

Agency for Support for BEREC

Call for tenders BEREC/2020/10/OT

**PROVISION OF SERVICES IN SUPPORT OF
COMMUNICATIONS ACTIVITIES**

Open procedure

TENDER SPECIFICATIONS

Part 1: Administrative 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 Agency for Support for BEREC (BEREC Office), referred to as the *Contracting authority* for the purposes of this call for tender.

1.2. Subject: what is this call for tenders about?

The subject of this call for tenders is the provision of services in support of communications activities.

1.3. Lots: is this call for tenders divided into lots?

This call for tenders is divided into three lots:

Lot number	Lot title
1	Graphic design and production of communications and promotional items
2	Development and production of the website design
3	Content development, organisation of communications campaigns and provision of consultancy for communications activities

Tenders may be submitted for 3 lots. Each lot will be assessed independently of any other lot. Tenders which cover only part of one lot or are declared as being conditional on the award of any other lots are not permitted.

1.4. Description: what do we want to buy through this call for tenders?

The services and supplies that are the subject of this call for tender, including any minimum requirements, are described in detail in the document *Tender specifications – part 2: Technical specifications*, hereafter referred to as *Technical specifications*.

Variants (alternatives to the model solution described in the tender specifications) are not allowed. The *Contracting authority* will disregard any variants described in a tender.

1.5. Place of performance: where will the contract be performed?

Place of performance will be as indicated under Heading II.2.3 of the contract notice and as stated in Technical specifications for each lot.

1.6. Nature of the contract: how will the contract be implemented?

The procedure will result in the conclusion of multiple framework contracts in cascade for each lot.

A framework contract establishes a mechanism for future repetitive purchases by the *Contracting authority* to be awarded in the form of specific contracts. The signature of a framework contract does not impose an obligation on the *Contracting authority* to conclude specific contracts with a framework contractor.

The framework contract will be concluded in the form of separate but identical contracts with 3 contractors at most (per lot) provided that there are enough tenderers whose tenders are retained after the evaluation.

The tenders deemed admissible as a result of the evaluation will be ranked in descending order to establish a list of contractors and a sequence in which they will be offered specific contracts during the implementation of the framework contract. The modalities of implementation of the framework contract in cascade are set out in Article I.4.3 of the draft contract.

👉 Tenderers need to take full account of the provisions of the draft contract as the latter will define and govern the contractual relationships to be established between the *Contracting authority* and the successful tenderers. 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.

1.7. Volume and value of the contract: how much do we plan to buy?

The volumes will depend on the quantities which the *Contracting authority* will order through specific contracts. In any case the *framework contract ceiling*, i.e. the maximum amount to be spent under the framework contract, for each lot shall not be exceeded. There is no commitment as to the exact quantities to be ordered.

The *framework contract ceiling* for each lot is indicated in Heading II.2.6 of the contract notice.

Within three years following the signature of the framework contracts 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](#)¹ to procure *new services* from the contractors up to a maximum of 50% of the initial framework contract ceiling. These services will consist in the repetition of similar services entrusted to the contractors and will be awarded under the following conditions:

- 1) There is a need for the new services;
- 2) The Contracting authority is of the opinion that the contractor(s) is capable of providing these services;
- 3) The contract resulting from the current call for tenders has been completed

- according to the specifications and to the satisfaction of the Contracting authority;
- 4) The Contracting authority and the contractor(s) conclude negotiations on the provision of the new services.

1.8. Duration of the contract: how long do we plan to use the contract?

The contracts resulting from the award of this call for tenders will be concluded for at most 12 months. The details of the initial contract duration and possible renewals are set out in Article I.3 of the draft contract.

1.9. Electronic exchange system: can exchanges under the contract be automated?

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](#)¹. 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: what are the rules?

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)¹.

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: who may submit a tender?

