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DIRECTORATE-GENERAL EMPLOYMENT, SOCIAL AFFAIRS AND INCLUSION
Dir. A Employment and Social Governance
Dir. B Employment
Unit A1 Employment and social aspects of European Semester
Unit B2 Working conditions

European Commission

Call for tenders VT/2019/016

*« Provision of advisory services to the European Commission
via a European centre of expertise in the field of labour law,
employment and labour market policies (ECE) »*

Open procedure

TENDER SPECIFICATIONS

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1. SCOPE AND DESCRIPTION OF THE PROCUREMENT

1.1. Contracting authority: who is the buyer?

This call for tenders is launched and managed by the European Commission, referred to as the *Contracting authority* for the purposes of this call for tender, assisted by its Directorate General for Employment, Social Affairs and Inclusion.

1.2. Tender funded by EaSI and attached conditions

This tender is financed under the **European Programme for Employment and Social Innovation "EaSI" 2014-2020¹** which is a European-level financing instrument managed directly by the European Commission to contribute to the implementation of the Europe 2020 strategy, by providing financial support for the Union's objectives in terms of promoting a high level of quality and sustainable employment, guaranteeing adequate and decent social protection, combating social exclusion and poverty and improving working conditions.

1.2.1. Source of funding

Beneficiaries/contractors are required to acknowledge that the project **has been supported by the European Union Programme for Employment and Social Innovation ("EaSI") 2014-2020**. All products (publications, brochures, press releases, videos, CDs, posters and banners, and especially those associated with conferences, seminars and information campaigns) must state the following:

This (publication, conference, video, xxx) has received financial support from the European Union Programme for Employment and Social Innovation "EaSI" (2014-2020).

For further information please consult: <http://ec.europa.eu/social/easi>

The **European emblem** must appear on every publication or other material produced. Please see:

http://ec.europa.eu/dgs/communication/services/visual_identity/pdf/use-emblem_en.pdf

Every publication must include the following:

The information contained in this publication does not necessarily reflect the official position of the European Commission.

1.2.2. General requirement on issues to consider for the activities funded under EaSI

The EaSI Programme shall, in all its axes and actions, aim to:

¹ <http://ec.europa.eu/social/main.jsp?langId=en&catId=1081>

- (a) pay particular attention to vulnerable groups, such as young people;
- (b) promote equality between women and men,
- (c) combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation;
- (d) promote a high-level of quality and sustainable employment, guarantee adequate and decent social protection, combat long-term unemployment and fight against poverty and social exclusion.

Hence, in designing, implementing and reporting on the activity, beneficiaries/contractors must address the issues noted above and will be required to provide detail, in the final activity report on the steps and achievements made towards addressing those aims.

1.2.3. Monitoring information

The Commission, with the support of an external contractor, will monitor regularly the EaSI Programme. Therefore, beneficiaries/contractors will have to transmit qualitative and quantitative monitoring data on the results of the activities. These will include the extent to which the principles of equality between women and men has been applied, as well as how anti-discrimination considerations, including accessibility issues, have been addressed through the activities. Related templates are attached or will be provided.

In setting up the action, beneficiaries/contractors must foresee the necessary funding for monitoring and reporting to the Commission. For events, it is important to get from participants their specific consent by a statement or by a clear affirmative action for processing and transferring their personal data also to an external contractor responsible for the monitoring of the EaSI programme. The beneficiaries/contractors should therefore ensure that all participants in a given group are informed that the Commission/external contractor would be processing their personal data. Beneficiaries/contractors should do this via Privacy Statement that is not only published online, but is also provided individually to each participant (e.g. as part of the email where the beneficiary/contractor first contacts the individual concerned). Beneficiaries/contractors have to be able to demonstrate that consent was obtained subject to conditions of 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 (i.e. keep a record that shows how the consent was obtained and whether it was valid) and 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. A model privacy statement is available on the Europa website of the EaSI programme:

<https://ec.europa.eu/social/main.jsp?catId=1081&langId=en&furtherCalls=yes&callType=2>

1.3. Subject of the call

The subject of this call for tenders is to provide advisory services to the contracting authority within the framework of a **European centre of expertise in the field of labour law, employment and labour market policies (ECE)**, as indicated in Heading II.1.1 of the contract notice.

1.4. Lots

This call for tenders is divided into two lots:

Lot number	Lot title
Lot 1	Labour law (European Labour Law Network)
Lot 2	Employment and labour market policy (European Pool of Employment and Labour Market Experts)

Tenderers may submit to one or both lots under the present procurement procedure. Each lot will be assessed independently. Tenders which cover only part of one lot or are declared as being conditional on the award of any other lots are not permitted.

1.5. Description

The services that are the subject of this call for tender, including any minimum requirements, are described in detail in the present document, hereafter referred to as *Tender / Technical specifications*.

Variants are not allowed. The *Contracting authority* will disregard any variants described in a tender.

1.5.1. Background and objectives

The promotion of improved working conditions in the Union is a central feature of European social policy and an important overall objective of the European Union. The Union has an important role to play in supporting and complementing Member States' activities in the fields of workers' health and safety, working conditions, including the need to reconcile work and family life, protection of workers when their employment contract is terminated, information, consultation and participation of workers, and representation and collective defence of the interests of workers and employers.

Pursuant to Article 17(1) TEU and, more particularly, to the provisions of individual Directives, requiring the Commission to report regularly on their transposition into national law by the Member States, this contract will support the Commission's role in controlling the implementation of EU labour legislation in Member States, by monitoring transposition into national legislation, evaluating existing legislation, assessing the impact of legislative proposals, and contributing to improved dissemination among citizens, workers and enterprises, of their rights and obligations as derived from the application of EU labour law.

The assessment scope of the contract will also refer to a wide array of employment policy areas, linked to analysis undertaken by the Commission in the context of the European Semester. These include for instance geographical and occupational labour mobility, labour market transitions, labour market participation, labour market functioning, policies addressing segmentation, social dialogue, active labour market policies (ALMP) and Public Employment Services (PES), adequate and employment oriented social security systems, quality of work and work-life balance, job creation potentials, gender equality, skills supply, labour productivity, lifelong learning and education-training systems, wage setting mechanisms and labour cost developments, unemployment issues (including long-term unemployment and youth unemployment), entrepreneurship and self-employment, work-time arrangements, tax wedge on low wage earners, active ageing and working life duration.

In addition, this contract will monitor the involvement of social partners as well as civil society in design and implementation of reforms and policies at national level.

Following the call for tender issued in November 2015 (VT/2015/071, Establishment, organisation, management and coordination of a European centre of expertise in the field of labour law, employment and labour market policies), the European centre of expertise in the field of labour law, employment and labour market policies (ECE) was established under a contract of 12 months renewable 3 times, and has been running since May 2016. The last year of implementation of this contract will reach an end in May 2020. The present call aims at ensuring the continuation of its activities after the expiry of the present contract. To the difference of the running contract, the new contract is to be divided into two lots:

1. Labour law (European Labour Law Network)
2. Employment and labour market policy (European Pool of Employment and Labour Market Experts)

1.5.2. Detailed characteristics of the call for tender

The purpose of the present call for tender is to provide advisory services to the contracting authority via a European centre of expertise, in the field of labour law and employment and labour market policies (hereafter referred as ‘ECE’).

The centre of expertise shall have:

1. a stable and continuous capacity in legal analysis, via a network of labour law experts (lot 1), hereafter referred as ‘European Labour Law Network’;
2. an ad hoc capacity in employment and labour market policies analysis, based on an appropriate and flexible pool of experts (lot 2), hereafter referred as the ‘European Pool of Employment and Labour Market Experts’.

Both entities shall have an analytical capacity covering the Member States of the EU, EEA countries, candidate countries and potential candidates² eligible for participation in the Progress axis of the EaSI Programme.

In both areas covered in the two lots, the centre of expertise shall be able to quickly mobilise high level expertise and provide rigorous assessment of European and national policies and reforms.

Specifically, the network, consisting of a team of legal experts, shall gather non-governmental legal experts and shall be able to carry out continuous monitoring of the situation and evolution of individual and collective rights/aspects of labour law in the Member States and EEA countries.

Lot 1: Labour Law (European Labour Law Network)

This strand of the activities of the ECE shall rely on a network of highly qualified experts in labour law. For the purpose of this call, the Commission has defined a *non-exhaustive* list of key policy themes currently under focus, or likely to be under focus in the future:

² Candidate countries: Turkey; Montenegro; Serbia; North Macedonia; Albania; Potential candidates: Bosnia and Herzegovina; Kosovo.

- EU labour law and national labour law (including collective rights and individual rights);
- Employment protection legislation;
- Undeclared work;
- New forms of employment;
- Digitalisation;
- Employment in forms of subcontracting, outsourcing or franchising;
- Employment-related data protection
- Self-employment ;
- Work-life balance.

The purpose of the services in the area of labour law will be to:

- assist the Commission in its role of ensuring a correct application of EU labour law across all Member States and monitoring labour legislation reforms,;
- reinforce the Commission's capacity to anticipate any problems that may possibly arise from the application of the EU directives, analysing their potential legal issues and the ECJ rulings;
- inform the Commission on legal developments taking place in Member States, EEA countries in areas covered or related to EU labour law;
- assist on occasional basis the Commission to better understand the legal context in candidate countries and potential candidates in relevant fields of labour law;
- improve awareness and encourage public debate on topical issues of interest for EU labour law and legislation.

In practice this shall include:

- on a monthly basis, providing relevant information to the Commission on the implementation and application of the EU Directives in the field of labour law as well as on relevant developments in national legislation and policies relating to the above list of items within the Member States and the EEA countries;
- giving independent advice, carrying out legal analysis on the implementation and application of the EU Directives in the field of labour law, following up on ad hoc requests concerning the Member States and the EEA countries; those requests shall also relate to labour law related issues in the candidate countries and potential candidate countries;
- providing the Commission with thematic research concerning labour law related thematic topics;
- Organising events (i.e. annual conference, expert meetings) on labour law related thematic topics.

Lot 2: Employment and labour market policies (European Pool of Employment and Labour Market Experts)

The contractor shall manage and coordinate a pool of highly qualified experts in employment and labour market policies able to mobilise quickly high-level experts on specific thematic areas and/or country issues (see *non-exhaustive* list of key policy themes below).

The activities of the ECE could take different forms, provided that it delivers on quickly mobilising specific expertise on labour market related issues. It could inter alia be a single entity or could be set up in the form of a consortium including Universities, research centres, think tanks

in the area of labour market policies, etc. The methodology shall clearly specify how experts in specific areas will be mobilised on a short deadline. Letter of commitments of participating entities shall be requested.

For the purpose of this call for tender, the Commission has defined a *non-exhaustive* list of key policy themes under current focus, or likely to be under focus in the future. The areas of expertise are those covered in the 10 policy areas defined in the Joint Assessment Framework³ of employment policies agreed by the EPSCO Council in October 2010⁴, and furthermore reflect a number of additional policies:

- Increase labour market participation;
- Enhancing labour market functioning, combating segmentation;
- Stepping up social dialogue and the involvement of social partners in design and implementation of policies and reforms⁵;
- Stepping up civil society dialogue and the involvement of civil society partners in design and implementation of policies and reforms⁶;
- Occupational and geographical mobility (both within and between countries);
- Active labour market policies (ALMP) and Public Employment Services (PES);
- Adequate and employment oriented social security systems;
- Work-life-balance;
- Exploiting job creation possibilities;
- Gender equality;
- Improving skills supply and productivity, lifelong learning;
- Improving education and training systems;
- Wage setting mechanisms and labour cost developments;
- Minimum Wage;
- Unemployment (including long-term unemployment, Youth unemployment and NEET);
- Entrepreneurship, self-employment and new forms of employment;
- Future of Work and Job quality;
- Just transition to a climate-neutral and socially inclusive economy;
- Work-time arrangements, short-time working schemes;
- Labour taxation and tax wedge on low wage earners;
- Undeclared work;
- Active ageing and working life duration;
- Vacancies monitoring;
- Use of European Social/Structural Funds for employment.

The purpose of the services in the area of economic and policy aspects of labour markets will be to:

- provide specific analysis of the present and planned implementation of country specific recommendations by the Members States and National Employment Policy documents (in case of candidate countries and potential candidates).
- provide thorough analysis of practices implemented by employment services, social

³ Joint COM/EMCO/SPC report "Foundations and structures for a Joint Assessment Framework (JAF), including an Employment Performance Monitor (EPM) to monitor the Employment Guidelines under Europe 2020. Council document 16984/10 add1

⁴ <http://register.consilium.europa.eu/pdf/en/10/st15/st15590.en10.pdf>

⁵ In line with Employment Guideline No. 7 as adopted in October 2015.

⁶ In line with Employment Guideline No. 7 as adopted in October 2015.

partners, civil society organisations and other practitioners on the ground and assess their efficiency and return on investment, so as to improve future policy proposals.

