa.eu
ESMA-European Securities and Markets Authority	FRANCE	https://www.esma.europa.eu/
EU-LISA-European Union Agency for the operational management of large-scale IT systems in the area of freedom, security and justice	BELGIUM/ESTONIA/FRANCE	https://www.eulisa.europa.eu/
EUROPOL-European Union Agency for Law Enforcement Cooperation	THE NETHERLANDS	www.europol.europa.eu
European Foundation for the improvement of Living and Working Conditions (EUROFUND)	IRELAND	www.eurofound.europa.eu
FRA-European Union Agency for Fundamental Rights	AUSTRIA	https://fra.europa.eu/en
FRONTEX-European Border and Coast Guard Agency	POLAND	https://frontex.europa.eu/
F4E - FUSION FOR ENERGY	SPAIN	https://fusionforenergy.europa.eu



Innovative Medicines Initiative 2 Joint Undertaking (IMI2JU)	BELGIUM	https://imi.europa.eu
GSA-European Global Navigation Satellite Systems Agency	CZECH REPUBLIC	https://www.gsa.europa.eu/
OSHA-European Agency for Safety and Health at Work	SPAIN	https://osha.europa.eu/en
SESAR-Single European Sky ATM Research Joint Undertaking	BELGIUM	https://www.sesarju.eu/index.php/

The above bodies will use all or some services described in these specifications, from the contract signature or from a later date. These details are specified under point 1.3.

The EU bodies referred above constantly recruit highly talented and motivated staff at different levels who will contribute to achieving their mandate and tasks.

In doing so, the EU bodies aim at using the best in class innovative selection methods and tools.

Each selection procedure is regulated by the Staff Regulations and Implementing Rules and entrusted to a Selection Board nominated by the Executive Director and supported by the Human Capital or Human Resources Unit of each EU body.

1.2 OBJECTIVE

The overall objectives of the contract resulting from this procurement procedure are as follows:

- to provide assistance and/ or expert guidance to the EU bodies in relation to selection procedures for different types of job profiles and levels (e.g. senior managers, middle managers, team leaders, officers, assistants);
- to provide assistance and/ or expert guidance in organising Assessment Centres;



- to provide assistance and/ or expert guidance in psychometric testing (personality, ability and knowledge);
- ad-hoc consultancy.

This framework contract shall not be interpreted in anyway as limiting the exclusive role of the Selection Board in carrying out the comparative assessment of the candidates, in accordance with Article 27 of the Staff Regulations, Articles 12 and 82 of the Conditions of employment of other servants of the European Union, and Article 3(4) of Annex I to the general provisions for implementing Article 79(2) of the CEOS governing the conditions of employment of contract staff employment under the terms of Article 3(a) of those conditions of employment, as interpreted by the relevant case law. The contractor does not substitute in anyway the Selection Board, which remains exclusively in charge of the screening process. In this sense, please see Pachitis/Commission, ECLI:EU:F:2010:51, para 48 to 70.

1.3 TASKS, DELIVERABLES, TIMELINE AND PAYMENTS

No.	Tasks & deliverables	Can be subcontracted? ²	Deadline
1	<p>Task: Applications screening</p> <p>Provision of support and expertise on application screening of candidates.</p> <p>In detail, the contractor will provide support to the Selection Board as follows:</p> <ul style="list-style-type: none"> • Preparation of the application screening tool (e.g. propose the definition of scoring grid and scoring method); • Screening of application against the eligibility criteria and selection criteria listed in the vacancy notice; • Providing a completed application screening outcome grid which clearly shows the results of the eligibility screening and the selection criteria evaluation of the candidates; • Presenting the outcome of the application screening to the EU body; • Inserting the application screening outcome into the EU body recruitment system. 	no	<p>Within maximum 15 working days from deadline for receipt of the applications, to be defined in each specific contract/order form depending on the number of received applications.</p> <p>Less than 400 applications → maximum 5 working days</p> <p>Between 400 and 800 applications → maximum 10 working days</p> <p>800 applications or more → maximum 15 working days</p>
2	Task: Screening interviews	no	

² If a subcontractor provides the whole or a very large part of the financial capacity OR executes the whole or a very large part of the tasks, EFSA may demand the subcontractor to sign the contract. In case of works/intra-muros services, there is an obligation to ask for the name, contact details and legal representative details of the sub-contractors when work is carried out on your premises.



	<p>Provision of support and expertise on preparing, organising and assessing screening interviews of shortlisted candidates (e.g. by telephone, online).</p> <p>In detail, the contractor will provide support as follows:</p> <ul style="list-style-type: none"> • Providing support to the Selection Board in the preparation of the screening interview questions to check facts and figures on the application, competencies, language abilities, motivation as agreed with the EU body³; • Providing support to the Selection Board by organising and carrying out the screening interviews with candidates; • Producing a report on each interviewed candidate for each selection procedure; • Presenting the outcome of the screening interview to the EU body; • Providing feedback to candidates on the outcome of the screening interview, upon request from the candidate and within 5 working days from date of request; • Inserting the screening interview outcome into the EU body recruitment system. 		<p>To be defined in each specific contract/ order form, but report to be provided generally within maximum 2 working days of the last interviewed candidate for each selection procedure.</p>
3	<p>Task: Provision of support during interviews with the Selection Board</p> <p>Provision of support and expert guidance during the Selection Board interviews with candidates on their abilities and competences.</p> <p>In detail, the contractor will provide support as follows:</p> <ul style="list-style-type: none"> • Advising the Selection Board on interviewing techniques; • Participating as observer/ adviser during Selection Board interviews and provide the necessary expert guidance and advice to the Selection Board on the abilities and competencies of the candidates; • Preparing the necessary documentation and logistics for the interview; • Inserting the outcomes of the interviews in the EU body recruitment system; 	no	<p>To be defined in each specific contract/ order form.</p>

³ This is without prejudice to the fact that the Selection Board remains exclusively in charge of taking the final decision, in accordance with the principle established in Jérôme Glantenay and Marco Cecchetto v European Commission, ECLI:EU:F:2013:127 para 70.