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 Union in the field of public procurement on the conditions laid down in that agreement. The Contracting Authority can therefore accept tenders from and sign contracts with tenderers from 37 countries, namely: a) the countries, which are parties to the Agreement on the European Economic Area (EEA) (the 27 EU Member States, Lichtenstein, Norway and Iceland), b) United Kingdom and c) 6 Stabilisation and Association Agreements (SAA) countries (North Macedonia, Albania, Montenegro, Serbia, Bosnia and Herzegovina, Kosovo²).

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**.

¹ 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).

² This designation is without prejudice to positions on status, and is in line with UNSCR 1244/1999 and the ICJ Opinion on the Kosovo declaration of independence

👉 For tenderers established in the United Kingdom:

👉 Please be aware that following the entry into force of the EU-UK Withdrawal Agreement³ on 1 February 2020 and in particular Articles 127(6), 137 and 138, the references to natural or legal persons residing or established in a Member State of the European Union are to be understood as including natural or legal persons residing or established in the United Kingdom. UK residents and entities are therefore eligible to participate under this call.

2.3. Registration in the Participant Register: why 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 the calls for tenders or proposals (participants) of the EU entities.

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 calls for tenders or calls for proposals of the EU entities.

👉 Please provide information about the SME status of the participant in the Participant Register by filling in the SME Declaration section in the Participant Register. The section becomes available only when updating/modifying the details of the registered organisation.

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. 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.

³ Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community

2.4. Ways to submit a tender: how can economic operators organise themselves to submit a tender?

Economic operators can submit a tender either as a sole economic operator (sole tenderer) or as a group of economic operators (joint tender). 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 that are not subcontractors.

The role of each entity involved in a tender (hereafter referred to as “*involved entity*”) must be clearly specified in the eSubmission application: i) sole tenderer, ii) *Group leader* of a group of tenderers, iii) member of a group of tenderers, or iv) subcontractor. For an entity on whose capacities the tenderer relies to fulfil the selection criteria (that is not a subcontractor), this role is defined in the commitment letter (**Annex 5.2**). This applies also where the *involved entities* belong to the same economic group.

2.4.1. 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 tenderer⁴.

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

⁴ 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.

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, (see **Section 3.1**).

In any 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 former entity must be taken over by the new entity member of 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.

2.4.2. 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 [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”), 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 1.4**).
- 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 40 % .

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.

2.4.3. 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.

<p>👉 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</p>
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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 (see **Section 2.2**);
- 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 specified in the procurement documents;
- 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.

Tenderers found to be in an exclusion situation will be rejected.

As evidence of non-exclusion each tenderer needs to submit with its tender a Declaration on Honour⁵ in the model available in **Annex 2**.⁶ The declaration must be signed by an authorised representative of the entity providing the declaration.

⁵ The European Single Procurement Document (ESPD) may not be used yet in BEREC Office's calls for tenders.

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 whenever requested and where this is necessary to ensure the proper conduct of the procedure within a deadline given by the *Contracting authority*⁷.

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

⁶ Unless the same declaration has already been submitted for the purposes of another award procedure of the BEREC Office, the situation has not changed, and the time elapsed since the issuing date of the declaration does not exceed one year.

⁷ 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 BEREC Office, 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.

procedure⁸. 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.

3.2.1. Legal and regulatory capacity (all lots)

Tenderers do not need to prove specific legal and regulatory capacity to perform the contract.

3.2.2. Economic and financial capacity (all lots)

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: Turnover for each of the last two financial years as minimum EUR 75 000; this criterion applies to the tenderer as a whole, i.e. the combined capacity of all members of a group in case of a joint tender. The leader in case of a joint tender must have generated 30 % of this turnover.

Evidence F1:

- Copy of the profit and loss accounts and balance sheets for the last two years for which accounts have been closed from each concerned involved entity;
- Failing that, appropriate statements from banks;

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

⁸ 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 BEREK Office, 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.

👉 The evidence of economic and financial capacity does not need to be provided with the tender but 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.**

3.2.3. Technical and professional capacity

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. This criterion applies to the tenderer as a whole, i.e. the combined capacities of all *involved entities*.