- report on and assess labour market dynamics, trends and policies in specific countries;
- provide the Commission with thematic researches concerning labour market related thematic topics;
- Organise events (i.e. thematic seminar, expert meetings) on labour market related thematic topics.

1.5.3. Deliverables

The contractors are expected to perform the tasks listed below. The contractor shall ensure timely and quality delivery of all the requested outputs and services, in consultation and liaison with the European Commission.

Lot 1

Task 1: Management and coordination of the European Labour Law Network

The contractor shall take over the management and coordination of the legal strand of the current ECE, to be defined as *the European Labour Law Network*.

Time schedule and reporting

For the effective execution of the contract, the contractor shall follow the time schedule below:

Actions/Deliverables	Timetable
Entry into force of the contract	Reference date: May 2020
Kick-off meeting	Reference date + 2 week(s)
Inception report	Reference date + 1 month
1st Interim activity report	Reference + 4 month(s)
2nd Interim activity report	Reference date + 7 month(s)
Interim meeting	Reference date + 7,5 month(s)
Draft final activity report	Reference date + 11 month(s)
Meeting on the draft final report	Reference date + 11,5 month(s)
Final activity report	Reference date + 12 month(s)

As part of its management role, the contractor shall deliver the following reporting tasks

- Submission of an inception report in English. This is due 1 month after signature of the contract. This shall clarify the approach, organisation, and methodology of the work. It shall include a calendar of the tasks and a detailed description of how the coordinator and the scientific committees will organise and manage the different tasks and events under the contract;
- Two interim activity reports on the activities carried out in performance of the contract to be submitted respectively 4 months and 7 months after the reference date.
- A draft final activity report on the activities carried out in performance of the contract 11 months after the reference date.

- iv. A final activity report on the activities carried out in performance of the contract 12 months after the reference date.

All reports referred to in points ii to iv above shall include information on the status of each deliverable, i.e.:

- the monthly flash reports mentioned below under Task 2 (delivered, pending and foreseen ones),
- the reports following ad hoc requests mentioned below under Task 3 (delivered, pending and foreseen ones)
- the thematic review mentioned below under Task 4 (progress in planning, preparation and drafting)
- the events mentioned below under Task 5 (progress in planning, preparation and organisation)

With a view to facilitating appropriate monitoring, evaluation and valorisation by the European Commission of all results obtained and outputs delivered under EASI programme, the Contractor will be required to provide for each of the tasks required under the present Call:

- Presentation of their key points in one page. Key points shall be concise, sharp and easily understandable. They shall be provided in English, French and German.
- An executive summary of 5-6 pages in English and French.
- All the outputs produced for each task will be annexed to the respective executive summary.

The above-listed documents will constitute the final activity report a draft of which shall be submitted to the relevant Commission services 11 months after the start of the contract.

The Contractor is required to explain in its final activity report its achievements in meeting the described qualitative aspects of the provided outputs and respect EaSI-related requirements as set above under point 1.2. and subheadings.

Once the draft is approved by the Commission, the final activity report shall be transmitted by the Contractor in both paper and electronic versions compatible with Commission standards (texts in Word, spreadsheets in Microsoft Excel) within 12 months of the entry into force of the contract. Each paper copy will correspond in full with the electronic version.

In setting up the action, beneficiaries/contractors must secure the necessary funding for monitoring and reporting to the Commission.

Coordination and scientific committee

The network shall be managed by a coordinator assisted by a scientific committee.

The scientific committee will be composed of at least 3 members which shall be experts in the field of labour law - covering individual and collective rights.

The coordinator will be the main contact point and will seek regular communication with the Commission.

(S)He will be responsible for liaising with the experts, for planning and coordinating the work of the network, for revising all outputs and for delivering all the centre of expertise's outputs to the Commission within the agreed deadlines, as indicated in the tasks hereafter.

The coordinator (assisted by the scientific committee) will be responsible for the overall quality control of the work of the centre of expertise in order to ensure that the Commission is provided with accurate, up-to-date and relevant information of the highest quality in accordance with the Commission's requirements; the coordinator shall set up formal quality control measures including languages proof reading. The coordinator shall ensure a consistency check from all the various experts' deliverables. All outputs shall be delivered in a clear and comprehensive language.

The coordinator is responsible for the organization and supervision of the experts' work in order to meet deadlines and quality requirements, including taking appropriate measures in case of problems; (s)he shall play a proactive role in order to inform regularly the Commission about the latest developments at national level.

In addition, the coordinator will be responsible for the management of the network including the supervision of all organizational matters, financial issues, logistic issues and other work incurred in the execution of the tasks of the network. (S)he will be required to attend two to three meetings per year with the relevant Commission services in Brussels in the Commission's premises or via videoconferences in order to draw up and discuss the work programme, clarify the tasks expected, discuss the outputs of the centre, their quality, operational problems (if any). The coordinator will be responsible to propose an agenda to the Commission as well as to produce the minutes of the meetings.

Continuity and organisation

Changes in the composition of the network will be possible either at the initiative of the Contractor, and subject to consultation with the Commission, or upon request of the Commission. The replacement must fulfil the relevant requirements of professional and technical capacity laid down in the present Specifications. In case a conflict of interest arises with a network expert for the performance of a given task, or when an expert is unable to perform a given task, the coordinator shall ensure an appropriate replacement with the shortest possible delay.

In their bid, the tenderers shall present the coordinator and staff management composition, scientific team, methodology concerning the working aspects, quality assurance and communication strategy.

Depending on the actual needs of the Commission, the contractor shall be able to implement some budgetary flexibility in between the different types of deliverables.

Task 2: Regular legal advice and information to the Commission

The network will provide regularly independent advice, analysis and information to the European Commission allowing the Commission services to objectively monitor the legal situation in the Member States and identify problems encountered in the national legislation, its application and administrative practice. The information to be provided with respect to the non-exhaustive list of topics under point 1.5.2 (lot 1) above and to the countries covered (Member States, EEA countries) shall focus on recent developments, such as legislative proposals, case law and existing administrative practice.

It will include:

- the transposition at national level (and, where applicable, at federal and/or sub national) of the EU Directives in the field of labour law (including collective rights and individual rights);

- the practical implementation and application of national legislation transposing these Directives;
- national initiatives in relation to the non-exhaustive list of topics under point 1.5.2 (lot 1) above (such as national discussions of proposals to introduce new legislation or to amend existing laws) with a description of the national context;
- important national court rulings in the fields mentioned above including the description of the national background;
- a preliminary assessment of the conformity of the above with the requirements of European Union Law;
- important cases (for instance, restructuring operations) where the application of EU law could be at stake including the description of the national background;
- the impact of judgements of the European Court of Justice on national law and, where appropriate, of the judgements of the European Court of Human Rights.
- a monitoring of the national initiatives linked to EU infringements proceedings in the fields mentioned above;
- monitoring the implementation of legal reforms following up to country specific recommendations in the context of the European Semester.

The above mentioned information shall be provided in the form of flash reports issued every month. These flash reports shall be provided in English. The information shall be stored in a user-friendly database searchable online and accessible to the Commission services (see task 6 below).

At the end of the year, an annual report will summarize the main developments in the Member States and the countries of the EEA.

The content and quality is the responsibility of the network. If appropriate, the Commission services may request specific follow-up information to the network on a particular aspect in a specific Member State.

Task 3: Advice to the Commission through replies to ad hoc questions for analysis of labour law.

The experts contacted by the network shall have to provide responses to requests for information, advice and detailed analysis in relation to their countries and/or specific themes⁷. Some requests may involve ad hoc experts or group of experts, notably when relating to candidate countries and potential candidate countries.

Such request may emerge when the Commission is preparing policy documents, reports, papers for meetings or in the framework of complaints, infringement procedures, parliamentary questions, or other.

It is estimated that the use of about 180 ad hoc request days may be required per year under the contract. The simplest requests may only request one day, while when the scope of the requests would be wider or more complex, such requests may request several days - with the exact number of days to be determined in proportion of the scope and complexity of the requests at stake.

⁷ See list of themes under 1.5.2

Format of the ad hoc request

The Commission will send ad-hoc requests to the experts through the coordinator who will be responsible for its allocation to the relevant expert(s) and to ensure that the deadline proposed by the Commission is met. The scope of those requests is defined by the Commission services and is in principle specific to individual countries, although simultaneous requests may convey the same question(s) for several countries. In the latter case, the possibility to provide a short comparative summary and/or table besides the individual reports shall be foreseen and supported by an appropriate number of credits, to be agreed with the coordinator depending on the scope of the request.

The experts shall be required to provide responses to these requests, in English or French, within the deadline given by the Commission which, normally would be ten working days and exceptionally, can be as short as three working days.

For this purpose, and on the basis of the existing template, the coordinator and the Commission shall agree a proforma template which shall include all the relevant details of the request (format, content, timing, publication, possibilities or other details).

The Commission service ordering the ad hoc request discusses and informally agrees the details of the potential ad hoc request with the coordinator. Once approved, the request is transmitted through the coordinator to the respective expert(s) for execution.

Following quality assurance and, if needed, revision of the expert's output, the coordinator will send the ad hoc report through the Commission co-ordinator to the relevant Commission service. These ad hoc reports may be published on the Europa website (subject to a decision by the Commission).

If appropriate, the Commission services may request specific follow-up information to the network on a particular aspect in a specific Member State.

Scope of the ad hoc request

The experts contracted by the network will have to provide responses to the ad hoc requests of the Commission (information, advice and detailed analysis) in relation to specific questions relating to the individual and/or collective aspects of the different areas of: labour law, self-employment and new forms of work, undeclared work, or other domains (see non exhaustive list under point 1.5.2 (lot 1)).

Task 4: Thematic Review in the field of labour law

The network will be requested to issue one thematic review per year. The Coordinator will be responsible for its allocation to the relevant experts and to ensure that the deadline proposed by the Commission is met. The scope of this request is defined by the Commission services and covers one of the thematic areas of this contract and a group or the entire geographical scope of the contract (Members States and EEA countries, candidate countries and potential candidate countries where needed).

The experts will be required to provide those articles in English, within the deadline given by the Commission.

In relation to this task, the coordinator shall:

- Coordinate, organise and supervise the work of the experts;
- Distribute workload among the experts in a way that skills and experience are used in an optimal way;
- Establish quality assurance procedures for all deliverables and at all stages of production;
- Ensure liaison with the Commission on a regular basis;
- Monitor, analyse and assess the information and data inputs of thematic activities.

Format of the thematic review

The thematic review consists in country specific articles accompanied by a summary report.

For this purpose, the coordinator and the Commission shall agree on a proforma template which shall include all the relevant details of the request (format, content, timing, publication possibilities or other details).

The experts submit their country specific articles, in English, to the coordinator for editing and summarising. The summary shall contain an introduction to the policy area, the main findings from the national articles (the identification of similarities and/or differences in policy approaches potential trends, good and/or innovative practices), and implications for further policy monitoring and development by the Commission and the Member States.

The summary shall be delivered to the Commission within one month following submission by the experts of the articles. It shall be a text of approximately 60 pages, written in line with the EU publication style guide⁸. The printing and dissemination of the publication will be under the responsibility of the Commission. These country articles may be published on the Europa website (subject to a decision by the Commission).

Scope of the thematic review

Thematically based monitoring, analysis and assessment Review is intended to provide national thematic articles on a common labour law issue covering the countries within the scope of the contract.

Task 5: Events (Conference, expert meetings)

The coordinator (assisted by the scientific committee) shall be responsible for planning and organising:(a) one annual conference in the field of labour law and (b) expert meetings (up to 2 per year).

The scope of the events shall be linked to any of the items listed under point 1.5.2 (lot 1) or any suggested items by the Contractor with the final decision by the Commission services.

The contractor, in liaison and consultation with the Commission, will be in charge of the overall organisation, co-ordination and financing of those events.

This activity may take several forms, depending on the European Commission's needs:

⁸ <http://publications.europa.eu/code/en/en-000100.htm>

- a) The annual conference in the field of labour law can be organised in external venues in EU Member States and gathering up to 200 persons including the experts of the centre (i.e. those of the Network), officials appointed by the Member States and the countries of the EEA (maximum 1 official per country), officials of the Commission, academics, practitioners and a limited number of other persons (such as representatives of social partners) in order to discuss key issues relating to the Directives on labour law and developments in labour law in general.
- b) The expert meetings are one-day meetings in Brussels, between relevant experts and Commission staff.

The organisation of these events shall involve the following:

(i) For all types of events:

- In agreement with the Commission, the definition of the topic of the event and the corresponding outline.
- Setting up a detailed project plan and the corresponding deliverables reporting on progress made to the Commission on a monthly basis.
- Setting the date and venue of the event, sending the invitation and preparing the agenda in cooperation with the Commission (in English). The invitation and agenda must be sent to the participants at least eight weeks before the date of the seminar.
- Practical arrangements for the event (booking the meeting room, booking hotel rooms for the participants, the lunch and coffee-breaks, and other practical arrangement.).
- Facilitating the discussions at the event.