	<ul style="list-style-type: none"> The interviews can be held at the contractor's premises, a test centre or at the premises of the EU body. The contractor will need to organise the interviews and ensure where necessary that the conditions for taking part in the interviews are adapted for persons with special needs arising from a disability. In the event that interviews will be organised at the contractor's premises or a test centre, stationery, materials and beverages must be supplied by the contractor at its own expense. The participants' (Selection Board members and candidates) costs of travel/subsistence/accommodation to the contractor premises will be covered by the EU body. 		
4	<p>Task: Psychometric testing</p> <p>Provision of support and expertise in the administration of standardised psychometric testing of candidates in view of measuring the knowledge, abilities (e.g. competency: e-tray, cognitive, reasoning abilities: verbal, numerical, abstract), attitudes, motivation, cultural fit and personality traits of candidates.</p> <p>In detail, the contractor will provide support as follows:</p> <ul style="list-style-type: none"> Suggesting to the Selection Board standardised questionnaires/ tests for different types of psychometrics, relevant for professional situations and for different job profiles and levels; Suggesting to the Selection Board the appropriate combined assessments, based on the job profile and level; Advising the EU body on the use of psychometric tests and interpretation of results; Depending on the type of measurement, the questionnaires/tests will be administered in: A) controlled environment: e.g. at the contractor premises, in a test centre or by online proctoring compliant with EU data protection and information security standards. B) uncontrolled environment: online (remote); 	yes	<p>The planning of each test will be defined in each specific contract/ order form in line with the timeline of the selection procedure for which the test is requested.</p> <p>Written descriptive/ assessment report in English for each candidate must be sent to the EU body at the latest on 3rd working day from the date of the actual assessment, in a</p>



	<ul style="list-style-type: none"> • Taking care of the test administration: inviting the candidates to fill in the questionnaire/ test; • Following up on the completion of the questionnaire/ test and sending reminders if necessary; • Providing a written descriptive/ assessment report after the candidate completed the questionnaire/ test; • The questionnaire and report must be provided in English; • Inserting the outcomes of the testing in EFSA's recruitment system. 		written form (e.g. electronic form).
5	<p>Task : Online proctored tests</p> <p>Provision of support and technical facilities for conducting controlled remote testing of candidates (e.g. written assignments, competency tests). In detail, the contractor will provide support as follows:</p> <ul style="list-style-type: none"> • Taking care of the test administration: inviting the candidates to perform the test; • Following up on the completion of the test and sending reminders if necessary; • Perform plagiarism check; • Sharing the candidates' assignments with the EU body; • Preparing a brief activity report to the EU body. 	yes	The planning of each test will be defined in each specific contract/ order form in line with the timeline of the selection procedure for which the test is requested.
6	<p>Task: Assessment Centre</p> <p>Provision of support and expertise in organising Assessment Centres for targeted job profiles and job levels. In detail, the contractor will provide support as follows:</p> <ul style="list-style-type: none"> • Producing a plan of exercises, work samples, psychometric tests and any other tools deemed necessary in order to cover all the competencies required; • Organising and running the Assessment Centre for a group of candidates on the basis of the agreed competency profile, using best in class innovative tools and methods; • Providing support to the Selection Board in the assessment of the strengths and weaknesses of each participant with 	no	To be defined in each specific contract/ order form.



	<p>regards to the competencies required in the specific role. This should be done by participation in a variety of tasks and situations. The contractor will observe and support the Selection Board in the evaluation of the behaviour in relation to the pre-defined competency profile;</p> <ul style="list-style-type: none"> • Providing a manual/ brochure explaining the methods used, theoretical basis and meaning of the diagnostics provided. Such manual / brochure shall also contain sufficiently detailed background information on the measures taken to ensure that processing of the candidates' personal data happens in a manner compliant with the personal data legal framework, i.e. Regulation (EU) 2016/679⁴ (General Data Protection Regulation - GDPR). Specifically with regard to psychometric testing, measuring of candidates' personality traits by automatic means and profiling, detailed information shall be provided on the logic of such automated processing and the measures taken in accordance with Art. 22(3) GDPR, including information on the right of candidates to obtain a human intervention, to express their views and to contest any automated decision-making; • Providing a brochure to participants that presents the contractor, illustrates the Assessment Centre concept and schedule, provides useful information on how to reach the assessment centre venue and useful contacts; • Producing a summary on the candidates in a form of a written descriptive/ assessment report. The report must give an all-round assessment of candidates' competencies and capacities against the specific competency profile; • Presenting the outcome of the Assessment Centre to the EU body; • Providing feedback to candidates upon request and within 5 working days from date of request; • The assessment will be held at the premises chosen/managed by the contractor or at the EU body premises. The premises chosen for the assessments 		<p>Manual must be produced in English within maximum 3 working days following the kick-off meeting.</p> <p>Participants brochure must be produced in English and available to candidates when the invitation to Assessment Centre is sent.</p> <p>Written assessment report in English for each candidate must be sent to the EU body at the latest on 3rd working day from the date of the actual assessment, in a written form (e.g. electronic form).</p>
--	--	--	--

