


CEDEFOP

 European Centre for the Development
of Vocational Training

 Thessaloniki, 23/04/2010
RS/PRO/DELE/2010/183

OPEN INVITATION TO TENDER
AO/ECVL/LZAH-JB/RegulatingLabourMarkets/006/10
‘The role of qualifications in regulating the labour markets’
Contract notice: 2010/S 77-113938 of 21/04/2010

Dear Sir/Madam,

We thank you for the interest you have shown in this tender.

The purpose of this tender and additional information necessary to present a tender can be found in the attached Tendering Specifications. You should note however the following important points concerning the submission of a tender and its implications.

1. Tenders should be submitted preferably in English, but in any case in one (or in any) of the official languages of the European Union (see point IV.3.6 of the contract notice).
2. Tenders may be submitted exclusively in one of the following ways:

(a) by post to be dispatched not later than **02/06/2010**, in which case the evidence shall be constituted by the date of dispatch, the postmark or the date of the deposit slip, to the following address:

**European Centre for the Development of Vocational Training (Cedefop),
Procurement Service
Attention of Mr G. Paraskevaïdis
PO Box 22 427
GR – 55102 Thessaloniki
Greece**

Important:

Tenderers shall inform Cedefop by e-mail (c4t-services@cedefop.europa.eu) or fax (+30 2310 490028)

✓ *that they have submitted an offer in time, and*

✓ *that they request Cedefop to confirm receipt of the e-mail or fax.*

Do not attach your offer to the confirmation e-mail or fax.

or

(b1) by courier service to be dispatched not later than **02/06/2010**, in which case the evidence shall be constituted by the date of dispatch, or the date of the deposit slip,

or

(b2) delivered by hand not later than **17h00** on **02/06/2010**, in which case a receipt must be obtained as proof of submission, signed and dated by the official in the above mentioned Service who took delivery,

to the following address:

**European Centre for the Development of Vocational Training (Cedefop),
Procurement Service
Attention of Mr G. Paraskevaïdis
Europe 123, GR-57001 Thessaloniki-Pylea
Greece
Tel: +30 2310 490111 / 490 064**

Please note that Cedefop is open from 09h00 to 17h00, Monday to Friday. It is closed on Saturday, Sunday and Cedefop holidays.

3. Tenders must be submitted strictly adhering to the following.

Tenders must be submitted in a sealed envelope itself enclosed within a second sealed envelope. If self-adhesive envelopes are used, they must be sealed with adhesive tape and the sender must sign across this tape.

The **outer envelope**, addressed simply to Cedefop (address depending on the means of submission, see point 2 above), should only bear additionally **the name and address** of the sender.

The **inner envelope**, addressed to the Procurement Service as indicated under point 2 above, must bear a self-adhesive label with the indication **“Open Invitation to tender – Not to be opened by the internal mail service”** and all the necessary information, as shown below:

OPEN INVITATION TO TENDER CEDEFOP No: AO/ECVL/LZAH-JB/RegulatingLabourMarkets/006/10 ‘The role of qualifications in regulating the labour markets’ Name of tenderer: NOT TO BE OPENED BY THE INTERNAL MAIL SERVICE
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The inner envelope must also contain three sealed envelopes, namely, Envelope A – “Supporting Documents”, Envelope B – “Technical Proposal” and Envelope C – “Financial Proposal”. The content of each of these three envelopes is described in point 6 of the attached tendering specifications.

4. Tenderers must ensure that their tenders are signed by an authorised representative and that tenders are legible so that there can be no doubt as to words and figures. **It is a mandatory requirement for the tenderer to include in the offer a cover letter, signed by the person/s that is/are authorised to sign the contract in case of contract award. The absence of this signed cover letter may lead to rejection of the offer.**
5. Submission of a tender implies acceptance of all the terms and conditions set out in this invitation to tender, in the specifications and in the draft contract and, where appropriate, waiver of the tenderer’s own general or specific terms and conditions. It is binding on the tenderer to whom the contract is awarded for the duration of the contract.
6. The opening of tenders will take place at Cedefop on **15.06.2010, 11h00** (local time). Each tenderer may be represented at the opening of tenders by one person. The name of the person attending the opening must be notified in writing by fax (Fax No +30 2310 490 028) or by e-mail (C4T-services@cedefop.europa.eu) at least two working days prior to the opening session.
7. Contacts between the contracting authority (Cedefop) and tenderers are prohibited throughout the procedure save in exceptional circumstances and under the following conditions only:

Before the final date for submission of tenders:

- At the request of the tenderer, the Cedefop Procurement Service may provide additional information solely for the purpose of clarifying the tendering documents. Any request for additional information must be made in writing by fax (fax No +30 2310 490 028) or by e-mail (C4T-services@cedefop.europa.eu).

Requests for additional information/ clarification should be received by 25/05/2010. No such requests will be processed after that date.

- The contracting authority may, on its own initiative, inform interested parties of any error, inaccuracy, omission or any other clerical error in the text of the call for tender.

Any additional information, including that referred to above, will be published on Cedefop's website. Please ensure that you visit regularly the site for updates.

After the opening of tenders:

- If clarification is required or if obvious clerical errors in the tender need to be corrected, the contracting authority may contact the tenderer provided the terms of the tender are not modified as a result.
8. All costs incurred in preparing and submitting tenders are borne by the tenderers and cannot be reimbursed.
 9. Up to the point of signature, the contracting authority may either abandon the procurement or cancel the award procedure, without the candidates or tenderers being entitled to claim any compensation. This decision must be substantiated and the tenderers notified.
 10. This invitation to tender is in no way binding on Cedefop. Cedefop's contractual obligation commences only upon signature of the contract with the successful tenderer.
 11. Tenderers are informed that for the purposes of safeguarding the financial interest of the Communities, their personal data may be transferred to internal audit services, to the European Court of Auditors, to the Financial Irregularities Panel and/or to the European Anti-Fraud Office (OLAF).

Data of economic operators which are in one of the situations referred to in Articles 93, 94, 96(1)(b) and 96(2)(a) of the Financial Regulation may be included in a central database and communicated to the designated persons of the Commission, other institutions, agencies, authorities and bodies mentioned in Article 95(1) and (2) of the Financial Regulation. This refers as well to the persons with powers of representation, decision making or control over the said economic operators. Any party entered into the database has the right to be informed of the data concerning it, upon request to Cedefop's Head of Finance and Procurement.
 12. Evaluating your tender and your possible subsequent replies to questions, in accordance with the specifications of the invitation to tender will involve the recording and processing of personal data (such as your name, address and CV). Such required personal data will be processed by Cedefop's Finance & Procurement Service solely for that purpose and pursuant to Regulation (EC) No 45/2001 on the protection of individuals with regard to the processing of data by the Community institutions and bodies and on the free movement of such data. You are entitled to obtain access to your personal data on request and to rectify any such data that is inaccurate or incomplete. If you have any queries concerning the processing of your personal data, you may address them to the Head of Finance & Procurement Service. You have the right of recourse at any time to the European Data Protection Supervisor for matters relating to the processing of your personal data.
 13. All tenderers will be informed in writing of the results of this tender procedure.

Yours sincerely,

signed G. Paraskevaidis
Head of Finance and Procurement

Attached: Tendering Specifications

OPEN INVITATION TO TENDER

AO/ECVL/LZAH-JB/RegulatingLabourMarkets/006/10

**‘The role of qualifications in regulating the labour
markets’**

Tendering Specifications

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Introduction to Cedefop

1) Founded in 1975 (1) and based in Greece since 1995, the European Centre for the Development of Vocational Training (Cedefop) is an agency of the European Union (EU) supporting European vocational education and training (VET) policy development. Its strategic objective for 2009-11 (2) is to ‘contribute to excellence in VET and strengthen European cooperation in developing, implementing and evaluating European VET policy’.