(ii) For the annual Conference in the field of labour law:

- Drafting short thematic working papers in order to focus and/or feed the discussion, to be agreed with the Commission before circulation and to be provided at least two weeks in advance of the event in English, French and German.
- Financing the travel and accommodation expenses of the experts of the legal Network.
- Financing the costs of the meeting room, catering and any other logistical arrangements
- Financing the costs of the interpretation into and from English, French and German.
- Financing the travel expenses of the officials appointed by the Member States and the countries of the EEA (maximum of 1 official per country, up to 130 altogether)
- Financing the travel and accommodation expenses of 70 other participants

The use of contingencies (with a limit up to 10,000 euros) is permitted with the prior and express approval by the Commission, to allow for unforeseen requests.

(iii) For the expert meetings:

- Drafting short thematic working papers in order to focus and/or feed the discussion, to be agreed with the Commission before circulation and to be provided at least two weeks in advance of the event in English.
- Financing the travel and accommodation expenses of the experts of the centre.
- Financing the costs of the meeting room catering and any other logistical arrangements

The use of contingencies (with a limit up to 10,000 euros) is permitted with the prior and express approval by the Commission, to allow for unforeseen requests.

For all types of events, the contractor shall submit for approval to the Commission a report on each event. It shall include:

- The analytical minutes of the event with all presentations and key speeches of the experts,
- An executive summary (max 3 pages) describing the main findings of the event.

The report shall be written in English in a clear and comprehensive language. The contractor shall provide it 2 weeks after the said event at the latest.

Task 6: Data management

The information gathered and analysis produced by the network, shall be stored in a user-friendly database in English, searchable online and accessible to the Commission services.

To this end, the new contractor, supported by the Commission, shall be in charge of setting up a new portal which is to fulfil comparable functions as the current portal (see annex 8). The new portal/database shall be created by using a European Commission corporate tool such as wiki, CIRCABC, EUSurvey, etc.

The database has to be internal and confidential to the Commission to ensure independence of the experts' assessments.

In order to ensure clear history and continuity regarding the data produced under previous contracts, the transfer of the current portal including all content and metadata will be foreseen to take place between the new contractor and the previous contractor. Appropriate cooperation and technical arrangements will be set up to fulfil this action, including sufficient safeguards as regards the confidentiality of content to be transferred and taking into account the possibility of two different contractors for the two lots.

The contractor may propose revised templates to feed into the database, to be agreed with the European Commission, as well as any further improvement it may want to suggest when setting up the database.

The coordinator will ensure standardised presentation of the experts input and, after quality assurance, publish them in English in the online database.

Furthermore, the contractor – in line with guidance by and agreement with the European Commission - shall ensure for public deliverables and reports a seamless interface with the Europa.eu corporate website, by tagging, categorising and timely delivering public reports on line after approval by the European Commission.⁹

⁹ See for example: <http://ec.europa.eu/social/main.jsp?catId=1086&langId=en> and <http://ec.europa.eu/social/main.jsp?catId=1087&langId=en>.

Lot 2

Task 1: Management and coordination of the European Pool of Employment and Labour Market Experts

The contractor shall take over the management and coordination of the employment and labour market policy strand of the current ECE, to be defined as the ‘European Pool of Employment and Labour Market Experts’.

Time schedule and reporting

For the effective execution of the contract, the contractor shall follow the time schedule below:

Actions/Deliverables	Timetable
Entry into force of the contract	Reference date: May 2020
Kick-off meeting	Reference date + 2 week(s)
Inception report	Reference date + 1 month
1 st Interim activity report	Reference + 4 month(s)
2 nd Interim activity report	Reference date + 7 month(s)
Interim meeting	Reference date + 7,5 month(s)
Draft final activity report	Reference date + 11 month(s)
Meeting on the draft final report	Reference date + 11,5 month(s)
Final activity report	Reference date + 12 month(s)

As part of its management role, the contractor shall deliver the following reporting tasks:

- i. Submission of an inception report in English. This is due 1 month after signature of the contract. This shall clarify the approach, organisation, and methodology of the work. It shall include a calendar of the tasks and a detailed description of how the coordinator and the scientific committees will organise and manage the different tasks and events under the contract;
- ii. Two interim activity reports on the activities carried out in performance of the contract to be submitted respectively 4 months and 7 months after the reference date.
- iii. A draft final activity report on the activities carried out in performance of the contract 11 months after the reference date.
- iv. A final activity report on the activities carried out in performance of the contract 12 months after the reference date.

All reports referred to in points ii to iv above shall include information on the status of each deliverable, i.e.:

- the reports following ad hoc requests mentioned below under Task 2 (delivered, pending and foreseen ones)
- the thematic review mentioned below under Task 3 (progress in planning, preparation and drafting)
- the events mentioned below under Task 4 (progress in planning, preparation and organisation)

With a view to facilitating appropriate monitoring, evaluation and valorisation by the European Commission of all results obtained and outputs delivered under EASI programme, the Contractor will be required to provide for each of the tasks required under the present Call:

- Presentation of their key points in one page. Key points shall be concise, sharp and easily understandable. They shall be provided in English, French and German.
- An executive summary in 5-6 pages in English and French.
- All the outputs produced for each task will be annexed to the respective executive summary.

The above-listed documents will constitute the final activity report a draft of which shall be submitted to the relevant Commission services 11 months after the start of the contract.

The Contractor is required to explain in its final activity report its achievements in meeting the described qualitative aspects of the provided outputs and respect EaSI-related requirements as set above under point 1.2. and subheadings.

Once the draft is approved by the Commission, the final activity report shall be transmitted by the Contractor in both paper and electronic versions compatible with Commission standards (texts in Word, spreadsheets in Microsoft Excel) within 12 months of the entry into force of the contract. Each paper copy will correspond in full with the electronic version.

In setting up the action, beneficiaries/contractors must secure the necessary funding for monitoring and reporting to the Commission.

Coordination and scientific committee

The centre of expertise shall be managed by a coordinator assisted by a scientific committee.

The scientific committee will be composed of at least 3 members which shall be experts in the field of employment and labour market policy.

The coordinator will be the main contact point and will seek regular communication with the Commission.

(S)He will be responsible for liaising with the experts, for planning and coordinating the work of the experts, for revising all outputs and for delivering all the centre of expertise's outputs to the Commission within the agreed deadlines, as indicated in the tasks hereafter.

The coordinator (assisted by the scientific committee) will be responsible for the overall quality control of the work of the centre of expertise in order to ensure that the Commission is provided with accurate, up-to-date and relevant information of the highest quality in accordance with the Commission's requirements; the coordinator shall set up formal quality control measures including languages proof reading. The coordinator shall ensure a consistency check from all the various experts' deliverables. All outputs shall be delivered in a clear and comprehensive language.

The coordinator is responsible for the organization and supervision of the experts' work in order to meet deadlines and quality requirements, including taking appropriate measures in case of problems; (s)he shall play a proactive role in order to inform regularly the Commission about the latest developments at national level.

In addition the coordinator will be responsible for the management of the centre of expertise including the supervision of all organizational matters, financial issues, logistic issues and other work incurred in the execution of the tasks of Lot 2. (S)he will be required to attend two to three meetings (see Time schedule and reporting table) per year with the relevant Commission services

in Brussels in the Commission's premises or via videoconferences in order to draw up and discuss the work programme, clarify the tasks expected, discuss the outputs of the centre, their quality, operational problems (if any). The coordinator will be responsible to propose an agenda to the Commission as well as to produce the minutes of the meetings.

Continuity and organisation

Changes in the composition of the network will be possible either at the initiative of the Contractor, and subject to consultation with the Commission, or upon request of the Commission. The replacement must fulfil the relevant requirements of professional and technical capacity laid down in the present Specifications. In case a conflict of interest arises with a network expert for the performance of a given task, or when an expert is unable to perform a given task, the coordinator shall ensure an appropriate replacement with the shortest possible delay.

In their bid, the tenderers shall present the coordinator and staff management composition, scientific team, methodology concerning the working aspects, quality assurance and communication strategy.

Depending on the actual needs of the Commission, the contractor shall be able to implement some budgetary flexibility in between the different types of deliverables.

Task 2: Advice to the Commission through replies to ad hoc questions for analysis of employment and labour market related issues.

The experts contacted by the centre of expertise shall have to provide responses to requests for information, advice and detailed analysis in relation to their countries and/or specific themes¹⁰. Some requests may involve ad hoc experts or group of experts, notably when relating to candidate countries and potential candidate countries.

Such request may emerge for example:

- when the Commission is preparing policy documents, reports, papers for meetings, or other. Requests are likely to follow the European Semester calendar and comparative analysis on the implementation of the relevant country specific recommendations (CSR) can be required;
- when the Commission is preparing policy documents, reports, papers for meetings or in the framework of parliamentary questions, or other.

It is estimated that the use of about 180 ad hoc request days may be required per year under the contract. The simplest requests may only request one day, while when the scope of the requests would be wider or more complex, such requests may request several days- with the exact number of days to be determined in proportion of the scope and complexity of the requests at stake.

Format of the ad hoc request

The Commission will send ad-hoc requests to the experts through the coordinator who will be responsible for its allocation to the relevant expert(s) and to ensure that the deadline proposed by the Commission is met. The scope of those requests is defined by the Commission services and is

¹⁰ See list of themes under 1.5.2

in principle specific to individual countries, although simultaneous requests may convey the same question(s) for several countries. In the latter case, the possibility to provide a short comparative summary and/or table besides the individual reports shall be foreseen and supported by an appropriate number of credits, to be agreed with the coordinator depending on the scope of the request.

The experts shall be required to provide responses to these requests, in English or French, within the deadline given by the Commission which, normally would be ten working days and exceptionally, can be as short as three working days.

For this purpose, and on the basis of the existing template, the coordinator and the Commission shall agree a proforma template which shall include all the relevant details of the request (format, content, timing, publication, possibilities or other details).

The Commission service ordering the ad hoc request discusses and informally agrees the details of the potential ad hoc request with the coordinator. Once approved, the request is transmitted through the coordinator to the respective expert(s) for execution.

Following quality assurance and, if needed, revision of the expert's output, the coordinator will send the ad hoc report through the Commission co-ordinator to the relevant Commission service. These ad hoc reports may be published on the Europa website (subject to a decision by the Commission).

If appropriate, the Commission services may request specific follow-up information to the network on a particular aspect in a specific Member State.

Scope of the ad hoc request

The experts contracted by the European Pool of Employment and Labour Market Experts will have to assess country-specific situations related to employment and labour market policy implementation and horizontal thematic domains (see non exhaustive list under 1.5.2 (lot 2)). The analysis and research capabilities provided by the experts will also include specific attention to labour market transitions and functioning of employment services (public, private and third sector).

Task 3: Thematic Reviews in the field of employment and labour market issues

The centre of expertise will be requested to issue one thematic review per year. The Coordinator will be responsible for its allocation to the relevant experts and to ensure that the deadline proposed by the Commission is met. The scope of this request is defined by the Commission services and covers one of the thematic areas of this contract and a group or the entire geographical scope of the contract (Members States and EEA countries, candidate countries and potential candidates where needed).

The experts will be required to provide those articles in English, within the deadline given by the Commission.

In relation to this task, the coordinator shall:

- Coordinate, organise and supervise the work of the experts;
- Distribute workload among the experts in a way that skills and experience are used in an optimal way;

- Establish quality assurance procedures for all deliverables and at all stages of production;
- Ensure liaison with the Commission on a regular basis;
- Monitor, analyse and assess the information and data inputs of thematic activities.

Format of the thematic review

The thematic review consists in country specific articles accompanied by a summary report.

For this purpose, the coordinator and the Commission shall agree a proforma template which shall include all the relevant details of the request (format, content, timing, publication possibilities or other detail).

The experts submit their country specific articles, in English, to the coordinator for editing and summarising. The summary shall contain an introduction to the policy area, the main findings from the national articles (the identification of similarities and/or differences in policy approaches potential trends, good and/or innovative practices), and implications for further policy monitoring and development by the Commission and the Member States.

The summary shall be delivered to the Commission within one month following submission by the experts of the articles. It shall be a text of approximately 60 pages, written in line with the EU publication style guide¹¹. The printing and dissemination of the publication will be under the responsibility of the Commission. These country articles may be published on the Europa website (subject to a decision by the Commission).

Scope of the thematic review

Thematically based monitoring, analysis and assessment Review is intended to provide national thematic articles on a common labour market issue covering the countries within the scope of the contract.

Task 4: Events (thematic seminar, expert meetings)

The coordinator (assisted by the scientific committee) shall be responsible for planning and organising: (a) one thematic labour market seminar (one per year) and (b) expert meetings (up to 2 per year).

The scope of the events shall be linked to any of the items listed under point 1.5.2 (lot 2) or any suggested items by the Contractor with the final decision by the Commission services.

The contractor, in liaison and consultation with the Commission, will be in charge of the overall organisation, coordination and financing of those events.