⁴ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC, OJ L 119, 4.5.2016, p. 1–88



	<p>must be easily accessible by public transport and provide a level of comfort for the candidates. Where necessary, the conditions for taking part in the assessment centre will have to be adapted for persons with special needs arising from a disability. Stationery, test materials, lunch and beverages must be supplied by the contractor at its own expense. The participants' costs of travel/ subsistence/ accommodation to the contractor's premises will be covered by the EU body.</p>		
7	<p>Task: Ad-hoc consultancy</p> <p>Provision of ad-hoc consultancy linked to the remit of the present contract.</p> <p>In detail, the contractor will provide support as follows:</p> <ul style="list-style-type: none"> • Delivering ad-hoc training on utilisation of the assessment tools, their related results interpretation, and any other service within the scope of the framework contract; • Mapping of test sets for the EU body job levels / positions in the form of a training or a written manual; • Supporting in interpreting tests for the candidates for which the EU body is evaluating test results in the form of an ad-hoc training; • Providing feedback to candidates; • Providing support to the Selection Board in the development of Situational Judgemental tests relevant to the job profile; • Producing reports and supporting documents related to selection procedures; • Acting as sparring partner to the EU body Hiring Manager/ Executive Director by providing expert guidance in relation to the decision making and appointment of candidates; • Providing feedback on the test results to the EU body; • Providing IT support for integration with the EU body IT system (e.g. Taleo); • Delivering a tailor-made online simulation exercise; • Providing support to the Selection Board in relation to telephonic/ online 	no	<p>The planning of the consultancy will be defined in each specific contract/ order form.</p>



	<p>competency-based interview with candidates of a selection procedure;</p> <ul style="list-style-type: none"> Producing a tailor-made plan of exercises; provide means/ tools for addressing preliminary established group of competencies, supply learning centre materials (case studies, exercises), template reports and any other tools deemed necessary; Providing support in setting up a competency framework and competency profiles as a basis for selection; Providing guidance on setting up the assessment methods and tools for specific job profiles (e.g. scoring method, interview questions); Providing support and guidance to the Selection Board throughout the whole selection procedure (at the EU body premises or remote) and for different steps of the process; Providing support to the EU body in the organisation of competency assessment including group exercises. 		
--	---	--	--

No.	Meetings	Deadline for finalisation
1	<p>Kick –off meeting:</p> <p>It will be organised by EU body and will most likely be held through teleconference. The contractor's participation is mandatory. The aim of the meeting is to discuss the operational implementation as well as the administrative and financial matters related to contract implementation. The contractor should provide advice on the deployment of the services covered by the specific contract/ order form resulting from the present procurement procedure.</p>	The kick-off meeting will take place as defined in each specific contract/ order form.
2	Ad hoc meetings with the EU body (physical)	To be defined in each specific contract/ order form
3	Ad hoc teleconferences between the EU body and the contractor	Throughout the duration of the FWC
No.	Payments	Linked to EFSA approval of deliverable No.
	The payment modalities applicable to each specific contract / order form are detailed in the draft framework contract.	NA

The working language for contract implementation including execution of tasks, meetings and deliverables shall be English. Any written deliverables must be to a high standard of English which does not require proof reading.



Not all the participating EU bodies will be able to use all the services described above, and/or they will not be able to use them immediately from the framework contract signature date. This is because some bodies have already ongoing FWC covering some of the above services that will not expire before the planned entry into force of the FWC resulting from this call for tenders. This table below clarifies for each EU body which services it will be able to order and from when. The values indicated are estimated amounts. Shift of amounts between agencies are foreseen and will be coordinated by EFSA:

EU Agency	Country	Estimated envelope for 4 years (in EUR)	Expected start of use of FWC if not signature date	Tasks/Services not to be used as covered by other FWC
BEREC Office - Agency for Support for BEREC	LATVIA	€ 150,000	Signature date	Task 6 : Assessment Centre (covered by FWC for Assessment centre with EIOPA)
CDT-Translation Centre	LUXEMBOURG	€ 20,000	Signature date	All tasks/services to be used
CEDEFOP- European Centre for the Development of Vocational Training	GREECE	€ 400,000	01/07/2020	All tasks/services to be used
European Union Aviation Safety Agency EASA	GERMANY	€ 350,000 Only for 3 years	05/05/2021	All tasks/services to be used
European Centre for disease Prevention and control ECDC	SWEDEN	€ 150,000	Signature date	Task 1: Applications screening/ Task 2: screening interviews Task 3: provision of support during interviews with the Selection board
EFSA-European Food Safety Authority	ITALY	€ 1, 500,000	Signature date	All tasks/ services to be used



European Medicines Agency EMA	THE NETHERLANDS	€ 575,000	Signature date	Task 2: Screening interviews Task 4: Psychometric testing Task 5: Online proctored tests
European Maritime Safety Agency EMSA	PORTUGAL	€ 200,000	Signature date for all tasks, except for task 6 for management positions only. Task 6 for management positions will be used from 19/09/2022.	In respect of task 6 Assessment Centre,' EMSA will only use the present contract for the organisation of assessment centres for non-management positions due to the fact that the assessment positions is currently covered by the contract 2018/EMSA/OP/5/2018 which will expire on 18/09/2022.
ENISA-European Union Agency for Network and Information Security	GREECE	€ 2,700,000	Signature date	All tasks/services to be used
ESMA-European Securities and Markets Authority	FRANCE	€ 151,000	Signature date except for task 6 : Assessment Centre that will be used from 19/09/2022	Task 6: Assessment centre because ESMA is using framework contract 2018/EMSA/OP/5/2018 until its expiry on 18/09/2022
EU-LISA-European Union Agency for the operational management of large-scale IT systems in the area of freedom, security and justice	BELGIUM/ ESTONIA/ FRANCE	€ 653,660	Signature date	All tasks/services to be used
EUROPOL-European Union Agency for Law Enforcement Cooperation	THE NETHERLANDS	€ 372,000	Signature date for all tasks, except for task 6: Assessment Centres that will be used from 19/09/2022 or earlier if allocated quota of EUROPOL is exhausted before.	Task 6 : Assessment Centre. EUROPOL is using framework contract 2018/EMSA/OP/5/2018 until its expiry on 19/09/2022, or earlier if EUROPOL allocated envelope is exhausted before.