Lot 1

The project references indicated below consist in a list of relevant services provided in the past three years, with the sums, dates and clients, public or private, accompanied by statements issued by the clients.

Criterion T1: The tenderer must prove experience in the field described in the Lot 1. The tenderer must prove solid professional experience in the field of graphic design for digital and pre-press communications and promotional items. Furthermore, the tenderer needs to demonstrate a vast network of qualified service providers, preferably EU origin, to assure the operations required. The tenderer must prove the capacity to carry out requests placed by several ordering services simultaneously and within short timeframes. The tenderer should have, within the past three years:

- Created graphic elements (such as drawings, brochures, logos, brand-books, photos, infographics etc.) used in the production of at least five (5) communications projects of at least EUR 5 000 value;

Evidence T1: the tenderer must provide list and references for five (5) projects delivered in relation of the graphic design - completed services, budget, time-frame and the graphic design examples. The minimum value for each described project completed in the last three years shall be EUR 5 000. The tender also must provide a list of service providers to ensure the printing, production and delivery services.

Criterion T2: the tenderer must prove the sufficient level of work force with suitable qualifications and experience in terms of human resources; The tenderer is to set up a team with adequate and suitable professional skills and experience in order to deliver to the highest professional standard and in accordance with existing best practices the services described in these specifications, within the set timeline. The tenderer must provide the necessary manpower and support for the management and implementation of the projects. The team responsible for delivering the services covered by this framework contract should include as a minimum the profiles listed below. The described profiles are expected to be available, if requested by the Contracting Authority, for each specific contract signed within this framework

contract. In case the collaboration with one staff member is terminated, the contractor is expected to recruit or hire a new staff member with a matching profile. For all profiles: each CV provided by the tenderer should indicate the intended function in the delivery of the services.

Evidence T2: The tenderer provides Curriculum Vitae of the profiles of its team to perform the contract and meeting the requirements for the following profiles:

Project manager: Experience of at least five years in project management, including overseeing project delivery, quality control of delivered service, client orientation and conflict resolution experience in a project of a similar size and coverage (at least two countries covered), with experience in managing a team of at least ten people. The Project Manager must have experience in managing at least six projects with minimum value for each project - EUR 20 000.

Assistant to Project manager: At least 3 years of experience in the management of graphic design, including overseeing projects in printing and delivering the communications and promotional materials, with experience in management of a team of at least three people. The Assistant to the Project Manager must have experience in managing at least six projects with minimum value for each project EUR 12 000. The Assistant Project Manager must be able to act as a back-up to the Project Manager in his/her absence.

Senior production director: At least four years of professional experience in management of complex projects with multiple activities, especially in delivering the graphic design, production and dissemination of promotional items. The senior production director must have experience in managing at least five projects related to the requirements with minimum value for each project of EUR 15 000.

Graphic designer: At least four years of professional experience in provision of graphic design for digital and printable communications items, creation of brand-books, and personalizing the promotional items.

Criterion T3: Language quality check: all members of the team should have at least B2 level of English in the Common European Framework for Reference for Languages⁹.

Evidence T3: The tenderer must provide references for three projects delivered in the last three years showing the necessary language coverage.

⁹ See http://www.coe.int/t/dg4/linguistic/Cadre1_en.asp

Lot 2

The project references indicated below consist in a list of relevant services provided in the past three years, with the sums, dates and clients, public or private, accompanied by statements issued by the clients.

Criterion T4: The tenderer must prove experience in the field described in the Lot 2. The tenderer must prove solid professional experience in the field of website design and respective market research and consultation. The tenderer must prove the capacity to carry out requests placed by several ordering services simultaneously and within short timeframes. The tenderer should have, within the past three years:

- Conceptualised, created, deployed and maintained website design of at least five (5) websites;
- Provided at least two (2) EU wide market research on topics related to the website design;
- Updated at least three (3) its products in accordance with the accessibility requirements standards;

Evidence T4: The tenderer must provide references for at least five (5) projects related to conceptualisation and deployment of the website design; at least two (2) related to the EU wide market research on topics related to the website design; at least three (3) projects, where the website design had to be updated following the accessibility requirements, during the last three years.