2) This strategic objective is supported by four priorities, namely:

- (a) informing European VET policies;
- (b) interpreting European trends in and challenges for skills, competences and learning;
- (c) assessing VET’s benefits;
- (d) raising the profile of VET.

3) Cedefop supports the European Commission, Member States (as well as the associated countries of Iceland and Norway) and social partners by:

- (a) using its expertise, gathered through research, analysis and networking, to identify trends and challenges and propose ideas for VET policies;
- (b) bringing together policy-makers, social partners, researchers and practitioners to share ideas and debate proposals on the best ways to tackle the challenges we face;
- (c) encouraging European approaches, principles and tools to improve training and achieve common aims;
- (d) raising awareness and understanding of how vocational education and training is evolving, and how it contributes to lifelong learning and other policies;
- (e) disseminating information through websites, publications, networks, study visits, conferences and seminars.

Cedefop carries out its role through the tasks set out in its founding regulation. It disseminates information through its website, publications, networks, study visits, conferences and seminars.

4) Cedefop’s web portal www.cedefop.europa.eu includes news on training developments, information on vocational education and training systems in Europe, statistics and indicators, collaborative workspaces and a bibliographical database as well as information about Cedefop.

5) Information about Cedefop’s publications, many of which can be downloaded, can be found at the Cedefop bookshop at http://www.trainingvillage.gr/etv/Information_resources/Bookshop/list.asp Cedefop’s wide range of books covers themes such as vocational education and training policy, research, future skill needs, learning outcomes, European qualifications framework and the validation of informal and non-formal learning.

(¹) Council Regulation of 10 February 1975 establishing a European Centre for the Development of Vocational Training (Cedefop) EEC No 337/75, *Official Journal of the European Communities* L39, 13.2.1975 as last amended by Council Regulation EC No. 2051/2004.

(²) Cedefop, *Enhancing European cooperation in vocational education through evidence and expertise: continuity, focus and flexibility: Cedefop’s medium-term priorities 2009-11*.

1 Overview of this tender

1.1 Description and type of the contract

- a) Title of the contract: **“The role of qualifications in regulating the labour markets”**
- b) The study has the following main objectives:
 - to study in depth and present the trends on how qualifications regulate the labour markets;
 - to analyse how changes in professions are defining and steering qualifications;
 - to clarify the relationship between the Directive (2005/36 EC) on Recognition of professional qualifications, covering regulated professions, and the EQF (European Qualifications Framework).
- c) Service contract.

1.2 Place of delivery or performance

The tasks must be completed at the contractor's premises.

1.3 Division into lots

This invitation to tender **is not** divided into lots.

1.4 Variants

Tenderers **may not** offer variant solutions to what is requested in the technical specifications.

1.5 Value or quantity of purchase

Estimated budget available for this activity is **180 000 EUR**.

1.6 Validity of tenders

Tenderers must maintain the validity of their tender for at least **6 months** following the deadline of submission of tenders, i.e. until **02/12/2010**.

1.7 Duration of the contract

The contract shall enter into force on the date of signature of the last contracting party, and shall be valid for a period of **12 months**.

1.8 Main terms of financing and payment

Payments will be made **within 30 days** of submission of invoices and at the conditions set out in the draft contract.

2 Technical specifications

2.1 Introduction

Qualifications - certificates, diplomas and titles - play important roles in modern societies. For individuals, holding a particular qualification will largely decide whether they can access or pursue a job, a profession or an occupation. Qualifications are thus important ‘keys’ to the labour market. For employers a qualification signals that a certain level of learning has been acquired, to a certain extent guaranteeing that the employee in question will be able to perform as expected.

Institutions awarding qualifications thus perform an important gate-keeper function – guarding the standards underpinning the certificate or diploma in question and thus the conditions for entry to a profession or occupation. There may be many reasons for using qualifications as regulatory instruments: health and safety reasons are probably the most common. The professional conduct of pilots and medical doctors may easily affect the lives of the passengers and patients and it is widely accepted that regulation is needed. In other areas where health and safety issues are less pronounced, concerns regarding the overall quality of products and services are common, frequently presented as in the interest of consumers and customers. Sometimes we can observe that this concern for the general good is mixed with the interests of professional groups to preserve own interests. Some efforts to reduce regulation are motivated by a wish to reduce the influence of professional groups on access to the labour market. The use of qualifications for regulation purposes is thus a highly politicised area with high levels of stakeholder involvement and potential conflict.