European Foundation for the improvement of Living and Working Conditions EUROFOUND	IRELAND	€ 80,000	Signature date	Task 1: Applications screening Task 2: Screening interviews
FRA-European Union Agency for Fundamental Rights	AUSTRIA	€ 318,000	Signature date for all tasks, except for task 6: Assessment Centres for Managerial positions only that will be used from 09/08/2022.	Task 6: Assessment Centres for Managerial positions only until 09/08/2022
FRONTEX-European Border and Coast Guard Agency	POLAND	€ 1,600,000	Signature date	All tasks/services to be used
F4E- Fusion for Energy	SPAIN	€ 130,000	Signature date	All tasks/services to be used
GSA-European Global Navigation Satellite Systems Agency	CZECH REPUBLIC	€ 440,000	Signature date except for task 6: Assessment Centres from 19/02/2023	Task 2 "Screening interviews". GSA will implement its own contract for video-recorded interviews Task 6 "Assessment centre" until 19/02/2023



Innovative Medicines Initiative 2 Joint Undertaking (IMI2JU)	Belgium	€ 50,000	Signature date	All tasks/services to be used
OSHA-European Agency for Safety and Health at Work	SPAIN	€ 40,000	Signature date	All tasks/services to be used
SESAR-Single European Sky ATM Research Joint Undertaking	BELGIUM	€ 40,000	Signature date	All tasks/services to be used
TOTAL		€ 9,919,660		

1.4 INFORMATION ON THE CONTRACT

Nature of expense services

Type of contract framework (FWC)

Type of FWC multiple FWC in cascade

Maximum number of possible framework contractors: 3

Place of performance: EU body premises and/or contractor's premises

Duration of FWC

One year + automatic renewal up to 3 times for an overall maximum duration of four consecutive years.



Budget information

The financial ceiling available for specific contracts/order forms under the framework contract during an overall maximum period of 4 consecutive years is 9,919,660 €. A contingency of 10% and possible price indexations are already included in this ceiling.

Possible increase of FWC envelope

In accordance with Annex I, Section 2, article 11.1 e) of the Financial Regulation, EFSA, as the contracting authority for signing the FWCs, reserves the right to launch a future negotiated procedure with the contractor chosen as a result of this call for tender, for new services consisting in the repetition of similar services during the three years following the signature of the original framework contract. The increase will not go beyond 50% of the original envelope of € 9,919,660 €.

Price indexation

The mechanism for the indexation of prices is set out in the draft framework contract.

Framework contract implementation modalities

The framework contract will be implemented using Specific Contracts / Order Forms. The present call for tenders will lead to maximum 3 framework contracts. These 3 contractors will be ranked as per evaluation of the offers submitted under this call for tenders.

When the EU body decides to run a request for service, it will have to be requested to the first contractor of the cascade. Should the first contractor in the cascade be unavailable or refuses to provide the services, the cascade will be activated, and the EU body will request the service to the second contractor of the cascade and so on. Should the cascade lead to no contractor being able to serve the request for the budget assigned the EU body can rethink/modify the whole service request and eventually re-run the cascade.

The implementation of the framework contract is also detailed in Art. I.4.3 of the draft framework contract.

Important information for British tenderers:

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 may be rejected from the procurement procedure.



1.5 OWNERSHIP, INTELLECTUAL PROPERTY RIGHTS, USE OF RESULTS

As regards any product or delivery commissioned by the EU body and developed by the contractor in the context of the contract resulting from this call for tenders, as well as source codes of IT applications and models developed for the EU body, the intellectual property rights will be owned by the EU body only in its capacity as financial source of the contract. The contractor cannot file a trademark, patent, copyright or other IPR protection scheme in relation to any of the results or rights obtained by the EU body in performance of the contract, unless the contractor requests the EU body ex-ante authorisation and obtains from the EU body a written consent in this regard.

The EU body does not acquire ownership or any license of pre-existing rights not incorporated in the deliverables. The full ownership is limited to the deliverables, which might include licensed pre-existing rights on excerpts, parts, texts etc., if fully or partially incorporated in the final deliverables.

The draft contract in Annex 2 contains further provisions on ownership of intellectual property rights. All quotations or information the tenderer provides in the technical and financial offer for this tender which originates from other sources to which third parties may claim rights, have to be clearly marked in the offer in a way allowing easy identification (source publications, including date & place, creator, number, full title etc.). The tenderer shall take account of the above specification on ownership and copyrights in their technical and financial offer.

1.6 PERSONAL DATA PROTECTION

Processing of personal data in the context of this contract shall comply with the legal framework on data protection, i.e.:

- Regulation (EU) 2018/1725⁵ ('**the EDPR**') as concerns personal data processing by the selected contractor, processing data in execution of the contract with EFSA or other EU contracting authorities;
- Regulation (EU) 2016/679⁶ (General Data Protection Regulation – '**the GDPR**') as concerns personal data processing carried out by the contractor on its proper behalf as a controller.