This activity may take several forms, depending on the European Commission's needs:

- a) The thematic labour market seminar in one of the Member States is gathering up to 100 persons including the experts of the Centre, officials of the Commission, academics,

¹¹ <http://publications.europa.eu/code/en/en-000100.htm>

practitioners and a limited number of other persons (such as representatives of social or civil society partners) in order to discuss key issues relating to employment and labour market policies;

- b) The expert meetings are one-day meetings in Brussels, between relevant experts and Commission staff.

The organisation of these events shall involve the following:

(i) For all types of events:

- In agreement with the Commission, the definition of the topic of the event and the corresponding outline.
- Setting up a detailed project plan and the corresponding deliverables reporting on progress made to the Commission on a monthly basis.
- Setting the date and venue of the event, sending the invitation and preparing the agenda in cooperation with the Commission (in English). The invitation and agenda must be sent to the participants at least eight weeks before the date of the seminar.
- Practical arrangements for the event (booking the meeting room, booking hotel rooms for the participants, the lunch and coffee breaks, and other practical arrangement.).
- Facilitating the discussions at the event.

(ii) For the annual thematic seminar:

- Drafting short thematic working papers in order to focus and/or feed the discussion, to be agreed with the Commission before circulation and to be provided at least two weeks in advance of the event in English.
- Financing the travel and accommodation expenses of the experts of the centre.
- Financing the costs of the meeting room, catering and any other logistical arrangements.
- Financing the travel and accommodation expenses of 45 other participants.

The use of contingencies (with a limit up to 10,000 euros) is permitted with the prior and express approval by the Commission, to allow for unforeseen requests.

(iii) For the expert meetings:

- Drafting short thematic working papers in order to focus and/or feed the discussion, to be agreed with the Commission before circulation and to be provided at least two weeks in advance of the event in English.
- Financing the travel and accommodation expenses of the experts of the centre.
- Financing the costs of the meeting room, catering and any other logistical arrangements.

The use of contingences (with a limit up to 10,000 euros) is permitted with the prior and express approval by the Commission, to allow for unforeseen requests.

For all types of events, the contractor shall submit for approval to the Commission a report on each event. It shall include:

- The analytical minutes of the event with all presentations and key speeches of the experts,
- An executive summary (max 3 pages) describing the main findings of the event.

The report shall be written in English in a clear and comprehensive language. The contractor shall provide it 2 weeks after the said event at the latest.

Task 5: Data management

The information gathered and analysis produced by the network, shall be stored in a user-friendly database in English, searchable online and accessible to the Commission services.

To this end, the new contractor, supported by the Commission, shall be in charge of setting up a new portal which is to fulfil comparable functions as the current portal (see annex 8). The new portal/database shall be created by using a European Commission corporate tool such as wiki, CIRCABC, EUSurvey, etc.

The database has to be internal and confidential to the Commission to ensure independence of the experts' assessments.

In order to ensure clear history and continuity regarding the data produced under previous contracts, the transfer of the current portal including all content and metadata will be foreseen to take place between the new contractor and the previous contractor. Appropriate cooperation and technical arrangements will be set up to fulfil this action, including sufficient safeguards as regards the confidentiality of content to be transferred and taking into account the possibility of two different contractors for the two lots.

The contractor may propose revised templates to feed into the database, to be agreed with the European Commission, as well as any further improvement it may want to suggest when setting up the database.

The coordinator will ensure standardised presentation of the experts input and, after quality assurance, publish them in English in the online database.

Furthermore, the contractor – in line with guidance by and agreement with the European Commission - shall ensure for public deliverables and reports a seamless interface with the Europa.eu corporate website, by tagging, categorising and timely delivering public reports on line after approval by the European Commission.¹²

1.6. Payment conditions

In drawing up the bid, the tenderer shall take into account the provisions of the standard contract comprising the 'Special Conditions' and the "General conditions for the service contract".

Interim Payments

A.) A request for a first interim payment by the Contractor shall be admissible if accompanied by:

- A first interim report as provided for in section 1.5.3, and
- a list of deliverables and reports that were provided and all tasks that were carried out to-date as provided for in section 1.5.3., and

¹² See for example: <http://ec.europa.eu/social/main.jsp?catId=1086&langId=en> and <http://ec.europa.eu/social/main.jsp?catId=1087&langId=en>.

- the relevant invoice is submitted in accordance with the instructions laid down in the contract, provided the report has been approved by the Commission.

The Commission shall have 90 days from receipt to approve or reject the report, and the Contractor shall have 30 days in which to submit additional information or a new report.

The first interim payment corresponds to a maximum 30% of the total annual amount.

B.) A request for a second interim payment by the Contractor shall be admissible if accompanied by:

- A second interim report as provided for in section 1.5.3, and
- a list of deliverables and reports that were provided and all tasks that were carried out to-date as provided for in section 1.5.3., and
- the relevant invoice is submitted in accordance with the instructions laid down in the contract, provided the report has been approved by the Commission.

The Commission shall have 90 days from receipt to approve or reject the report, and the Contractor shall have 30 days in which to submit additional information or a new report.

The interim payment corresponds to a maximum 30% of the total annual amount.

Payment of the balance

The request for payment of the balance by the Contractor shall be admissible if accompanied by:

- the final report as provided for in section 1.5.3, and
- all deliverables and reports that were provided and all tasks that were carried out as provided for in section 1.5.3., and
- the relevant invoice is submitted in accordance with the instructions laid down in the contract, provided the report has been approved by the Commission.

The Commission shall have 90 days from receipt to approve or reject the report, and the Contractor shall have 30 days in which to submit additional information or a new report.

The final payment corresponds to a maximum 40% of the total annual amount.

1.7. Place of performance

The services will be performed at the contractor's premises, to the exception of events (conferences, workshops, seminars) which shall take place in a location agreed with the Contracting Authority.

1.8. Nature of the contract

The procedure will result in the conclusion of a direct contract for each lot.

👉 Tenderers need to take full account of the provisions of the Draft contract as the latter will define and govern the contractual relationship(s) to be established between the *Contracting authority* and the successful tenderer(s). Special attention is to be paid to the provisions specifying the rights and obligations of the contractor, in particular those on payments,

performance of the contract, confidentiality, and checks and audits.

1.9. Volume and value of the contracts

Within three years following the signature of the contract(s) resulting from the current call for tenders, the *Contracting authority* may use the negotiated procedure under point 11.1.e of Annex 1 to [Regulation \(EU, Euratom\) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union](#)¹³ to procure new services from the contractor(s). These services will consist in the repetition of similar services entrusted to the contractor(s).

1.10. Duration of the contracts

The contracts resulting from the award of this call for tenders will be concluded for 12 months, which may be renewed 3 times (maximum 48 months). The details of the initial contract duration and possible renewals are set out in Article I.3 of the Draft contract.

1.11. Electronic exchange system

For all exchanges with the contractor during the implementation of the contract as well as for future possible subsequent proceedings for the purposes of EDES ([European Union's Early Detection and Exclusion System](#)) the *Contracting authority* may use an electronic exchange system meeting the requirements of Article 148 of [Regulation \(EU, Euratom\) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union](#)¹³. At the request of the *Contracting authority* the use of such a system shall become mandatory for the contractor(s) at no additional cost for the *Contracting authority*. Details on specifications, access, terms and conditions of use will be provided in advance.

2. GENERAL INFORMATION ON TENDERING

2.1. Legal basis

This call for tenders is governed by the provisions of [Regulation \(EU, Euratom\) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union](#) (the Financial Regulation)¹³.

The *Contracting authority* has chosen to award the contract resulting from this call for tenders through an open procedure pursuant to Article 164(1) (a) of the Financial Regulation. In an open procedure any interested economic operator (any natural or legal person who offers to supply products, provide services or execute works) may submit a tender.

2.2. Rules on access to procurement

Participation in this call for tenders is open on equal terms to all natural and legal persons coming within the scope of the [Treaties](#), as well as to international organisations.

It is also open to all natural and legal persons established in a third country which has a special agreement with the European Union in the field of public procurement on the conditions laid down in that agreement. Where the Agreement on Government Procurement¹⁴ concluded within the World Trade Organisation applies, the participation to this call for tenders is open to all natural and legal persons established in the countries that have ratified this Agreement, on the conditions laid down therein.

The rules on access to procurement do not apply to subcontractors. Subcontracting may not be used with the intent to circumvent the rules on access to procurement.

To enable the *Contracting authority* to verify the access, each tenderer must indicate its country of establishment (and in case of joint tender – the country of establishment of each group member) and must present the supporting evidence normally acceptable under the law of that country/-ies. The same document(s) could be used to prove country/-ies of establishment and the delegation(s) of the authorisation to sign as described in **Section 4.3**.

✎ *For tenderers established in the United Kingdom:*

Please be aware that after the UK's withdrawal from the EU, the rules of access to EU procurement procedures of economic operators established in third countries will apply to tenderers from the UK depending on the terms of any Withdrawal Agreement. In case such

¹³ Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012 (OJ L 193 of 30.07.2018, p.1).

¹⁴ https://www.wto.org/english/tratop_e/gproc_e/gp_gpa_e.htm.

access is not provided by legal provisions in force tenderers from the UK could be rejected from the procurement procedure.

2.3. Registration in the Participant Register

Any economic operator willing to submit a tender for this call for tenders 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 (participants).

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.

2.4. Ways to submit a tender

Economic operators can submit a tender either as a sole tenderer or as a group of tenderers. In either case subcontracting is permitted.

In order to fulfil the selection criteria set out in **Section 3.2** the tenderer can rely on the capacities of subcontractors or other entities (not subcontractors).

The role of each entity involved in a tender (hereafter referred to as *involved entity*) must be clearly specified: sole tenderer, member of a group or Group leader, subcontractor or an entity on whose capacities the tenderer relies to fulfil the selection criteria¹⁵. This applies also where the *involved entities* belong to the same economic group.

¹⁵ Such an entity is not considered a subcontractor, see below.

Joint tenders

A joint tender is a situation where a tender is submitted by a group (with or without legal form) of economic operators regardless of the link they have between them. The group as a whole is considered a tenderer¹⁶.

All members of the group assume joint and several liability towards the *Contracting authority* for the performance of the contract as a whole.

Group members must appoint a *Group leader* and a single point of contact authorised to act on their behalf in connection with the submission of the tender and all relevant questions, clarification requests, notifications, etc., that may be received during the evaluation, award and until the contract signature. The model power of attorney attached in **Annex 3** is to be used.

The joint tender must clearly indicate the role and tasks of each member and of the *Group leader* who will act as the *Contracting authority's* contact point for the contract's administrative or financial aspects and operational management. The *Group leader* will have full authority to bind the group and each of its members during contract execution. If the joint tender is successful, the *Contracting authority* shall sign the contract with the Group leader, authorised by the other members to sign the contract on their behalf via power of attorney drawn up in the model attached in **Annex 3**.

Changes in the composition of the group during the procurement procedure (after the submission deadline and before contract signature) shall lead to rejection of the tender except in case of:

- a merger or takeover of a member of the group (universal succession), provided that the new entity has access to procurement (see **Section 2.2**) and is not in an exclusion situation, or
- exclusion or rejection of a member by the *Contracting authority* where the member has no access to procurement, is in an exclusion situation or does not meet a relevant selection criterion.

In either case the selection criteria must be still fulfilled by the group and the terms of the originally submitted tender may not be altered substantially, i.e. all the tasks assigned to the excluded/rejected entity must be taken over by the group, the change must not make the tender non-compliant with the Tender specifications, and the evaluation of award criteria of the originally submitted tender may not be modified.

Subcontracting

Subcontracting is the situation where the contractor enters into legal commitments with other economic operators which will perform part of the contract on its behalf. The contractor retains full liability towards the *Contracting authority* for performance of the contract as a whole.

The following shall not be considered subcontracting:

- a) Use of workers posted to the contractor by another company owned by the same group and established in a Member State (“intra-group posting” as defined by Article 1, 3, (b) of

¹⁶ References to *tenderer* or *tenderers* in this document shall be understood as covering both sole tenderers and groups of economic operators submitting a joint tender.

[Directive 96/71/EC concerning the posting of workers in the framework of the provision of services](#)).

- b) Use of workers hired out to the contractor by a temporary employment undertaking or placement agency established in a Member State (“hiring out of workers” as defined by Article 1, 3, (c) of [Directive 96/71/EC concerning the posting of workers in the framework of the provision of services](#)).
- c) Use of workers temporarily transferred to the contractor from an undertaking established outside the territory of a Member State and that belongs to the same group (“intra-corporate transfer” as defined by Article 3, (b) of [Directive 2014/66/EU on the conditions of entry and residence of third-country nationals in the framework of an intra-corporate transfer](#)) .
- d) Use of staff without employment contract (“self-employed persons working for the contractor”) to perform substantially the same tasks as the staff with employment contract (“employees”), without the tasks of the self-employed persons being particular well-defined parts of the contract.
- e) Use of suppliers and/or transporters by the contractor, in order to perform the contract at the place of performance, unless the economic activities of the suppliers and/or the transporting services are within the subject of this call for tender (see **Section 1.5**).
- f) Performance of part of the contract by members of an EEIG (European Economic Interest Grouping), when the EEIG is itself a contractor or a group member.