Criterion T5: the tenderer must prove the sufficient level of work force with suitable qualifications and experience in terms of human resources; The tenderer is to set up a team with adequate and suitable professional skills and experience in order to deliver to the highest professional standard and in accordance with existing best practices the services described in these specifications, within the set timeline. The tenderer must provide the necessary manpower and support for the management and implementation of the projects. The team responsible for delivering the services covered by this framework contract should include as a minimum the profiles listed below. The described profiles are expected to be available, if so requested by the Contracting Authority, for each specific contract signed within this framework contract. In case the collaboration with one staff member is terminated, the Contractor is expected to recruit or hire a new staff member with a matching profile. For all profiles: each CV provided by the tenderer should indicate the intended function in the delivery of the services.

Evidence T5: The tenderer provides Curriculum Vitae of the profiles of its team to perform the contract and meeting the requirements for the following profiles:

Project manager: At least five years of experience in project management, including overseeing project delivery, quality control of delivered service, client orientation and conflict resolution experience in a project of a similar size and coverage (at least two countries covered), with experience in managing a team of at least 10 people. The

Project Manager must have experience in managing at least six projects with minimum value for each project of EUR 30 000.

Assistant to Project manager: At least three years of experience in the management of website design projects, as well as supervision of projects related to the provision of market research and the organisation of consultancies. The Assistant to Project Manager must have experience in managing at least four projects with minimum value for each project of EUR 20 000. The Assistant Project Manager must be able to act as a back-up to the Project Manager in his/her absence.

Senior production director: At least four years of professional experience in management of complex projects with multiple activities, in particular, in delivering the website design services, market research and provision of consultancies. The senior production director must have experience in managing at least four projects related to the requirements with minimum value for each project of EUR 15 000.

Website designer: Required qualifications: At least four years of professional experience in provision of multilingual website design, in accordance with the accessibility requirements. The website designer must have experience in conceptualising, creating and deploying the website design of at least four websites in the last three (3) years.

Criterion T6: Language quality check: all members of the team should have at least B2 level of English in the Common European Framework for Reference for Languages¹⁰.

Evidence T6: The tenderer must provide references for three projects delivered in the last three years showing the necessary language coverage.

Lot 3

The project references indicated below consist in a list of relevant services provided in the past three years, with the sums, dates and clients, public or private, accompanied by statements issued by the clients.

Criterion T7: The tenderer must prove experience in the field described in the Lot 3. The tenderer must prove solid professional experience in the field of copywriting, copyediting of the communications materials, as well as in planning, organisation the communications campaigns and single events. Furthermore, the tenderer needs to demonstrate a vast network of qualified service providers, preferably the EU origin, to ensure the operations required. The tenderer must prove the capacity to carry out

¹⁰ See http://www.coe.int/t/dg4/linguistic/Cadre1_en.asp

requests placed by several ordering services simultaneously and within short timeframes. As minimum requirements, the tenderer should have, within the past three years:

- Successfully carried out at least 15 assignments in the field of copy writing, copy-editing and proofreading, translation, with a minimum value for each project of 1,000.00 EUR; and
- Successfully carried out at least five (5) assignments in the field of planning, organising and implementing communications campaigns and single communications events. A list of minimum 15 and maximum 30 relevant services carried out in the past three years, with the sums, dates and recipients, showing at best his capacity in translation (including the range of translation languages), transcription, subtitling, voice-over and adaptation for hearing and visually impaired audiences, dubbing and/or sign language together with project reference letters from clients.

Evidence T7: the tenderer must provide a detailed list of completed services and tasks that correspond to the ones described above, with dates, places, and budgets, recipients (public or private).