The EDPR constitutes the specific data protection legal framework applicable to institutions, bodies, offices and agencies of the European Union, mirroring the GDPR applicable within the Union.

Processing of personal data by the EU Body as contracting authority:

⁵ Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC, OJ L 295/39 21.11.2018

⁶ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC, OJ L 119, 4.5.2016, p. 1–88



Information on the processing of personal data by the EU Body as contracting authority in charge of the present procurement procedure is available on their website as well as in Article II.9.1 of the draft contract in Annex 2. For EFSA, more information can be found in the [Privacy Statement](#) on its website. In this context, please be informed that the EU Bodies may register your personal data as a tenderer or selected contractors in the Early Detection and Exclusion System (EDES) if you are in one of the situations mentioned in Article 136 of the Financial Regulation. The relevant Privacy Statement is available on the European Commission's website, here:

http://ec.europa.eu/budget/explained/management/protecting/protect_en.cfm#BDCE.

Processing of personal data by the selected contractor:

Personal data processing in execution of the contract between EFSA, as the contracting authority for signing the FWCs and subsequently the other EU bodies implementing the FWC, and the selected contractors shall comply with Regulation (EU) 2018/1725 (the EDPR). For general information on data protection, please refer to the [EFSA guidance for tenderers](#) on the EFSA website, page 13.

The processing of personal data shall happen in accordance with Article 29 of the EDPR. In particular, the selected contractor shall comply with the following :

- to process the personal data only on documented instructions of the EU Body in the capacity of controller, in particular with regard to the purposes of the processing, the categories of data that may be processed, the recipients of the data and the means by which the data subject may exercise its rights ;
- to ensure that access to personal data is granted to the extent strictly necessary for the implementation of the contract and to ensure that persons authorised to process the personal data have committed themselves to confidentiality;
- to implement appropriate technical and organisational measures to ensure a level of security appropriate to the risks, in particular the risk of accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to the personal data, processed or stored;
- not to engage another processor of personal data (i.e. by means of a subcontract), without prior written authorisation of the EU Body, as the controller. Where another processor is engaged for carrying out specific processing activities on the personal data, the same data protection obligations as set out in the contract shall be imposed on the other processor;
- to assist the controller (EU Body) in the fulfilment of its obligation to respond to requests for exercising the data subject's rights laid down in Chapter III of the EDPR;
- to assist the controller with its obligations with regard to security of processing, the notification obligations in case of a personal data breach, cooperation in data protection impact assessments (DPIAs) and prior consultations with the European Data Protection Supervisor (the EDPS)⁷, outlined in Art. 33 to 40 of the EDPR ;
- with reference to Art. 39 of the EDPR and further guidance of the European Data Protection Supervisor⁸, the data processing under the present contract is likely to result in specific risks to the rights and freedoms of the candidates in selection and recruitment processes, on the basis of which the EU Body is required to carry out a

⁷ <http://www.edps.europa.eu>

⁸ Available at: https://edps.europa.eu/data-protection/our-work/publications/guidelines/accountability-ground-provisional-guidance_en



data protection impact assessment (DPIA) *ex ante* to the implementation of activities under the contract. The selected contractor shall cooperate with the EU Body during the DPIA process and shall implement the resulting mitigation actions and recommendations. The *ex ante* DPIA requirement may especially pertain to psychometric and personality testing by automatic means as part of selection and recruitment processes, producing legal effects or significantly affecting candidates in the sense of Art. 39(3)(a) EDPR;

- after the end of the term of provision of services, to agree with the EU Body to delete or transmit all the personal data to the controller and to delete existing copies, unless Union or Member State law requires further storage of the data;
- to make available to the controller all information to demonstrate compliance with the obligations laid down in the EDPR and to allow for and to contribute to audits, including inspections, conducted by the controller or another auditor mandated by the controller;
- As concerns the localisation of and access to the personal data, to comply with the following:
 - o the personal data shall only be processed and held in data centres within the territory of the European Union and the European Economic Area and will not leave that territory. It is to be noted that the application of this requirement is maintained in case of the UK's withdrawal from the EU referred to in section 1.4 above;
 - o access to data may be given on a need to know basis only to authorised persons established in a country which has been recognised by the European Commission as providing adequate protection to personal data;
 - o the contractor may not change the location of data processing without the prior written authorisation of the EU Body;
 - o any transfer of personal data to third countries or international organisations shall fully comply with the requirements laid down in Chapter V of the EDPR;
- To contact the Data Protection Officer (DPO) of EFSA or the DPO of the EU body signing the specific contract, in charge of monitoring data protection compliance, with any questions arising or in case of need for assistance concerning personal data protection. The DPO of EFSA can be contacted writing to DataProtectionOfficer@efsa.europa.eu

In addition, **Article II.9.2. of the draft contract** provided in Annex 2 is applicable.

Confidentiality:

The EU body will disregard general statements that the whole tender or substantial parts of it contain confidential information. Tenderers need to mark clearly the information they consider confidential and explain why it may not be disclosed. The EU body reserves the right to make its own assessment of the confidential nature of any information contained in the tender.



PART 2 EVALUATION - HOW WILL YOUR OFFER BE ASSESSED?

In case you apply as a group of economic operators in a joint offer or if your offer envisages the use of subcontractors, please refer to the [EFSA Guidance for tenderers](#).