This gate-keeping function has traditionally been upheld by national governments strictly regulating the award of qualifications through designated institutions and systems (in recent years the introduction of National Qualifications Frameworks can be seen as a way to make this function more transparent and explicit). This has been (and still is) the normal way of guaranteeing the value of a qualification – the way their currency is underwritten. The emergence of new awarding bodies, for example at sector and international level, may signal that accustomed ways of dividing tasks are being challenged and that the traditional gate-keeper role is being revised and questioned.

The EU Directive on recognition of professional qualifications (2005/36)⁽³⁾ deems that a profession is regulated if the pursuit of the profession in question is subject - by virtue of law, regulations or administrative provisions - to the possession of evidence of education and training (or an attestation of competence)⁽⁴⁾. The Directive covers more than 800 professions which Member States regulate and which can be pursued only if certain professional qualifications have been acquired. As Member States regulate different professions and give different emphasis to the role of qualifications, the Directive sees a common European approach to the recognition of qualifications as pivotal to the realisation of the European internal market. Without such a common European approach, any country could in effect prevent those with a foreign qualification from working within their borders. The Directive thus addresses the key role played by qualifications in enabling as well as preventing geographical, professional and educational mobility. The same key-challenge is faced by the European Qualifications Framework in the sense that increased comparability and transparency is viewed as a necessary condition for mobility.

³ http://ec.europa.eu/internal_market/qualifications/future_en.htm

⁴ This is broadly in line with the EQF recommendation where a qualification is defined as a “formal outcome of an assessment and validation process which is obtained when a competent body determines that an individual has achieved learning outcomes to given standards”.

2.2 General purpose

To understand the challenges faced by the Directive and the EQF in supporting a common European labour market, it is important to understand to what extent and in which (different) ways qualifications are used to regulate the labour market. It is furthermore important to better understand the institutional, legal and administrative basis on which these regulations rest. There are two additional main reasons why such a study is of particular importance now:

- The role and function of qualifications, and the extent which they are able to regulate access to and pursuit of professions and occupations, vary strongly between different European countries. This reflects different labour market structures as well as highly diverse education and training traditions. The question is to what extent these differences influence access to and pursuit of qualifications.
- The role and functions of qualifications are changing. In a recently published Cedefop study⁽⁵⁾, serious mismatches between education and training (qualifications) and the labour market are observed. Particular attention is drawn to what is termed ‘over-education’, indicating that the value (‘currency’) of qualifications may be decreasing. This is further elaborated in another (forthcoming) Cedefop study⁽⁶⁾ where the strengths as well as limitations of qualifications are analysed in detail. The question is whether and how such an inflationary tendency may come to influence the regulatory role of qualifications.

The (forthcoming) Cedefop study on the ‘Changing roles of qualifications’ raises a number of issues relevant to the use of qualifications for regulating labour markets. The following aspects seem to be decisive for understanding the level and form of regulation:

- i) Health and safety regulations are crucial for understanding the regulatory role of qualifications. While these regulations are met with general acceptance and support, we can observe significant difference between countries as regards which professions are covered and in which ways. The development of new occupations and areas of expertise is furthermore not always paralleled by regulatory initiatives, raising the questions whether ‘old and established professions’ are more rigorously regulated than those emerging.
- ii) The national administrative and legal structure and in particular the level of centralisation and decentralisation (as well as institutional autonomy) defines the level and type of regulation put in place. Some point to a north-south divide in Europe where Mediterranean countries tend to be more regulated than some northern countries. These statements seem to be based more on anecdotal evidence than proper evidence and need to be investigated.
- iii) The extent to which professional bodies have been authorised (for example by national authorities) to control access to as well as the activities within a particular profession. While such delegation of regulatory power is common in many countries, it is important to study whether this is an increasing or decreasing tendency.
- iv) The extent to which qualifications form part of negotiated agreements in the labour market, for example based on tri-partite agreements between social partners and the public authorities, is of central importance to understanding the level and form of regulation. In some countries we can observe that reforming qualifications systems has a direct impact on existing salary agreements.