The persons mentioned in points a), b), c) and d) above will be considered as “personnel” of the contractor as defined in the contract.

All contractual tasks may be subcontracted unless the *Technical specifications* expressly reserve the execution of certain critical tasks to the sole tenderer itself, or in case of a joint tender, to a member of the group.

By filling in the form available in **Annex 4**, tenderers are required to give an indication of the proportion of the contract that they intend to subcontract, as well as to identify and describe briefly the envisaged contractual roles/tasks of subcontractors meeting any of these conditions (hereafter referred to as *identified subcontractors*):

- on whose capacities the tenderer relies upon to fulfil the selection criteria as described under **Section 3.2**;
- whose individual share of the contract, known at the time of submission, is above 15% .

Any such subcontractor must provide the tenderer with a commitment letter drawn up in the model attached in **Annex 5.1** and signed by its authorised representative.

Changes concerning subcontractors identified in the tender (withdrawal/replacement of a subcontractor, additional subcontracting) during the procurement procedure (after the submission deadline and before contract signature) require the prior written approval of the *Contracting authority* subject to the following verifications:

- any new subcontractor is not in an exclusion situation;
- the tenderer still fulfils the selection criteria and the new subcontractor fulfils the selection criteria applicable to it individually, if any;
- the terms of the originally submitted tender are not altered substantially, i.e. all the tasks assigned to the former subcontractor are taken over by another involved entity, the change does not make the tender non-compliant with the Tender specifications, and the evaluation of award criteria of the originally submitted tender is not modified.

Subcontracting to subcontractors identified in a tender that was accepted by the *Contracting authority* and resulted in a signed contract, is considered authorised.

Entities on whose capacities the tenderer relies to fulfil the selection criteria

In order to fulfil the selection criteria a tenderer may also rely on the capacities of other entities, regardless of the legal nature of the links it has with them. It must in that case prove that it will have at its disposal the resources necessary for the performance of the contract by producing a commitment letter in the model attached in **Annex 5.2**, signed by the authorised representative of such an entity, and the supporting evidence that those other entities have the respective resources.

If the contract is awarded to a tenderer intending to rely on another entity to meet the minimum levels of economic and financial capacity, the *Contracting authority* may require the entity to sign the contract or, alternatively, to provide a joint and several first-call financial guarantee for the performance of the contract.

With regard to technical and professional selection criteria, a tenderer may only rely on the capacities of other entities where the latter will perform the works or services for which these capacities are required (i.e. the latter will assume the role of subcontractors).

👉 Relying on the capacities of other entities is only necessary when the capacity of the tenderer is not sufficient to fulfil the required minimum levels of capacity. Abstract commitments that other entities will put resources at the disposal of the tenderer will be disregarded.

3. EVALUATION AND AWARD

The evaluation of the tenders that comply with the submission conditions will consist of the following elements:

- Check if the tenderer has access to procurement (access to market) (see *Section 2.22*);
- Verification of administrative compliance (if the tender is drawn up in one of the official EU languages and signed by duly authorised representative(-s) of the tenderer);
- Verification of non-exclusion of tenderers on the basis of the exclusion criteria;
- Selection of tenderers on the basis of selection criteria;
- Verification of compliance with the minimum requirements defined in the Tender specifications;
- Evaluation of tenders on the basis of the award criteria.

The *Contracting authority* will evaluate the abovementioned elements in the order that it considers to be the most appropriate. If the evaluation of one or more elements demonstrates that there are grounds for rejection, the tender will be rejected and will not be subjected to further full evaluation. The unsuccessful tenderers will be informed of the ground for rejection without being given feedback on the non-assessed content of their tenders. Only tenderer(s) for whom the verification of all elements did not reveal grounds for rejection can be awarded the contract.

The evaluation will be based on the information and evidence contained in the tenders and, if applicable, on additional information and evidence provided at the request of the *Contracting authority* during the procedure. If any of the declarations or information provided proves to be false, the *Contracting authority* 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 *Contracting authority* may also refer to publicly available information, in particular evidence that it can access on a national database free of charge.

3.1. Exclusion criteria

The objective of the exclusion criteria is to assess whether the tenderer is in any of the exclusion situations listed in Article 136(1) of the Financial Regulation.

As evidence of non-exclusion each tenderer needs to submit with its tender a Declaration on Honour¹⁷ in the model available in *Annex 2*.¹⁸ The declaration must be signed by an authorised representative of the entity providing the declaration.

The initial verification of non-exclusion of tenderers will be done on the basis of the submitted declarations and consultation of the [European Union's Early Detection and Exclusion System](#). The documents mentioned as supporting evidence in the Declaration on Honour need to be provided

¹⁷ The European Single Procurement Document (ESPD) may not be used yet in European Commission's calls for tenders.

¹⁸ Unless the same declaration has already been submitted for the purposes of another award procedure of the European Commission, the situation has not changed, and the time elapsed since the issuing date of the declaration does not exceed one year.

whenever requested and where this is necessary to ensure the proper conduct of the procedure within a deadline given by the Contracting authority¹⁹.

Annex 1 specifies which of the *involved entities* participating in a tender need to provide the Declaration on Honour and, when requested by *the Contracting authority*, the supporting evidence.

Please note that a request for evidence in no way implies that the tenderer has been successful.

3.2. Selection criteria

The objective of the selection criteria is to assess whether the tenderer has the legal, regulatory, economic, financial, technical and professional capacity to perform the contract.

The selection criteria for this call for tenders, including the minimum levels of capacity, the basis for assessment and the evidence required, are specified in the following subsections.

Tenders submitted by tenderers not meeting the minimum levels of capacity will be rejected.

When submitting its tender each tenderer shall declare on honour that it fulfils the selection criteria for the lots for which it applies. The model Declaration on Honour available in *Annex 2* shall be used.

The initial assessment of whether a tenderer fulfils the selection criteria will be done on the basis of the submitted declaration(s).

The subsections below specify which selection criteria evidence must be provided with the tender or may be requested later, at any time during the procurement procedure²⁰. In any case, to the extent that there is no ground for a waiver, the evidence must be provided, upon request and within a deadline given by the Contracting authority. The evidence must be provided in accordance with the applicable basis for assessment of each criterion: in case of a consolidated assessment – only by the *involved entities* who contribute to the fulfilment of the criterion, and in case of individual assessment – by each *involved entity* to whom the criterion applies individually.

¹⁹ The obligation to provide the supporting evidence will be waived in the following situations:

- if the same documents have already been provided in a previous award procedure of the European Commission, have been issued no more than one year before the date of their request by the *Contracting authority* and are still valid at that date;
- if such evidence can be accessed by the *Contracting Authority* on a national database free of charge, in which case the economic operator shall provide the *Contracting authority* with the internet address of the database and, if needed, the necessary identification data to retrieve the document;
- if there is a material impossibility to provide such evidence.

²⁰ The obligation to provide the supporting evidence will be waived in the following situations:

- if the same documents have already been provided in a previous award procedure of the European Commission, have been issued no more than one year before the date of their request by the *Contracting authority* and are still valid at that date;
- if such evidence can be accessed by the *Contracting Authority* on a national database free of charge, in which case the economic operator shall provide the *Contracting authority* with the internet address of the database and, if needed, the necessary identification data to retrieve the document.

Legal and regulatory capacity for each lot

Tenderers must prove that they have legal capacity to perform the contract and the regulatory capacity to pursue the professional activity necessary to carry out the work subject to this call for tenders.

The legal and regulatory capacity shall be proven by the evidence listed below:

- Proof of enrolment in a relevant trade or professional register
- Proof of authorisation that the tenderer is authorised to perform the contract in its country of establishment
- Proof that the tenderer is a member of a specific professional organisation
- Statutes

This evidence shall be submitted with the tender, and in case of joint tender, it shall apply to at least one member of the group.

Economic and financial capacity for each lot

For each lot, tenderers must comply with the following selection criteria in order to prove that they have the necessary economic and financial capacity to perform the contract.

Criterion F1	
Minimum level of capacity	Average yearly turnover of the last two financial years above EUR € 500.000 for each year and for each lot
Basis for assessment	This criterion applies to the tenderer as a whole, i.e. a consolidated assessment of the combined capacities of all <i>involved entities</i> will be carried out.
Evidence	Copy of the profit and loss accounts and balance sheet for the last two years for which accounts have been closed from each concerned <i>involved entity</i> , or, failing that, appropriate statements from banks. The most recent year must have been closed within the last 18 months.

Criterion F2	
Minimum level of capacity	Ratio between assets and liability above 0.7
Basis for assessment	The ratio will be checked against each member of the group in case of joint tender.
Evidence	<p>Copy of the profit and loss accounts and balance sheet for the last two years for which accounts have been closed from each concerned <i>involved entity</i>, or, failing that, appropriate statements from banks. The most recent year must have been closed within the last 18 months.</p> <p>The documents for this criterion must be provided only by the involved entities who contribute to reaching the minimum capacity level for criterion.</p>

Evidence as requested for all selection criteria above must be provided with the tender. Additional evidences of economic and financial capacity may be requested by the *Contracting authority* at any time during the procedure. **Please note that a request for evidence in no way implies that the tenderer has been successful.**

Technical and professional capacity for each lot

Tenderers must comply with the following selection criteria in order to prove that they have the necessary technical and professional capacity to perform the contract. Some criteria must be fulfilled for both lots, other are specific to one or the other lot.

3.2.3.1 Criteria common to lots 1 and 2 and to be fulfilled for each lot (criteria T1 and T2)

Criterion T1	
The tenderer must demonstrate its capacity to ensure an effective administration and practical implementation of this lot	
Minimum level of capacity	Capacity to set up the appropriate organizational structure to carry out all the tasks coming under each lot, including a proven capacity to manage the administrative, logistic and financial aspects as well as in managing teams of international experts and organising and chair large events and seminars.
Basis for assessment	This criterion applies to the tenderer as a whole, i.e. the combined capacities of all <i>involved entities</i> .
Evidence	A list of at least 2 contracts (in English or French) completed and supplies delivered in the past three years, in a similar service domain and for a minimum amount of EUR 200 000, with the sums, dates and recipients, public or private, as well as an overview of the number of persons responsible for their administration and their respective qualifications and tasks. The most important services shall be accompanied by certificates of satisfactory execution, specifying that they have been carried out in a professional manner and have been fully completed.
Criterion T2	
The tenderer must demonstrate its linguistic capacity in English and language quality check	
Minimum level of capacity	<p>Experience of working in 2 languages (one of them shall be English) with at least 2 projects delivered in the last three years and for a minimum amount of EUR 200 000 showing the necessary language coverage.</p> <p>Capacity to draft reports in English.</p> <p><u>Capacity for language quality check, with</u> at least 1 member of each of the scientific committees shall have native-level</p>

	language skills in English or equivalent.
Basis for assessment	This criterion applies to the tenderer as a whole, i.e. the combined capacities of all <i>involved entities</i> .
Evidence	A list and description of the main contracts completed and supplies delivered in the past three years which show the necessary language coverage.

3.2.3.1 Criteria specific to each lot (criteria T3 and T4)

Lot 1: Criterion T3	
The tenderers must prove experience in the field of labour law, in particular EU labour law	
Minimum level of capacity	At least 3 projects completed in the last three years preceding the tender submission deadline in the field of social policy and EU social law, with a minimum value for each of them € 200 000.
Basis for assessment	This criterion applies to the tenderer as a whole, i.e. the combined capacities of all <i>involved entities</i> .
Evidence	<p>A list of projects meeting the minimum level of capacity. The list shall include details of their start and end date, total project amount and scope, role and amount invoiced. In case of projects still on-going only the portion completed during the reference period will be taken into consideration.</p> <p>As supporting documents for each project the <i>Contracting authority</i> may request statements issued by the clients and take contact with them.</p>
Lot 2: Criterion T3	
The tenderer must prove experience in the field of employment and labour market policies	
Minimum level of capacity	At least 3 projects completed in the last three years preceding the tender submission deadline in the field of EU employment policy, with a minimum value for each of them € 200 000.
Basis for assessment	This criterion applies to the tenderer as a whole, i.e. the combined capacities of all <i>involved entities</i> .
Evidence	<p>A list of projects meeting the minimum level of capacity. The list shall include details of their start and end date, total project amount and scope, role and amount invoiced. In case of projects still on-going only the portion completed during the reference period will be taken into consideration.</p> <p>As supporting documents for each project the <i>Contracting authority</i> may request statements issued by the clients and take contact with them.</p>

Lot 1: Criterion T4

The tenderer must put forward a team with an appropriate mix of strong managerial ability and robust analytical and legal capacity in the area of labour law, based on an appropriate composition of the network and the scientific committee.