2.1 OPENING OFFERS

The aim of the public opening session is to check whether the offer received was dispatched by the deadline for tender receipt and that the tenders are electronically protected until the official opening.

2.2 ORDER OF EVALUATION

Tenderers should note that the content of their offers will be assessed in the following pre-defined order: Exclusion criteria (Access to EU Market); Selection criteria (Technical & Professional capacity); Compliance with tender specifications; Award Criteria (Quality and Price).

Following the above assessment and identification of the winning tender, the following will be assessed only for the tenderer proposed for contract award: Selection criteria Exclusion criteria (Declaration on Honour on exclusion criteria); Selection criteria (Declaration on Honour on selection criteria); Selection criteria (Economic & Financial capacity).

Evidence under sections 2.3 and 2.4 does not have to be submitted to EFSA if it has already been submitted in response to a previous EFSA call. In such case the evidence must be exactly the same as requested in these tender specifications and not older than 12 months. Please specify the reference of the EFSA call for tenders under which you have already submitted the evidence to EFSA if you chose to rely on such evidence.

2.3 GROUNDS FOR EXCLUSION

Eligibility – access to EU Market

Only offers from tenderers established in eligible countries will be allowed to the next step of the evaluation. Please refer to the [EFSA Guidance for tenderers](#) for further details.

Evidence requested in your offer:

Tenderers must submit the Administrative data forms (including LEF and BAF) available [here](#).

Exclusion

Tenderers must not be in one of the exclusion situations listed in article 136 of the Financial Regulation, explained in the [EFSA Guidance for tenderers](#).

Evidence requested in your offer:

Tenderers must declare that they are not in one of the exclusion situations by providing a signed and dated Declaration on Honour on exclusion criteria, available [here](#). In case of a joint offer from a group of economic operators, or in case of subcontracting, such declaration should be submitted for each member of the group and for each identified subcontractor.



Further supporting evidence in support of this declaration may be requested from the successful tenderer prior to signature of the contract. Such requested evidence will be specified in the award letter and may have to be provided to EFSA before the contract is signed.

2.4 SELECTION CRITERIA

In addition to the evidence requested below, EFSA has the right, during the evaluation process, to request further evidence on the tenderer's compliance with the economic, financial, technical and professional capacity requirements.

A) Economic and financial capacity

The tenderer must have generated an overall annual turnover of at least 4,959,000 € in each of the last 3 closed financial years (2018, 2017 and 2016).

Evidence requested in the offer:

Tenderers must declare they fulfil the economic and financial capacity by providing a signed and dated Declaration on Honour on selection criteria, available [here](#). In case of a joint offer from a group of economic operators, such declaration should be completed by the leading partner only.

EFSA will request proof of annual turnover from the successful tenderer prior to signature of the contract. Such requested evidence will be specified in the award letter and must be provided to EFSA before the contract is signed. This evidence will be evaluated on a consolidated basis.

B) Technical and professional capacity

The tenderer must have the following **minimum professional capacity** to perform the contract:

- a) The tenderer must have at least 3 years' experience in providing and managing external recruitment services, selection procedure services (including CV and screening interview expertise), assessment centre, psychometric tests administration.
- b) The tenderer must have the ability to organise and provide at least the following assessment exercises and services: group exercises, role play, bespoke exercises (tailor-made exercises), case studies, psychometric tests (reasoning ability, personality tests, etc.).
- c) Ability to provide a team of experts compliant with these specific expertise requirements:
 - 2 experts in applications screening and providing support in selection procedures with experience of at least 4 years;
 - 2 experts in organising and running Assessment Centres with experience of at least 4 years;
 - 2 experts in psychometric tests administration with experience of at least 4 years.
- d) Each proposed consultant must have an excellent level of spoken and written standard UK English. For non-native speakers, this should be demonstrated by an Official certificate of English proving a C1 level OR at least 3 years of work in an English-speaking environment, and a university degree awarded in an English speaking country or the degree run in English.



- e) The tenderer must have the ability to provide the services in compliance with the legal framework regarding personal data protection applicable in the EU and to EFSA, as outlined in section 1.6 above.

The tenderer must have the following **minimum technical capacity** to perform the contract:

- f) The tenderer must have technical equipment and premises compatible with the execution of the framework contract (health and safety compliance, quality assurance, tests licenses).

Evidence requested in the offer:

- **Requirement a) and b):** A list of three major projects related to the subject matter of this contract, carried out in the course of the last 5 years;
- **Requirements c) and d):** Detailed CVs of the Project team members proposed for the assignment. EFSA strongly recommends submitting the CVs in the EU CV format which can be accessed [here](#);
- **Requirement e):** A statement confirming that the tenderer fulfils the general requirements of Regulation (EU) 2016/679 ('**the GDPR**') and that in particular it will comply with the specific requirements of Regulation (EU) 2018/1725 ('**the EDPR**') in its service provision to EFSA and to the EU Bodies acting as contracting authorities with reference to the obligations on personal data protection listed in section 1.6 of these tender specifications;
- **Requirement f):** A statement confirming that the tenderer has the technical equipment to perform the framework contract;
- **Declaration on Honour on selection criteria** available [here](#). To be signed by the tenderer (in case of joint offer signed by the leading partner only);
- **Confirmatory statement of resources** (*only applicable for joint offers or offers with subcontracting*): a statement signed by each partner/subcontractor confirming they will provide the necessary resources for the performance of the contract;

C) Professional conflicting interest

In accordance with article 167(1)(c) of the Financial Regulation and paragraph 104 of the recitals, if the EU body, based on the assessment of the technical and professional capacity evidence, concludes that the tenderer has a professional conflicting interest and therefore does not possess the professional capacity to perform the contract to an appropriate quality standard, the tenderer may be rejected.