⁵ Cedefop 2010: <http://www.cedefop.europa.eu/EN/publications/15275.aspx>

⁶ Cedefop 2010: Changing qualifications, Draft final report

v) The extent to which changing public policies challenge existing regulatory regimes, either by weakening existing regulations (opening up fields of occupations to new groups, for example to increase the number of employees in a field) or by strengthening regulations (for example by introducing stricter requirements to health, safety and quality of conduct, products and services). It will be interesting to see how these public policies differ, geographically and over time.

vi) The extent to which technological and scientific specialisation influences the use of qualifications for regulation and whether we can observe differences between sectors and branches according to their knowledge and learning intensity (for example how the recent research discoveries in chemicals or the low carbon economy influence the regulation arrangements).

vii) The extent to which there is a link between over- and under-qualification that influences the use of regulation in labour markets.

viii) The extent to which broader economic developments, notably the current recession, influence the use of qualifications for regulation purposes: how the need to update and develop skills in line with changing economic and social circumstances and to gradually eliminate barriers so as to expand opportunities for learning mobility alters regulatory regimes.

2.3 Description of the tasks and methodology

The study will focus on the regulatory function of qualifications in the labour markets and will analyse in depth the current situation and how this is changing. The tasks will be carried out considering a selection of **10 European countries and 6 economic sectors**. The sample of countries to be covered should be representative with regard to coverage of EU-member states (geographical spread, small/large countries, old/new member states) and education and training systems and labour market arrangements. The 6 economic sectors that should be examined are the following:

- Health
- Chemicals, pharmaceuticals, rubber & plastic products
- Transport
- Trade
- Construction
- Electricity, gas, water and waste.

The following 3 groups of questions should be answered by providing a description of existing practises as well as an analysis of the conceptual and practical basis on which the initiatives rest.

Existing regulatory structures, practises and processes

- What is defined as regulation in different countries?
- What is the motivation for using qualifications for regulation?
- Which administrative and legal instruments and structures are used as a basis for regulations?
- Which roles do different stakeholders play in the regulation (public versus private sector, social partners, professional and occupational organisations and associations)?
- Can regulation be differentiated between different countries (north-south, new and old MS) and sectors?
- To what extent does regulation through qualifications influence agreements between labour market parties (agreements on salaries and benefits, agreements on the right to pursue an activity)?

Regulation and change

- Is the use of qualifications for regulation purposes increasing or decreasing?
- How do public policies influence and challenge existing regulatory regimes?
- How are technological and scientific developments influencing the use of qualifications for regulations?
- To which extent will over- and under- qualification influence the use of regulations in the labour market?
- Which are the consequences of economic developments, notably the current recession, in the use of qualifications for regulation purposes?

Regulation and the European labour market

- In which sense will the development of an open European labour market be influenced by the current regulatory arrangements and practises?
- Will the changes of existing regulatory arrangements promote or prevent an open European labour market? What roles could be played by the Directive on Recognition of professional qualifications and the EQF?
- How can the shift to learning outcomes, emphasising the need for transparency of qualifications, influence the use of qualifications for regulation?

The overview in 10 countries and 6 sectors on the role of qualifications in regulating the labour markets mechanisms should be carried out on the basis of a detailed sample survey to collect representative data. The study should follow an explorative and multi-disciplinary approach.

2.4 Reports

The Contractor is required to submit:

An **inception report**, six weeks after the date of signature of the contract, which refines the methodology proposed in the tender, including a proposal of research tools (e.g. draft questionnaires/interviews grids, tools for the analysis of secondary data...).