Minimum level of capacity

The coordinator of this lot shall demonstrate at least 10 years' experience in the field of labour law, and significant knowledge of the functioning of the EU and the European Institutions and project management, including overseeing project delivery, quality control of delivered service, client orientation and conflict resolution experience in project of a similar size and coverage (geographical scope at least half of the one, subject to this call for tender), with experience of at least 2 years in management of team of at least 5 people.

(S)he will have to show an excellent knowledge of English in order to produce the network's output and to facilitate communication with the Commission and the experts. The coordinator shall meet the requirements of a level 1 expert as described in annex 7.

The scientific committee shall be composed of at least three members able to cover all the thematic areas and geographical scope of the lot. The members of the scientific committee shall be distinguished academics, legal experts, and/or practitioners and the requirements towards those members are the following:

- proven expertise and at least 10 years professional experience in labour law and/or social law;
- capacity to operate and understand the relevant issues at European level (judged on the basis of published works);
- strong analytical skills and ability to conduct legal and/or policy research; proficiency in legal and/or policy recommendations writing and ability to prepare legal and/or policy opinions and reports as well as planning and organising skills to coordinate the work of others and to work to tight deadlines (judged on the basis of published works and experience in managing a volume of work and/or staff);
- evidence of excellent written and oral communication (judged on the basis of published works and language skills).
- The scientific committee members shall meet the requirements of level 2 expert (see annex 7).

The experts in labour law (for the network) will be

	<p>distinguished academics and/or practising lawyers with:</p> <ul style="list-style-type: none"> • Experience of a minimum of 5 years professional experience of which at least 2 must have involved work relating to national legislation and its interpretation in the field of labour law and social law; knowledge of European Union law, in particular the labour law <i>acquis</i>, will also be required; • Sufficient knowledge of languages to facilitate communication with the Commission and the other experts and, in particular, ability to draw up reports in English. This ability will be assessed in particular on the basis of works and/or articles published in the field of labour law legislation, employment policies and practices. Each expert must be able to give oral presentations in English.
Basis for assessment	This criterion applies to the tenderer as a whole, i.e. the combined capacities of all <i>involved entities</i> .
Evidence	<p>A list of the management staff, the members of scientific committee and a table presenting the experts in labour law together with their CVs.</p> <p>For the management staff, each CV provided shall indicate the planned function and role in the delivery of this service.</p> <p>For the scientific committee and the experts, each CV shall include a list of the main works and/or articles published in relation to EU and national labour law and social law undertaken over the last 5 years at least.</p>
Lot 2: Criterion T4	
The tenderer must put forward a team with an appropriate mix of strong managerial ability and robust analytical capacity in the area of employment and labour market policies, based on an appropriate composition of the network and the scientific committee.	
Minimum level of capacity	<p>The <u>coordinator</u> of this lot shall demonstrate at least 10 years' experience in the field of employment and labour market policies, and significant knowledge of the functioning of the EU and the European Institutions and project management, including overseeing project delivery, quality control of delivered service, client orientation and conflict resolution experience in project of a similar size and coverage (geographical scope at least half of the one subject to this call for tender), with experience of at least 2 years in management of team of at least 5 people.</p> <p>(S)he will have to show an excellent knowledge of English in order to produce the network's output and to facilitate communication with the Commission and the experts. The</p>

	<p>coordinator shall meet the requirements of a level 1 expert as described in annex 7.</p> <p>The <u>scientific committee</u> shall be composed of at least three members able to cover all the thematic areas and geographical scope of the lot. The members of the scientific committee shall be distinguished academics, economists and/or practitioners and the requirements towards those members are the following:</p> <ul style="list-style-type: none"> • proven expertise and at least 10 years professional experience in employment and labour market policies; • capacity to operate and understand the relevant issues at European level (judged on the basis of published works); • strong analytical skills and ability to conduct economic and/or policy research; proficiency in policy recommendations writing and ability to prepare policy opinions and reports as well as planning and organising skills to coordinate the work of others and to work to tight deadlines (judged on the basis of published works and experience in managing a volume of work and/or staff); • evidence of excellent written and oral communication (judged on the basis of published works and language skills). • The scientific committee members shall meet the requirements of level 2 expert (see annex 7). <p><u>Regarding the experts in employment and labour market policies,</u> the Centre of Expertise shall be composed of entities with at least 5 years proven experience in the field of employment and labour market policies. Specific knowledge is expected to be available for all the countries and all the thematic areas of the lot.</p> <p>The experts shall meet the requirements of at least level 3 experts as described in annex 7.</p>
Basis for assessment	<p>This criterion applies to the tenderer as a whole, i.e. the combined capacities of all <i>involved entities</i>.</p>
Evidence	<p>A list of the management staff, members of scientific committee and a table presenting a relevant selection of experts in employment and labour market policies, together with their CVs.</p> <p>For the management staff, each CV provided shall indicate the planned function and role in the delivery of this service.</p>

	For the scientific committee and the experts, each CV must include a list of the main works and/or articles published in relation to EU and national labour law and social law undertaken over the last 5 years at least.
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Evidence for criteria T1, T2, T3 and T4 must be provided with the tender. Additional evidences of technical and professional capacity may be requested by the *Contracting authority* at any time during the procedure. **Please note that a request for evidence in no way implies that the tenderer has been successful.**

In the case of joint tenders, the tender shall ensure the clear identification of the lead tenderer who will also be responsible for signing the contract, and written confirmation from each member of the consortium that they would be ready and willing to participate in the execution of the contract, and briefly describing their role(s).

Involved entities must not be subject to conflicting interests which may negatively affect the contract performance. Where the *Contracting authority* has established such conflicting interests, it may conclude that the tenderer or an involved entity does not possess the required professional capacity to perform the contract to an appropriate quality standard.

The presence of conflicting interests shall be examined during the evaluation phase based on the statements made through the Declarations on Honour.

The tenderer shall also submit a declaration certifying the competence of the team to carry out the services including their respective professional and linguistic abilities as well as letters of commitment of the persons and entities involved in the performance of the contract dated and signed by them stating their commitment to be involved in the implementation of the contract in case the tender should be successful (*Annex 5.1 and Annex 5.2*).

3.3. Compliance with the minimum requirements of the Tender specifications

By submitting a tender a tenderer commits to perform the contract in full compliance with the terms and conditions of the procurement documents for this call for tender. Particular attention is drawn to the minimum requirements and to the fact that tenders must comply with applicable data protection, environmental, social and labour law obligations established by Union law, national legislation, collective agreements or the international environmental, social and labour conventions listed in Annex X to Directive 2014/24/EU.

The minimum requirements shall be observed throughout the entire duration of the contract. Compliance with these requirements is mandatory and cannot be subject to any assumptions, limitations, conditions, or reservations on the part of a tenderer.

Tenders that are not compliant with the applicable minimum requirements shall be rejected.

3.4. Award criteria

The objective of the award criteria is to evaluate the tenders with a view to choosing the most economically advantageous tender, using the best-price quality award method.

For each lot, tenders will be evaluated on the basis of the following award criteria and their weighting:

1. Price - [40%]

The price considered for evaluation will be the total price of the tender, covering all the requirements set out in the Tender Specifications.

2. Quality - [60%]

The quality of the tender will be evaluated based on the following criteria:

Quality of the proposed methodology (60 points)

Sub-criterion 1: Approach (20 points)

Quality of the conceptual framework in view of the nature of the assignment, its context and the results to be achieved. To this end, the tender shall also include the proposed format for the flash reports, thematic review and a list of three topics for the annual conferences or thematic seminars briefly explaining the reason(s) for such choice.

Sub-criterion 2: Methodology (40 points)

The methodology for collecting, verifying, analysing, drafting and presenting the information to be provided to the Commission as well as the preparation and running of the annual seminars.

To this end, the tender shall include details of at least:

- how the tenderer intends to ensure that both the individual and collective aspects of the different areas of labour law in all the countries within the scope of the assignment are covered by the different members of the legal network;
- how the tenderer intends to monitor and ensure the quality of the work of the experts and the timeliness, completeness and accuracy of the information to be provided including the identity of the sources of information to be used for this purpose (e.g. subscriptions to press agencies, magazines specialized in industrial relations, legal reviews and articles);
- how the tenderer intends to ensure that the experts play an active role in providing the information for the flash reports;
- the proposed methodology to run and improve the current EE portal;
- the criteria to choose the topics/subjects and the speakers for the events;
- how the discussions and debate in the events will be facilitated.

Organisation of the work (20 points)

The following shall be in particular assessed in the tender:

- Details and appropriateness of the work organisation proposed by the tenderer to ensure the management of the work of the experts by the coordinator in order to reply to Commission's requests and how contacts with the experts of the centre (including the network) will be ensured, in particular in order to provide answers to specific questions to tight deadlines;

- Details and quality of the work organisation and allocation of responsibilities proposed by the tenderer in order to facilitate the flow of information;
- Details and quality of the mechanisms established to ensure a proactive role of the coordinator in his(her) exchanges with the Commission; details and quality of the work organisation and allocation of responsibilities for executing the administrative tasks involved in the project, such as the organisation of meetings, the conferences and seminars ; details and quality on the planning of the events; details and quality of the arrangements in place in order to ensure continuity of the work in case of unexpected events (for instance, illness of the coordinator, the members of the scientific committee or the experts).

Quality control measures (20 points)

The following shall be in particular assessed in the tender:

Sub-criterion 1 (15 points): set up of a quality check process for all deliverables

Sub-criterion 2 (5 points): set up of a language quality check process for all deliverables

Tenders must score minimum 50% for each criterion and sub-criterion, and minimum 70% in total. Tenders that do not reach the minimum quality thresholds will be rejected and will not be ranked.

3.5. Award (ranking of tenders)

Tenders shall be ranked according to the best price-quality ratio in accordance with the formula below:

score for tender X	=	$\frac{\text{cheapest price}}{\text{price of tender X}}$	*	100	*	price weighting (in %)	+	total quality score (out of 100) for all award criteria of tender X	*	quality criteria weighting (in %)
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The contract shall be awarded to the most economically advantageous tender (ranked first), which complies with the Tender Specifications and is submitted by a tenderer having access to procurement, not in an exclusion situation and fulfilling with the selection criteria.

4. FORM AND CONTENT OF THE TENDER

4.1. Form of the tender

Tenders are to be submitted via the e-Submission application according to the instructions laid down in the Invitation to tender letter and the [e-Submission Quick Guide](#).

Make sure you prepare and submit your electronic tender in e-Submission early enough to ensure it is received within the deadline specified under Heading IV.2.2 of the contract notice. A tender received after this deadline will be rejected.

4.2. Content of the tender

The documents to be submitted with the tender in e-Submission are listed in *Annex 1*.

Tenderers willing to submit tenders for more than one lot need to upload a separate technical and financial offer for each of the lots in which they are interested.

The following requirements apply to the technical and financial offer (to be uploaded as Technical tender and Financial tender in e-Submission):

- *Technical offer:*

The technical offer must provide all the information needed to assess the compliance with the Technical specifications and the award criteria. Tenders deviating from the minimum requirements or not covering all the requirements may be rejected on the basis of non-compliance and not evaluated further.

- *Financial offer:*

A complete financial offer, including the breakdown of the price must be uploaded. For this purpose, the Financial Form Model in *Annex 6* shall be completed, duly signed and uploaded in e-Submission.

In addition to the presentation of the financial offer, the tenderer shall present an indicative breakdown of the costs per deliverable, on the basis of its own template. It is the responsibility of each tenderer to ensure that the total amount of the tender inserted in the relevant field of the e-Submission application corresponds to the amount indicated in the uploaded financial offer. In case of discrepancies, only the amount indicated in the financial offer will be taken into account.

The financial offer shall be:

- expressed in euros. Tenderers from countries outside the euro zone have to quote their prices in euro. The price quoted may not be revised in line with exchange rate movements. It is for the tenderer to bear the risks or the benefits deriving from any variation.
- quoted free of all duties, taxes and other charges, i.e. also free of VAT. The tenderer may indicate the amount of VAT but it must be shown separately.

The European Union Institutions are exempt from such charges in the EU under Articles 3 and 4 of the Protocol on the Privileges and Immunities of the European Union of 8 April 1965 annexed to the Treaty on the Functioning of the European Union. Exemption is granted to the

Commission by the governments of the Member States, either through refunds upon presentation of documentary evidence or by direct exemption.

For those countries where national legislation provides an exemption by means of a reimbursement, the amount of VAT must be shown separately. In case of doubt about the applicable VAT system, it is the tenderer's responsibility to contact his or her national authorities to clarify the way in which the European Union is exempt from VAT.

4.3. Signature policy

Where a document needs to be signed, the signature must be either hand-written, a qualified electronic signature or an advanced electronic signature based on a qualified certificate as defined in [Regulation \(EU\) No 910/2014 on electronic identification and trust services for electronic transactions in the internal market \(the eIDAS Regulation\)](#).

For hand-written signatures see Section 1 of the Invitation to tender.

All documents must be signed by the signatories (when they are individuals) or by their duly authorised representatives.