Criterion T8: the tenderer must prove the sufficient level of work force with suitable qualifications and experience in terms of human resources; the tenderer is to set up a team with adequate and suitable professional skills and experience in order to deliver to the highest professional standard and in accordance with existing best practices the services described in these specifications. The tenderer must provide the necessary manpower and support for the management and implementation of the projects. The team responsible for delivering the services covered by this framework contract should include as a minimum the profiles listed below. The described profiles are expected to be available, if so requested by the Contracting Authority, for each specific contract signed within this framework contract. In case the collaboration with one staff member is terminated, the contractor is expected to recruit or hire a new staff member with a matching profile. For all profiles: each CV provided by the tenderer should indicate the intended function in the delivery of the services.

Evidence T8: The tenderer provides Curriculum Vitae of the profiles of its team to perform the contract and meeting the requirements for the following profiles:

Project manager: At least five years of experience in project management, including overseeing project delivery, quality control of delivered service, client orientation and conflict resolution experience in a project of a similar size and coverage (at least two countries covered), with experience in managing a team of at least ten people. The Project Manager must have experience in managing at least six projects with minimum valued for each project of EUR 50 000.

Assistant to Project manager: At least three years of experience in the management of projects related to the content development and the planning and organisation of communications campaigns and single Public Relations (PR) events

and provision of consultancies. The Assistant to Project Manager must have experience in managing at least four projects with minimum value for each project of EUR 25 000. The Assistant Project Manager must be able to act as a back-up to the Project Manager in his/her absence.

Senior production director: At least four years of professional experience in management of complex projects with multiple activities, especially in delivering the services related to content development and the planning and organisation of communications campaigns and single PR events and provision of consultancies. The senior production director must have experience in managing at least four projects related to the requirements with minimum value for each project of EUR 20 000.

Senior Communications Strategist: At least four years of professional experience in work on complex projects with multiple activities, such as planning and organisation of communications campaigns and single PR events, as well as provision of consultancies. The senior communications strategist must have experience in at least five projects related to the requirements with minimum value for each project of EUR 25 000.

Senior content developer: At least four years of professional experience in work on complex projects with multiple activities focusing on content development, copy-editing and translation. The senior content developer must have experience in at least five (5) projects related to the requirements with minimum value for each project of EUR 25 000.

Criterion T9: Language quality check: all members of the team should have C1 level of English in the Common European Framework for Reference for Languages¹¹.

Evidence T9: The tenderer must provide a language certificate or past relevant experience (on at least 3 different projects) evidenced by a CV.

👉 The evidence of technical and professional capacity does need not be provided with the tender but 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.**

👉 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

¹¹ See http://www.coe.int/t/dg4/linguistic/Cadre1_en.asp

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 and, where applicable, the commitment letters (***Annex 5.1 and Annex 5.2***).

3.3. Compliance with the minimum requirements specified in the procurement documents

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 specified in the Technical specifications document (Tender specifications – part 2) 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.

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:

Lot 1 - Graphic design and production of communications and promotional items;

Criteria	Min points	Max points
Quality of the proposed methodology for delivering the services required	15	30
• Describe measures to ensure quality of		

<p>deliverables</p> <ul style="list-style-type: none"> • Describe measures to ensure flexibility in the implementation of the contract; how will the tenderer handle change management, cancellations and short notice situations? • An analysis of the possible risks affecting the execution of the contract and possible mitigations. 		
<p>Organisation of the work and resources for delivery of the services</p> <ul style="list-style-type: none"> • A detailed description of the proposed team organisation, detailing the role of each team member, back-ups, and how the contract implementation will be managed in general. • A description of sub-contracting, if any, with a clear indication of the tasks that will be entrusted and to what extent (proportion in %). • A description of processes in place to ensure delivery when using the subcontractors, if any. 	10	20
<p>Quality of proposed environmental policy or methods:</p> <p>Explain which policies or methods you intend to put in place to ensure proper respect of environmental considerations throughout all stages of the service provision.</p>	5	10
<p>Electronic samples' adaptation to the Contracting Authority's Visual Identity Guidelines (<i>both are of equal value in evaluation</i>):</p> <p>Design for the general public of:</p> <ul style="list-style-type: none"> • One (1) poster about the BEREC Office main mission including the logo and respecting the corporate colours in the design. The format must be jpg file. • One (1) pre-press file of the Contracting Authority's brochure on its mission and tasks. The format must be pdf file. • Personalise one (1) promotional item with the Contracting Authority's logo (i.e power bank, USB flash drive, etc). The format must be pdf file. <p>The samples must be provided electronically in the e-submission only.</p>	20	40