An **interim report**, within 6 months of the date of signature of the contract, which will comprise:

- An analysis with intermediary findings;
- The work carried out and the data sources that have been used;
- The final version of the tools developed for data collection and analysis;
- A brief description of an updated work plan and timetable, as well as information on any major challenges encountered, solutions found or proposed and potential impact on the preparation of the final version of the study (technical report, 10 pages maximum);
- Proposed structure of the final report.

A **draft final report**, within 9 months of the date of signature of the contract, and a **final report** within 10 months of the date of signature, following the guidelines provided in these Technical Specifications and including:

- An executive summary highlighting the main findings and flagging up some key policy considerations for the future, which can also be distributed as a self-standing document;
- Full results of the descriptive and analytical parts described in these Technical Specifications;
- Conclusions.

The contractor shall submit all deliverables in English, in hard copy and in electronic format. Figures and tables should be delivered separately in Excel or in Word, as appropriate. Excel charts should include the data used to be able to reproduce the charts. The electronic files must correspond fully to the hard-copy version. Lay-out and format of the text –in particular for citation, bibliography, tables and figures – have to comply with Cedefop’s style manual (Annex I).

The Contractor shall ensure that the final report as submitted to Cedefop has been subject to professional proof-reading and editing in English, the cost of which must be included in the financial offer (point a) of table 1.

2.5 Meetings

The contractor will be requested to attend in total **three one day meetings. Two meetings will be held at Cedefop and one in Brussels.**

1. A kick-off meeting a few weeks after the contract is signed. The meeting will agree on the methodological approach and other necessary clarifications.
2. A meeting to discuss the draft interim report, monitor the progress and agree on the structure of the final report.
3. A meeting to discuss and provide comments on the draft final report. The Contractor will take these comments into account in the preparation of the final version of the study (final report).

2.6 Reimbursement of travel expenses

All costs incurred (travel, accommodation, etc) related to Cedefop’s meetings (point 2.5 above) have to be included in the financial offer (5.4), point c) of Table 1.

Any other travel, accommodation etc. expenses that may occur in performing the tasks as described in the technical specifications have also to be included in the financial offer, point b) of Table 1.

Any extra travel, accommodation etc expenses besides those mentioned above, that might be needed to perform the tasks related to the contract, shall be subject to Cedefop’s prior approval and shall be reimbursed by Cedefop separately, according to its relevant rules (see Annex III of the draft contract in Annex B).

3 Specific information concerning participation to this tender

Tenderers must meet the exclusion and selection criteria and have the legal position to allow them to participate in this tendering procedure.

In case any document(s) concerning exclusion (point 3.1) and selection criteria (point 3.2) is/are missing, the tender will automatically be rejected. Cedefop reserves the right to ask for additional clarification, if needed, only on documents presented within the tender. Missing documents will not at all be requested. Before sending, please therefore make sure that all requested documents are included.

3.1 Exclusion criteria

Participation to this tender is only open to tenderers who are in a position to subscribe in full to the declaration on exclusion criteria and absence of conflict of interest in Annex C. Therefore all tenderers, all consortium members (if any) and all subcontractors identified as per point 4.2, (if any) shall provide the self-declaration found in Annex C duly signed and dated.

In case of recommendation for contract award the tenderer shall be requested to provide the documentation indicated in point (I) of Annex C.

Cedefop reserves the right to check the situations described in points c) and f) of the declaration.

3.2 Selection criteria

The tenderers must submit evidence of their economic, financial, technical and professional capacity to perform the contract.

An economic operator may rely on the capacities of other entities, regardless of the legal nature of the links which it has with them. It must in that case prove to the contracting authority that it will have at its disposal the resources necessary for performance of the contract, for example by producing an undertaking on the part of those entities to place those resources at its disposal.

Economic & Financial capacity

Requirement

- The tenderer must be in a stable financial position and have the economic and financial capacity to perform the contract.

Proof of economic and financial capacity must in particular be furnished by the following:

- a statement of tenderer's turnover supported by Audited Financial Statements including the Profit and Loss Account or equivalent for each of the last three (3) years.