For the following documents, when signed by representatives, tenderers must provide evidence for the delegation of the authorisation to sign:

- **The Tender report;**
- **The Declaration on Honour of the tenderer (in case of joint tender – the Declarations on Honour of all group members);**
- **(If applicable – in the case of joint tender) the power(s) of attorney drawn up using the model attached in Annex 3).**

The delegation of the authorisation to sign on behalf of the signatories (including, in the case of proxy(-ies), the chain of authorisations) must be evidenced by appropriate written evidence (copy of the notice of appointment of the persons authorised to represent the legal entity in signing contracts (together or alone), or a copy of the publication of such appointment if the legislation which applies to signatory requires such publication or a power of attorney). A document that the Contracting authority can access on a national database free of charge does not need to be submitted if the Contracting authority is provided with the exact internet link and, if applicable, the necessary identification data to retrieve the document.

4.4. Confidentiality of tenders

Once the *Contracting authority* has opened a tender, it becomes its property and shall be treated confidentially, subject to the following:

- For the purposes of evaluating the tender and, if applicable, implementing the contract, performing audits, benchmarking, etc., the *Contracting authority* is entitled to make available (any part of) the tender to its staff and the staff of other Union institutions, agencies and bodies, as well to other persons and entities working for the *Contracting authority* or cooperating with it, including contractors or subcontractors and their staff provided that they are bound by an obligation of confidentiality.
- After the signature of the award decision tenderers whose tenders were received in accordance with the submission modalities, who have access to procurement, who are not

found to be in an exclusion situation referred to in Article 136(1) of the FR, who are not rejected under Article 141 of the FR, whose tenders are not found to be incompliant with the procurement documents, and who make a request in writing will be notified of the name of the tenderer to whom the contract is awarded, the characteristics and relative advantages of the successful tender and the price of the offer and/or contract value. The *Contracting authority* may decide to withhold certain information that it assesses as being confidential, in particular where its release would prejudice the legitimate commercial interests of economic operators or might distort fair competition between them. Such information may include, without being limited to, confidential aspects of tenders such as unit prices included in the financial offer, technical or trade secrets²¹.

- The *Contracting authority* may disclose the submitted tender in the context of a request for public access to documents, or in other cases where the applicable law requires its disclosure. Unless there is an overriding public interest in disclosure²², the *Contracting authority* may refuse to provide full access to the submitted tender, redacting the parts (if any) that contain confidential information, the disclosure of which would undermine the protection of commercial interests of the tenderer, including intellectual property.

The *Contracting authority* 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 *Contracting authority* reserves the right to make its own assessment of the confidential nature of any information contained in the tender.

²¹ For the definition of trade secrets please see Article 2 (1) of DIRECTIVE (EU) 2016/943 on the protection of undisclosed know-how and business information (trade secrets) against their unlawful acquisition, use and disclosure.

²² See Article 4 (2) of the REGULATION (EC) No 1049/2001 regarding public access to European Parliament, Council and Commission documents.

APPENDIX: LIST OF REFERENCES

<i>Award criteria</i>	See Section 3.4
<i>Contracting authority</i>	See Section 1.1
<i>Entities on whose capacities the tenderer relies to fulfil the selection criteria</i>	See Section 0
<i>EU Validation services</i>	See Section 2.3 EU Grants and Tenders Rules on Legal Entity Validation, LEAR appointment and Financial Capacity assessment
<i>Exclusion criteria</i>	See Section 3.1
<i>Financial Regulation</i>	Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union
<i>Contract</i>	See Section 1.8
<i>Group leader</i>	See Section 0
<i>Identified subcontractors</i>	See Section 0
<i>Involved entities</i>	See Section 2.4
<i>Joint tender</i>	See Section 0
<i>Participating entities</i>	See Section 1.1
<i>Participant Register</i>	See Section 2.3 https://ec.europa.eu/info/funding-tenders/opportunities/portal/screen/how-to-participate/participant-register
<i>Selection criteria</i>	See Section 3.2
<i>Sole tenderer</i>	See Section 2.4
<i>Subcontracting/subcontractor</i>	See Section 0
<i>Treaties</i>	The EU Treaties: https://europa.eu/european-union/law/treaties_en

ANNEXES

Annex 1: List of documents to be submitted with the tender or during the procedure

The purpose of this table is to help tenderers prepare their tenders and set out clearly what documents must be submitted, by which involved entities, when (with the tender or later on request of the Contracting authority) and where (e-Submission, Participant register, etc.).

If you request also other evidence of economic & financial or technical & professional capacity, insert a new line for each criterion, designate it clearly (e.g. Evidence of technical and professional capacity T2), specify who must provide the evidence and when.

Description	Sole tenderer	Joint tender		Identified Subcontractor	Entity on whose capacity is being relied	When and where to submit the document?	Instructions for uploading in eSubmission (if applicable)	
		Group leader	Member of the group				How to name the file?	Where to upload?
1. Identification and information about the tenderer.								
<i>eSubmission view</i>								
Declaration on Honour on Exclusion and Selection Criteria (see Section 3.1) model in Annex 2: Declaration on Honour on	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	With the tender in e-Submission (The original document, duly signed and dated, shall also	'Declaration on Honour'	With the concerned entity under 'Parties' → 'Identification tenderer' → 'Attachments' → 'Declaration on Honour'.

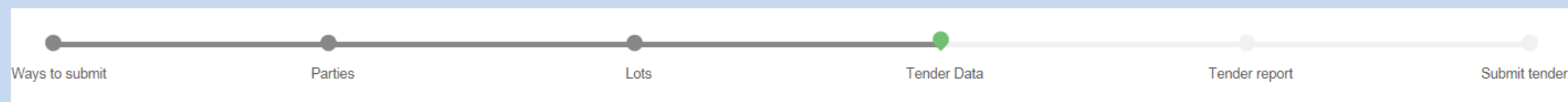
exclusion and selection criteria						be sent to the mailing address of the Contracting Authority)		
Evidence that the person signing the documents is an authorised representative of the entity ²³	☒	☒	☒			With the tender in e-Submission	'Authorisation to sign' documents'.	With the concerned entity under 'Parties' → 'Identification tenderer' → 'Attachments' → 'Other documents'.
Power of attorney (see Section 0) model in Annex 3: Power of attorney			☒			With the tender in e-Submission	'Power of attorney'	In the Group leader's section under 'Parties' → 'Identification tenderer' → 'Attachments' → 'Other documents'.
Commitment letter (see Section 0 and 0)				☒ (model in Annex 5.1)	☒ (model in Annex 5.2)	With the tender in e-Submission	'Commitment letter'	With the concerned entity under 'Parties' → 'Identification tenderer' → 'Attachments' → 'Other documents'.
Evidence of non-exclusion (see Section 3.1)	☒	☒	☒	☒	[☒]	Only upon request by <i>the Contracting authority</i> At any time during the procedure	n.a.	n.a.
Evidence of legal existence and status	☒	☒	☒			Only upon request by <i>the EU Validation services</i> At any time during the	n.a.	n.a.

²³ A document that the Contracting authority can access on a national database free of charge does not need to be submitted if the Contracting authority is provided with the exact internet link and, if applicable, the necessary identification data to retrieve the document.

						procedure In the Participant Register		
Evidence of legal capacity (see Section 0)	<p>The documents must be provided</p> <p>only by al <i>involved entities</i></p> <p>who contribute to reaching the minimum capacity level</p> <p>for criterion F1 (both lots)</p>					With the tender in e-Submission		n.a.
Evidence of economic and financial capacity F1 (see Section 0)	<p>The documents must be provided</p> <p>only by the <i>involved entities</i></p> <p>who contribute to reaching the minimum capacity level</p> <p>for criterion F1 (both lots)</p>					With the tender in e-Submission	'Balance_sheet_entity_year" Profit_Loss_Account_entity_year"	With the Group leader or the sole tenderer under 'Parties' → 'Identification tenderer' → 'Attachments' → 'Economic and financial capacity'.
Evidence of economic and financial capacity F2								'Balance_sheet_ With the Group leader or the sole tenderer under 'Parties' → 'Identification

(see Section 0)	<p>The documents must be provided</p> <p>only by the <i>involved entities</i></p> <p>who contribute to reaching the minimum capacity level</p> <p>for criterion F2 (both lots)</p>	With the tender in e-Submission	entity_year" Profit_Loss_Account_entity_year"	tenderer' →'Attachments'→'Economic and financial capacity'.
<p>Evidence of technical and professional capacity T1</p> <p>(see Section 0)</p>	<p>The documents must be provided</p> <p>only by the <i>involved entities</i></p> <p>who contribute to reaching the minimum capacity level</p> <p>for criterion T1, T2, T3, T4 (both lots)</p>	With the tender in e-Submission	<p>'Project_reference_No.1"</p> <p>'Project_reference_No.2"</p> <p>....</p>	With the Group leader or the sole tenderer under 'Parties' →'Identification tenderer' →'Attachments'→'Technical and professional capacity'.

2. Tender data.



Failure to upload the following documents in eSubmission will lead to rejection of the tender.

Technical offer (see Section 4.2)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>				With the tender in e-Submission	'Technical tender'	Under section 'Tender Data' → 'Technical Tender'
Financial offer (see Section 4.2)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>				With the tender in e-Submission	'Financial tender'	Under 'Tender Data' → 'Financial Tender'

3. Tender report.

Once all information and documents have been encoded and uploaded in the e-Submission application and you consider that the tender is complete, the application will require you to download the **Tender Report generated by the e-Submission application**. It will have to be signed (hand signature or electronic signature) and uploaded, as explained in the [eSubmission Quick Guide](#).

The original document, duly signed, shall also be sent to the mailing address of the Contracting Authority.



Tender report	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>				With the tender in e-Submission	'Tender report'	Under section 'Tender report'
----------------------	-------------------------------------	-------------------------------------	--	--	--	------------------------------------	-----------------	----------------------------------

Annex 2: Declaration on Honour on exclusion and selection criteria

Available as a separate document

Annex 3: Power of attorney

Call for tenders VT/20XX/XXX -

[TITLE OF THE PROCEDURE]

POWER OF ATTORNEY

The undersigned:

– Signatory (Name, Function, Company, Registered address, VAT Number)

having the legal capacity required to act on behalf of his/her company,

HEREBY AGREES TO THE FOLLOWING:

- 1) To submit a joint tender as a member of a group of tenderers (the Group), constituted by Company 1, Company 2, Company N (Group members), and led by Company 1 (Group leader), in accordance with the conditions specified in the Tender specifications and the terms specified in the tender to which this Power of attorney is attached.
- 2) If the Contracting authority awards the contract resulting from this call for tenders to the *Group* on the basis of the joint tender to which this power of attorney is attached, all *Group members* shall be considered parties to the contract in accordance with the following conditions:
 - (a) All *Group members* shall be jointly and severally liable towards the Contracting authority for the performance of the contract.
 - (b) All *Group members* shall comply with the terms and conditions of the contract and ensure the proper delivery of their respective share of the services and/or supplies subject to the contract.
- 3) Payments by the Contracting authority related to the services and/or supplies subject to the Contract shall be made through the bank account of the *Group leader*: [Provide details on bank, address, account number].
- 4) The *Group members* grant to the *Group leader* all the necessary powers to act on their behalf in the submission of the tender and the conclusion of the contract, including:
 - (a) The *Group leader* shall submit the tender on behalf of all *Group members* and indicate in the "Tender Contact Info" section in e-Submission the name and e-mail address of an individual - single point of contact authorised to communicate officially with the Contracting authority in connection with the submitted tender on behalf of all *Group members*, including in connection with all relevant questions, clarification requests, notifications, etc., that may be received during the evaluation, award and until the contract signature.
 - (b) The *Group leader* shall sign any contractual documents — including the contract, and amendments thereto — and issue any invoices related to the performance of the contract on behalf of all *Group members*.
 - (c) The *Group leader* shall act as a single contact point with the Contracting authority in the

delivery of the services and/or supplies subject to the contract. It shall co-ordinate the delivery of the services and/or supplies by the *Group* to the Contracting authority, and shall see to a proper administration of the contract.

Any modification to the present Power of attorney shall be subject to the Contracting authority's express approval. This Power of attorney shall expire when all the contractual obligations of the *Group* have ceased to exist. The parties cannot terminate it before that date without the Contracting authority's consent.

Place and date:

Name (in capital letters), function, company and signature:

Annex 4: List of identified subcontractors and their share of the contract

Identification details	Roles/tasks during contract execution	Proportion of subcontracting (% of contract volume)
<i>[Full official name Registered address Statutory registration number VAT registration number]</i>		
<i>[Full official name Registered address Statutory registration number VAT registration number]</i>		
<i>[REPEAT AS MANY TIMES AS THE NUMBER OF IDENTIFIED SUBCONTRACTORS]</i>		
Other subcontractors that do not need to be identified under Section 0		
	TOTAL % of subcontracting	0,00%

Annex 5.1: Commitment letter by an identified subcontractor

[Letterhead, if any]

EUROPEAN COMMISSION

Call for tenders Ref. [VT reference number]

Attn:

[Insert date]

Commitment letter by identified subcontractor

I, the undersigned,

Name:

Function:

Company:

Registered address:

VAT Number:

having the legal capacity required to act on behalf of the company [insert name of the entity] hereby confirm that our company agrees to participate as subcontractor in the offer of [insert name of the tenderer] for the Call for Tenders [insert VT reference number] – [insert title of procedure] [Lot [insert lot number]].