Evidence must be included in the offer for partners in a joint offer and/or subcontractors only if the capacity of those entities is necessary to satisfy the minimum economic, financial, technical and professional capacity requirements.

If any of the declarations or information provided proves to be false, the EU body may impose administrative sanctions (exclusion or financial penalties) on the entity providing the false declarations/information.

For the purposes of the evaluation related to exclusion and selection criteria the EU body may also refer to publicly available information, in particular evidence that it can access on a national database free of charge.



2.5 COMPLIANCE WITH TENDER SPECIFICATION AND MINIMUM REQUIREMENTS

Your offer will be assessed for compliance with the tender specifications before its assessment against the award criteria.

Tenders do not comply with the tender specifications and will be rejected if they:

- ☐ do not comply with minimum requirements laid down in the tender specifications;
- ☐ propose a solution different from the one imposed;
- ☐ propose a price above the fixed maximum set in the specifications;
- ☐ are submitted as variants, when the specifications do not authorise them;
- ☐ do not comply with applicable obligations under environmental, social and labour law established by Union law, national law and collective agreements or by the international environmental, social and labour law provisions listed in Annex X to Directive 2014/24/EU⁹ and compliance with data protection obligations resulting from Regulation (EU) 2016/679 and Regulation (EU) 2018/1725¹⁰.

The grounds for rejection is not linked to the award criteria so there is no evaluation. The tenderer will be informed of the grounds for rejection without being given feedback on the content of the tender other than on the non-compliant elements.

2.6 AWARD CRITERIA

Tenders will be evaluated against the below award criteria. The award criteria serve to identify the **most economically advantageous offer**.

A) QUALITY AWARD CRITERIA

1. METHODOLOGY PROPOSED FOR IMPLEMENTATION (MAX. 60 points - minimum threshold 50%)

A. The proposed methodology for carrying out the services detailed in Section 1.3 (in particular tasks 1 to 7) must be detailed, structured, feasible, logical, robust, fit for purpose, convincing and must comprehensively and adequately cover all specific objectives, tasks and deliverables; **MAX. 30 points.**

B. The draft proposal/plan of the assessment centre (task 6) including the methodology (tailored made) to be followed for meeting the requirements of these tender specifications. **MAX. 20 points.**

C. The use of innovative tools/ solutions/ latest trends in the execution of the tasks covered by the framework contract. **MAX. 10 points.**

2. PROJECT ORGANISATION (MAX. 20 points – minimum threshold 50%)

⁹ OJ L 94 of 28.03.2014, p. 65

¹⁰ Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of individuals with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC, OJ L 295/39 21.11.2018, <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32018R1725&from=EN>



- Clear and detailed information on distribution of the tasks among the project team; in case of joint offer & subcontractors, clarity on who does what, when and why (justify why the partner/subcontractor is proposed to do the particular task/work-package); **MAX. 10 points**
- The communication with the EU body (who, how, when); **MAX. 10 points**

3. MEASURES TO MEET DEADLINES IN SERVICE DELIVERY AND DELIVERABLES (MAX. 20 points - minimum threshold 50%)

- Measures put in place in order to guarantee availability of contractor for assignment and to meet the agreed deadlines for deliverables:

The sum of all quality award criteria gives a maximum possible total of 100 points.

Tenderers must provide a detailed technical offer addressing all points in the technical specifications and each of the quality award criteria. Repetition of mandatory requirements in the technical specifications without providing detail in the technical offer will only result in a very low score.

Offers must score at least 50% for each criterion, and at least 70% of maximum possible total points against the quality award criteria.

Tenders that do not reach these minimum quality thresholds will be eliminated from subsequent stages of the evaluation process.

B) PRICE AWARD CRITERION

Tenders which passed the quality thresholds will be further assessed to ensure:

- I. the price offer is made within the maximum budget for financial offers indicated in the tender specifications and;
- II. the financial offer satisfies the formal requirements of the tender specifications.

C) THE BEST PRICE-QUALITY RATIO

Tenders for which financial offers were made within the maximum budget and satisfied the formal requirements indicated in the tender specification will be retained for the identification of the tender with the best price-quality ratio based on the following formula:

TOTAL SCORE OF THE EVALUATED OFFER (C) =

30 * Cheapest price offer/price of tender X

+

70 * Total quality score (out of 100) for all quality award criteria of tender X/100



PART 3 - HOW TO SUBMIT YOUR OFFER USING e-SUBMISSION

You must submit your tender electronically via the e-Submission application available from the e-Tendering website before the time limit for receipt of tenders.

The e-Submission application allows economic operators to respond to call for tenders by preparing their tenders electronically in a structured and secured way and submitting their tenders electronically. The e-Tendering is the starting point for launching the e-Submission application.

Make sure you submit your tender on time: you are advised to start completing your tender early. To avoid any complications with regard to late receipt/non-receipt of tenders within the deadline, please ensure that you submit your tender several hours before the deadline. A tender received after the deadline indicated in the procurement documents will be rejected.

Registration in the Participant Register

Any economic operator willing to submit a tender must be registered in the [Participant Register](#) - an online register of organisations and natural persons participating in European Commission's calls for tenders or proposals.

On registering each participant obtains a Participant Identification Code (PIC, 9 - digit number) which acts as its unique identifier in the Participant Register. A participant needs to register only once – the information provided can be further updated or re-used by the participant in other European Commission's calls for tenders or calls for proposals.