In the case of a consortium (grouping) or subcontracting, each member of the consortium and all subcontractors (in line with points 4.1 or 4.2 below) must provide the required evidence for the economic and financial capacity.

In the case where tenderers are unable to furnish such documents they are required to provide justification for non provision.

Technical and professional capacity

Tenderers must demonstrate qualifications, knowledge, skills and the ability to perform the tasks outlined in the technical specifications. In particular, the tenderer must comply with the following requirements:

- **Five (5) years** individual experience for the study leader (leading project manager) in international research project management, policy analysis and in the field of qualifications, professions and the labour market and **three (3) years** individual experience for all researchers involved in the study in the field of qualifications, professions, the labour market and policy analysis. In addition the research team should show linguistic ability to communicate and draft to a high standard in English (the proposed research team should cover all above fields);
- **Three (3) years** tenderer's experience in the field of policy analysis and capacity to access data at national and European levels.

The following documents or information must be presented as evidence of compliance with the above criteria:

- description of the professional capacity of **the leading project manager in international research project management, policy analysis and in the field of qualifications, professions and the labour market**, and of **the research team in policy analysis and in the field of qualifications, professions and the labour market** including linguistic ability, attested by
 - ✓ the detailed CVs, showing individual experience of **five (5) years** for the leading project manager and **three (3) years** for all those involved in the implementation of the study;
- description of the professional capacity of the tenderer especially with regards to policy analysis and capacity to access data at national and European levels, attested by
 - ✓ a tenderer's profile;
 - ✓ a list of contracts/projects/studies, similar in terms of size, nature and duration, carried out by the tenderer over the past 3 (three) years;
 - ✓ a description of measures employed to ensure access to the required data.

In the case of a consortium or subcontracting, the consortium or the tenderer with all subcontractors together have to provide evidence of technical and professional capacity as a whole (see also 4.1 and/or 4.2 below).

3.3 Legal Position

Tenderers may choose between submitting a joint offer (see 4.1) as a Consortium / Grouping or introducing a bid as a single tenderer, in both cases with the possibility of having one or several subcontractors (see 4.2). Whichever type of bid is chosen, the tender must stipulate the legal status and role of each legal entity in the tender proposed. To identify himself the tenderer must complete a Legal Entity Form found in Annex D which must be accompanied by all documents and information indicated in the form.

The Legal Entity Form should be completed and signed by the representative(s) of the tenderer (*who also sign(s) the cover letter as per point 4 of this invitation*) authorised to sign contracts with third parties.

The Legal Entity Form should not be submitted by sub-contractors (if any).

4 Additional information concerning participation to this tender

Participation in tendering procedures is open on equal terms to all natural and legal persons or groupings of such persons (consortia) falling within the scope of the Treaties. It includes all economic operators registered in the EU and all EU citizens. Pursuant to Article 106 of the Financial Regulation the participation is also open to all natural and legal persons in any non-EU country which has an agreement with the Union in the field of public procurement on the conditions laid down in that agreement.

A natural or legal person can take part (as an individual tenderer or as member of a consortium submitting a tender) in only one tender. In the opposite case all tenders in which that person has participated may be excluded from the evaluation.

4.1 Joint Offers/ Groupings (Consortia)

Groupings (consortia), irrespective of their legal form, may submit a tender on condition that it complies with the rules of competition. A consortium may be a legally-established permanent grouping, or informally constituted group of tenderers submitting an offer (joint offer) for a specific tender procedure.

Cedefop does not require consortia (if any) to have a given legal form in order to submit a tender, but reserves the right to require a consortium to adopt a given legal form before the framework contract is signed (if this change is necessary for proper performance of the contract). This can take the form of an entity with or without legal personality but offering sufficient protection of the contractual interests of Cedefop.

If awarded the contract, the tenderers of the group (consortium) will have an equal standing towards Cedefop in executing it.

Grouping (if any) of firms must nominate one party to be responsible for the receipt and processing of payments for members of the grouping, for managing the service administration, and for coordination.

Tenders submitted by consortia of firms must specify the role, qualifications and experience of each member of the group.