Lot 2 Development and production of the website design

Criteria	Min points	Max points
<p>Quality of the proposed methodology for delivering the services required</p> <ul style="list-style-type: none"> • Describe measures to ensure quality of deliverables; • Describe measures to ensure flexibility in the implementation of the contract; how will the tenderer handle change management, cancellations and short notice situations? • An analysis of the possible risks affecting the execution of the contract and possible mitigations. • Describe how the requirements for transparency, accessibility and multilingualism will be applied; 	25	50
<p>Organisation of the work and resources for delivery of the services</p> <ul style="list-style-type: none"> • A detailed description of the proposed team organisation, detailing the role of each team member, back-ups, and how the contract implementation will be managed in general. • A description of sub-contracting, if any, with a clear indication of the tasks that will be entrusted and to what extent (proportion in %). • A description of processes in place to ensure delivery when using the subcontractors, if any. 	20	40
<p>Samples of the produced website design similar to the needs of the Contracting Authority.</p> <ul style="list-style-type: none"> • Provide a list of links to the produced website designs, most preferably similar to the Contracting Authority needs in terms of frame and content. • Describe one of the produced website designs – the concept, usability and the target audience. 	5	10

Lot 3 - Content development, organisation of communications campaigns and provision of consultancy for communications activities

Criteria	Min points	Max points
<p>Quality of the proposed methodology for delivering the services required</p> <ul style="list-style-type: none"> • Describe measures to ensure quality of 	12,5	30

<p>deliverables;</p> <ul style="list-style-type: none"> • Describe measures to ensure flexibility in the implementation of the contract; how will the tenderer handle change management, cancellations and short notice situations? • An analysis of the possible risks affecting the execution of the contract and possible mitigations. 		
<p>Organisation of the work and resources for delivery of the services</p> <ul style="list-style-type: none"> • A detailed description of the proposed team organisation, detailing the role of each team member, back-ups, and how the contract implementation will be managed in general. • A description of sub-contracting, if any, with a clear indication of the tasks that will be entrusted and to what extent (proportion in %). • A description of processes in place to ensure delivery when using the subcontractors, if any. 	10	20
<p>Organisation and implementation of the Communications campaign (mock scenario 1; Annex II of the Technical specifications)</p> <ul style="list-style-type: none"> • Description of proposed methodology for delivering the services required; • Description of the proposed team organisation, detailing the role of each team member, back-ups, and how the contract implementation will be managed in general; • One (1) sample of a press release and two (2) social media posts for Twitter and LinkedIn of the campaign. • Translation of the press release and the social media posts in Latvian. 	15	30
<p>Organisation and implementation of the single communications event (mock scenario 2; Annex II of the Technical specifications)</p> <ul style="list-style-type: none"> • A detailed description of proposed methodology for delivering the services required; • A detailed description of the proposed team organisation, detailing the role of each team member, back-ups, and how the contract implementation will be managed in general. • One (1) sample of invitation to the communications event to media, and two (2) social media posts for Twitter and LinkedIn regarding the event to take place. 	5	10

<ul style="list-style-type: none"> • Translation of the invitation and the social media posts in Latvian. 		
<p>Organisation and implementation of the single communications event (mock scenario 3; Annex II of the Technical specifications)</p> <ul style="list-style-type: none"> • A detailed description of proposed methodology for delivering the services required; • A detailed description of the proposed team organisation, detailing the role of each team member, back-ups, and how the contract implementation will be managed in general. • News item in English on the event 	5	10

3.5. Award (ranking of tenders)

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

score for tender X	=	cheapest price	*	100	*	price weighting 0,40	+	total quality score (out of 100) for all award criteria of tender X	*	quality criteria weighting 0,60
		price of tender X								

the formula below:

Should the outcome of the formula lead to two or more tenders with the same result, the tenders with lower price will be ranked higher than the tenders with higher price.