At any moment during the procurement procedure the Research Executive Agency Validation Services (hereafter *the EU Validation Services*) may contact the participant and ask for supporting documents on legal existence and status [and financial capacity].

The requests will be made through the register's messaging system to the e-mail address of the participant's contact person indicated in the register. It is the responsibility of the participant to provide a valid e-mail address and to check it regularly.

The documents that may be requested by *the EU Validation Services* are listed in the [EU Grants and Tenders Rules on Legal Entity Validation, LEAR appointment and Financial Capacity assessment](#).

Please note that a request for supporting documents by the *EU Validation Services* in no way implies that the tenderer has been successful.

How to Submit your Tender in e-Submission

You can access the e-Submission application via the corresponding call for tender in TED e-Tendering, as specified in the Invitation Letter.



In order to have access to e-Submission, you will need to "Subscribe to call for tenders" on TED e-Tendering first. To subscribe, you will need to login with your an [EU Login](#)¹¹. In case you don't have an [EU Login](#), you can [create an account](#) at any moment. For more information see the [EU login help](#). After logging in with your EU Login password, the e-Tendering will then display a button 'submit your tender' and you will be able to access the e-Submission.

The e-Submission "[quick guide for economic operators](#)" is available after logging in with your EU Login password.

Information to be filled in

In the e-Submission application, fill in and upload all necessary fields and documents as appropriate. All tenders must be clear, complete and consistent with all the requirements laid down in the tender specifications, including:

- **Signed declaration on Honour on Exclusion criteria.** All members of a joint tender, including subcontractors – if applicable – must upload the signed and dated declaration on honour on exclusion criteria using the template available [here](#).
- **Signed declaration on Honour on Selection criteria.** In case of a joint offer from a group of economic operators, such declaration should be completed by the leading partner using the template available [here](#).
- **Exclusion criteria.** If requested in the tender specifications, the tenderer and all members of a joint tender including subcontractors – if applicable – must provide the documentary evidence for exclusion criteria.
- **Selection criteria.** If requested in the tender specifications, the tenderer and all members of a joint tender including subcontractors – if applicable –, must provide the documentary evidence for selection criteria.
- **Technical tender.** It must address all the requirements laid down in the tender specifications.
- **Financial tender** The complete financial tender, including the breakdown of the price as provided in the tender specifications.

For detailed instructions on how to submit your tender, consult the Quick Reference Guide for Economic Operators where you will find:

- Technical requirements to use e-Submission
- Step-by-step guide to help you submit your tender
- Important advices and information on how to get technical support

Please make sure all required documents and evidence are submitted with your tender.

Documents to be signed and dated while creating your Tender

¹¹ Previously called European Commission authentication system (ECAS)



The following documents must be signed and dated during the creation of your tender in e-Submission:

- **Declaration on honour(s).** All members of a joint tender, including subcontractors must sign and date the declaration on Exclusion criteria. Only the leader in a joint tender must sign and date the declaration on Selection criteria. The declaration on honour(s) must be converted to PDF format and then signed by the authorised representatives with advanced electronic signature based on qualified certificates or by hand.
- **Tender Report.** This report is generated by e-Submission while you are completing your tender and it contains the list of documents that you submit. The sole tenderer's or leader's authorised representative(s) must sign the report.

You **must send** the signed Tender Report to the email address indicated in the paragraph below (Contact), stating the reference to the call for tenders and the Tender ID.

Re-submission of a tender

After submitting a tender, but within the time limit for receipt of tenders, you may still submit a new version of your tender. **If you submit a new Tender you must include all your Tender documents, including the Qualification and Tender documents.**

You must formally notify EFSA that the previous tender is withdrawn. The notification letter must be signed by the legal representative who signed the original tender stating the call reference and the Tender ID you wish to withdraw. The notification must be uploaded in e-submission together with the new version of all tender documents. You are kindly requested to also e-mail the notification letter to EFSAProcurement@efsa.europa.eu.

Withdrawal of tenders

If after submitting a tender, you wish to completely withdraw your tender, you must formally notify EFSA that you wish to withdraw your submitted Tender(s) as indicated above.

Alternative tender

You are entitled to send several tenders to one call for tenders.

Deadline for receipt of tenders

The tender (including all documents) must be fully uploaded and received before the deadline for receipt of tenders indicated in the invitation to tender.

Please note that you are responsible to ensure that your full tender reaches the destination in due time.



In case of problems with the submission of the electronic tender, we recommend that you call the helpdesk in reasonable time before the time limit for receipt. The time it takes to submit the tender and upload all your documents may vary considerably depending on the number of concurrent submissions by other economic operators, the size of your tender and the type of internet service you are using. We recommend that you upload the documents the day before the deadline.

If the contracting authority detects technical faults in the functioning of the electronic equipment used for submitting and receiving tenders due to which it is impossible to electronically submit and receive tenders, you will be informed of the extension of the time limit by the contracting authority at the e-Tendering link.

For more information or technical support on e-Submission, please visit the [e-Submission help site](#).

Contact

- The original hand signed tender report must be scanned and sent by email immediately after submission, to the following address: EFSAProcurement@efsa.europa.eu.
- Notifications for re-submission or withdrawal of tenders must be sent to: EFSAProcurement@efsa.europa.eu

When communicating state the reference to the call for tenders and, if applicable, the Tender ID.

ANNEX 1 - FINANCIAL OFFER TEMPLATE

Please fill in the enclosed excel sheet.

ANNEX 2 - DRAFT CONTRACT

The contract which results from this procurement procedure will be based on the model annexed to these tender specifications.