In the event that the tender of the aforementioned tenderer is successful, [insert name of the subcontractor] commits itself to make available the resources necessary for performance of the contract as a subcontractor and to carry out the services that will be subcontracted to it in compliance with the terms of the contract. It further declares that it is not subject to conflicting interests which may negatively affect the contract performance and that it accepts the general conditions attached to the Tender Specifications for the above call for tender, in particular the contractual provisions related to checks and audits.

Done at:

Name:

Position:

Signature:

Annex 5.2: Commitment letter by an entity on whose capacities is being relied

[Letterhead, if any]

EUROPEAN COMMISSION

Call for tenders Ref. [VT reference number]

Attn:

[Insert date]

Commitment letter by an entity on whose capacity is being relied

I, the undersigned,

Name:

Function:

Company:

Registered address:

VAT Number:

having the legal capacity required to act on behalf of [insert name of the entity] hereby confirm that our company **authorises** [insert name of the tenderer] **to rely on its financial and economic capacity in order to meet the minimum levels** required for the Call for Tenders [insert VT reference number] – [insert title of procedure] [Lot [insert lot number]].

In the event that the tender of the aforementioned tenderer is successful, [insert name of the entity] commits itself to make available the resources necessary for performance of the contract. It further declares that it is not subject to conflicting interests which may negatively affect the contract performance, and that it accepts the general conditions attached to the Tender Specifications for the above call for tender, in particular the contractual provisions related to checks and audits.

Done at:

Name:

Position:

Signature:

Annex 6: Financial offer form

Description	Unit price in EUR	Max. No of units	Unit type	Sub-total per item EUR	Total amounts in EUR
Experts' fees					
Details	0.00	0	w.d.	0.00	0.00
Other costs					
Details	0.00	0	Unit	0.00	0.00
Total amount					0.00
(art. I.4.1. of the contract ^o)					
Travel expenses	0.00	0	trip	0.00	0.00
Accommodation expenses	0.00	0	Pers.	0.00	0.00
Subsistence expenses	0.00	0	w.d.	0.00	0.00
Shipment and/or other reimbursements (to be specified)					
Details	0.00	0	unit	0.00	0.00
Contingencies (cannot be used without the prior and express approval by the Commission, by the way of a written note allowing for reallocation(s) of part or total of this provision to one or several items above)	0.00	0	%	0.00	0.00
Reimbursable expenses					0.00
Total amount					

Annex 7: Level of expertise

Classification criteria by level of expertise

Level of qualification I

Highly qualified expert having assumed important responsibilities in his/her profession recruited for his/her management/supervisory, thought and creativity skills as regards professional practise.

He/she must have at least 15 years professional experience of which at least 7 must be connected with the professional sector concerned and the type of tasks to be performed.

Level of qualification II

Highly qualified expert having assumed responsibilities in his/her profession recruited for his/her management/supervisory, thought and creativity skills as regards professional practise.

He/she must have at least 10 years professional experience of which at least 4 must be connected in the requested area and the type of tasks to be performed.

Level of qualification III

Certified expert having received a high-level training in his/her profession recruited for his/her thought and creativity skills as regards professional practise.

He/she must have at least 5 years professional experience of which at least 2 must be connected with the professional sector concerned and the type of tasks to be performed

Level of qualification IV

Junior expert, newcomer to the profession but holding a university degree or equivalent training related to the professional sector concerned and the type of tasks to be performed.

Annex 8: ECE portal

The current ECE portal has been designed as an easy-to-use, flexible and dynamic interface and database to facilitate a number of different aspects of the project management, data collection and analysis. All ECE deliverables are stored on it, as well as older data, assessments and reports from related contracts having been executed before 2015.

It serves the double purpose of :

- supporting communication, since e.g. the contractor uses it to communicate with experts, the Commission uses it to make requests, the contractor uses it to share deliverables with the Commission, etc.
- ensuring a comprehensive repository of information for the Commission with restricted access, while only selected elements of what is hosted on the portal will eventually be published on the Europa website.

See below print screens of the main page of the portal as well as templates currently used on the ECE portal:

Documents - All Document: European Commission visu ECE New tab

https://europe.icf.com/ECE/admin/Home/Default.aspx

Home FAQs

Home

Labour Law Flash Reports

- Flash Reports_May 2019
- Flash Reports_April 2019
- Flash Reports_March 2019
- Flash Reports_February 2019
- Flash Reports_January 2019
- Flash Reports_December 2018
- Flash Reports_November 2018

Thematic Outputs

- Synthesis, Thematic Review 2019: Transposition of the Enforcement Directive on Posting of Workers-Feb 2019
- TR Synthesis_PWED_Reassessment_June 2017_Final
- Thematic Review on Inequalities-Synthesis-2017-Final
- Quality Framework of Traineeships

Ad-Hoc Requests

Create New Ad-hoc Request

- AHR on the analysis of Hungarian working time amendments
- Ad hoc request on national rules on enforcement of rights and obligations arising from Directive 2009/38/EC on European Works Councils ('EWC Recast Directive') - United Kingdom

Experts Directory

Search Expert Name

Select Labour Law Expertise

Select Labour Market Expertise

Select Country

Search

ECE Events

ECE Expert Meeting on the functioning and effectiveness of social dialogue

ECE Annual Conference on The Personal Scope of Labour Law in Times of Atypical Employment and Digitalisation

ECE Expert Meeting on labour law, collective redundancies and

Notices

- June Flash Reports - deadline has passed
- May Flash Reports - deadline has passed
- May Flash Reports - deadline is set for June 1

Search

Keyword search

Select Country

Select Document Type

Search

Archive

EEPO Background Material & Reports

EEPO Core Team Alerts

EEPO Outputs

Windows taskbar: 15:19 10-07-2019 FRA

Documents - All Document: European Commission visu ECE New tab

https://europe.icf.com/ECE/admin/Home/Default.aspx

Search

Select Country

Select Document Type

Search

Archive


- EEPO Background Material & Reports
- EEPO Core Team Alerts
- EEPO Outputs


EU 28


European Economic Area


Candidate Countries


Potential Candidate Countries


Austria


Belgium


Bulgaria


Croatia


Cyprus


Czech Republic


Denmark


Estonia


Finland


France


Germany


Greece


Hungary


Ireland


Italy


Latvia


Lithuania


Luxembourg


Malta


Netherlands


Poland


Portugal


Romania

Slovakia

Slovenia

Spain

Sweden

United Kingdom

Copyright © ECE

[Home](#) [FAQs](#)

Annex 9: Standard template of Thematic reviews



ECE Thematic Review <Insert year>:

<Insert title of Review>

Template for the National Articles <Insert list of countries preparing national articles>

<Insert month & year>

Employment,
Social Affairs
and Inclusion

<Insert title of Review>

ECE THEMATIC REVIEW <Insert year>

Deadline for submitting the national article to ICF – <insert date>
--

This template describes the specifications for the national articles for the **<Insert title of Review>**.

The template concerns experts from *<Insert list of countries preparing national articles>*

Format template: All country articles should be typed directly into the blank format template (provided alongside this content template) that already contains the required formatting specifications.

Page length: Article should be approximately **<insert page length>** pages in length, excluding any Annexes.

Text format: Font: Verdana 10pt, Spacing: before 0pt, after 6pt, Line Spacing: Multiple 1.1 Justified text, black.

Tables/graphs: Please note that any graphs/tables included should be prepared in Excel; the original Excel worksheet containing both the graph and data should be submitted along with the MS Word article. If there is more than one graph/chart, it should be clear which graph/chart it refers to in the MS Word country article. Experts need to also ensure that the data is not linked to any other worksheets that are not being supplied.

Background

<Insert description of what is required – why is the Review commissioned, what is the background to it, what is the problem/issue to be addressed?>

Objectives

<Insert description of what is required – what is the purpose and focus of the Review?>

Methodology

<Insert description of what is required – guidance on definitions, data sources, scope>

Reference documents

<Provide any sources or literature the Experts should consult when preparing their articles>

The structure of country articles

<Insert description of what is required>

The country articles should follow the structure below.

1. Introduction: (<insert preferred number of pages>)

<Insert description of what is required>

2. Detailed description of what sub-sections are required in the country articles (<insert preferred number of pages>)

<Insert description of what is required>

3. Conclusion (<insert preferred number of pages>)

<Insert description of what is required>

4. Bibliography

Please provide a list of sources used in writing your article.

<Insert description of what is required>

Annex 1: <If any tables or data are needed, insert a table with relevant headings below>

Annex 2 – Glossary

<If necessary, insert a glossary of terms to ensure consistent interpretation of terminology across the different countries>

Annex 10: Standard template of Flash Reports

Name:	
Country:	
Number/date report:	

Keywords: <insert keywords which must cover names EU Directives/ EU policies, thematic key words>;

Summary: <insert summary of developments that are of higher interest>.

1. National Legislation:

This section will cover all aspects related to (1) transposition / implementation of EU Directives, (2) national initiatives linked to labour law, (3) national legislation/policies that links to country specific recommendations of the EU Semester (primarily those relating to labour law), (4) legislation that refers to EU infringement procedures

Each point introduced will have a subtitle linking the national development to EU Directives /policy or thematic key word.

Each point must cover the following:

- Context of the reform/legislation/draft bill (background information, rationale, political or historical context)
- Overview of the reform/ policy./legislation/draft bill: summary of the major points without *in extenso* reproducing the draft bill/labour code.
- Timeframe: stage of the adoption process, next steps
- Potential implication on EU labour law.

2. Court Rulings:

This section will cover relevant national case law relating to the application of EU Directives, cases where the application of EU law could be at stake including the national background description.

Each point must cover the following:

- Context of the national court ruling
- Brief overview of the ruling: summary of the major points
- Potential implication on EU labour law.

3. Implications of ECJ rulings and ECHR:

This section will provide the analysis of ECJ rulings implications into the national legislation.

4. Other relevant information:

[if any]

Annex 11: Ad hoc request proforma template

To make an ad hoc request to the ECE, please complete this proforma and e-mail it to [relevant email address] C for authorisation and onward transmission to the ECE Coordination Team.		
FIELDS	INFORMATION TO BE PROVIDED	
Title of the requestⁱ		
Date of the requestⁱⁱ		
Subject of the requestⁱⁱⁱ		
Expertise required^{iv}		
Required expert(s)^v		
Commissioning officer/unit^{vi}		
Details of the request Please describe the nature and scope of the request, providing as much detail as possible: <ul style="list-style-type: none"> ■ Research question ■ Issues addressed ■ Geographical scope ■ Time period ■ Research methods/analysis ■ Data sources ■ Format and length 	What is the main research question?	
	What issue(s) is expected to be addressed, in which countries, and over which time period?	Issues: Countries: Time period:
	What methods of research and analysis are required, if known?^{vii}	
	Preferred data sources^{viii}	
	What is the required format of the output and approx. length?^{ix}	
Language^x		
Anticipated number of working days to complete the request^{xi}		
Date when the request is to be completed by^{xii}		
Subject to the expert's agreement, can the output be made publicly available?^{xiii}	Yes / No	
Quality assurance by Coordination Team to take place in advance or parallel with Commission review^{xiv}	In advance	Yes / No
	In parallel	Yes / No

-
- ⁱ In a few words, please indicate the subject matter and nature of the request.
- ⁱⁱ Please insert the date on which the request is being made.
- ⁱⁱⁱ Describe the main topic.
- ^{iv} Please indicate the required skills and competences of the expert(s). Please also indicate if there is a specific requirement for more than one expert to prepare the response and the rationale behind this; otherwise, the response will be prepared by one expert.
- ^v If you have preferred expert(s) in mind to respond to the ad-hoc request, please insert their name(s) and details here.
- ^{vi} Please provide the contact details of the Commission official who can respond to queries on the ad-hoc request. This will either be the DG EMPL contract manager or another Commission official.
If the person is not the DG EMPL contract manager, the details shall include: title, full name, Unit, email address and telephone number.
- ^{vii} Please specify whether primary data collection is necessary such as stakeholder interviews or a questionnaire; or whether analysis of secondary sources is sufficient.
- ^{viii} Please indicate if there are any particular data sources that shall be used (e.g. officially published data, only national level sources, Eurostat data, legislation (primary and secondary), etc).
- ^{ix} Please specify the required format of the output: annotated spreadsheet of statistical information; working paper; formal report; presentation.
- ^x Please specify the language in which the output must be submitted.
- ^{xi} If the request will take longer than one working day, it will be counted as a multiple request in contract terms.
- ^{xii} Please insert a deadline date.
- ^{xiii} Please delete as appropriate.
- ^{xiv} Please delete as appropriate.