👉 The contract shall be awarded to maximum the first 3 ranked tenders, which comply with the minimum requirements specified in the procurement documents and are submitted by tenderers with access to procurement, not in an exclusion situation and fulfilling the selection criteria. The ranking will determine the sequence in which the contractors will be offered specific contracts during the implementation of the framework contract.

4. FORM AND CONTENT OF THE TENDER

4.1. Form of the tender: how to submit the tender?

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

👉 Make sure you prepare and submit your electronic tender in eSubmission early enough to ensure it is received within the deadline specified under Heading IV.2.2 of the contract notice.

4.2. Content of the tender: what documents to submit with the tender?

The documents to be submitted with the tender in eSubmission 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 in eSubmission:

- *Technical offer.*

The technical offer must provide all the information needed to assess the compliance with the Technical specifications document (Tender specifications – part 2) 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.

Tenderers are free to choose where the personal data will be processed or stored as long as they comply with the contractual obligations on data processing (Art.I.9.2 and Art. II.9) and, in particular, with the requirements for transfer of personal data to third countries and international organisations laid down in Chapter V of Regulation (EU) 2018/1725¹².

Tenderers must specify in their technical offer the location where the personal data will be processed and stored only where this location is outside the territory of the European Union or the European Economic Area. If no location is specified in the tender, the *Contracting authority* will consider that the personal data will be processed and stored only within the territory of the European Union or the European Economic Area.

¹² Regulation (EU) 2018/1725 of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC, OJ L 295/39, 21.11.2018, <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32018R1725&from=EN>

- *Financial offer.*

A complete financial offer, including the breakdown of the price needs to be uploaded. For this purpose, the Financial Model in **Annex 6** shall be completed and uploaded in eSubmission. The total amount of the offer as indicated in cell F210 (for lot 1), F24 (for lot 2) and F86 (for lot 3) must be encoded in the field “Total amount excl. taxes” under the section “Tender data” in eSubmission.

It is the responsibility of each tenderer to ensure that the total amount of the tender inserted in the eSubmission field “Total amount excl. taxes” 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 eSubmission field "Total taxes amount" must include the VAT amount only if the tenderer (the *Group leader* in case of a joint tender) is established in the same country where the *Contracting authority* is located, i.e. when the purchase is local under Directive 2006/112/EC (the VAT Directive). If the tenderer (the *Group leader* in case of a joint tender) is established outside the country (intra-community purchase under the VAT Directive), the field must indicate 0 (zero) EUR.

👉 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 BEREC Office either through refunds upon presentation of documentary evidence or by direct exemption.

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: how can documents be signed?

Where a document needs to be signed, the signature must be either hand-written or a qualified electronic signature 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.

For electronic signatures see: <https://webgate.ec.europa.eu/fpfis/wikis/x/iwX4Dg>

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 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: what information and under what conditions can be disclosed?

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 secrets¹³.

- 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 disclosure¹⁴, 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.

¹³ 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.

¹⁴ 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 2.4.3
<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>Framework contract</i>	See Section 1.6
<i>Framework contract ceiling</i>	See Section 1.6
<i>Group leader</i>	See Section 2.4.1
<i>Identified subcontractors</i>	See Section 2.4.2
<i>Involved entities</i>	See Section 2.4
<i>Joint tender</i>	See Section 2.4.1
<i>Participating entities</i>	See Section 1.1
<i>Participant Register</i>	See Section 0 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 2.4.2
<i>Treaties</i>	The EU Treaties: https://europa.eu/european-union/law/treaties_en