Each member of the group (consortium) must provide the required evidence for the exclusion and selection criteria. Concerning the selection criteria, the evidence provided by each member of the group (consortium) will be checked to ensure that the consortium as a whole fulfils the criteria.

The offer has to be signed by all members of the group (consortium). However, if the members of the group so desire they may grant an authorisation to one of the members of the grouping (consortium). In this case they should attach to the offer a power of attorney (see model in Annex G) authorising this company or person to submit a tender on behalf of the grouping (consortium). For groupings not having formed a common legal entity, Annex G, model 1 should be used and separate legal entity forms (see point 3.3 and Annex D) should be completed and signed by all members. For groupings with a legal entity in place, Annex G, model 2 and one legal entity form (see point 3.3 and Annex D) should be completed and signed only by the single representative of the consortium.

The contract will have to be signed by all members of the group (consortium). If the members of the group (consortium) so desire, they may grant authorisation to one of the members of the grouping by signing a power of attorney. The same model as above duly signed and returned together with the offer (Annex G) is valid also for signature of the contract.

Partners in a joint offer assume joint and several liability towards Cedefop for the performance of the contract as a whole.

4.2 Subcontracting/Subcontractors

Subcontracting is defined as the situation where a contract has been or is to be established between Cedefop and a contractor and where the contractor, in order to carry out that contract, enters into legal commitments with other entities for performing part of the service. If awarded, the contract will be signed by the selected Tenderer (the Contractor), who will be vis-à-vis Cedefop the only contracting party responsible for the performance of this contract. Cedefop has no direct legal commitment with the subcontractor(s).

The contractor retains full liability towards Cedefop for performance of the contract as a whole. Cedefop will treat all contractual matters (e.g. payments) with the contractor, whether or not some tasks are performed by a subcontractor. Under no circumstances can the contractor avoid liability towards Cedefop on the grounds that the subcontractor is at fault.

Any subcontracting/subcontractor must be approved by Cedefop, either by accepting the bidder's tender, or, if proposed by the Contractor after contract signature, in writing by an exchange of letters. In the latter case subcontracting/subcontractor will be accepted only if it is judged necessary and does not lead to distortion of competition.

The tenderer must clearly indicate in his offer which parts of the work and what percentage (of the work by value) will be sub-contracted (if any). The tenderers should submit duly filled-in and signed the Form in Annex H (Model of Letter of Intent for Subcontractor/s).

If the subcontractors cannot already be clearly identified by the Tenderer, then he should at least clearly identify a list of potential subcontractors in the bid. Additionally the tenderer should specify:

- the identity of those subcontractors only undertaking between 10% and 40% of the work by value,
- the identity of all subcontractors if the total sub-contracting is above 40% of the work by value. In this case each and every sub-contractor, independently of his contribution to the work by value, must be identified.

For each subcontractor, identified as per the above two bullets, the tenderer must:

- provide a document stating clearly the identity, roles, activities and responsibilities of subcontractor(s);
- provide a Letter of Intent signed by the subcontractor stating his unambiguous undertaking to collaborate with the tenderer if the latter wins the contract and the extent of the resources that he will put at the tenderer /contractor's disposal for the performance of the contract;
- provide the required evidence for the capacity of the subcontractor(s) in regards to the exclusion and selection criteria.

N.B. The subcontractor(s) (if any) have to provide the documents to prove their capacity only for the parts of the contract that are relevant to them. The evidence provided will be checked to ensure that the tenderer with the sub-contractor(s) altogether fulfil the criteria.

Where no sub-contractor is given (meaning that possible individual sub-contracting is below 10% by value), the work will be assumed to be carried out directly by the tenderer (single tenderer or group of tenderers (consortium)).

5 Award of the contract

Only the tenders meeting the requirements of the exclusion and selection criteria will be evaluated in terms of quality and price.

The contract shall be awarded to the tenderer submitting the tender that offers the best-value-for-money (best quality-price ratio).

A quality-price ratio will be calculated for each tender by dividing the total points for quality by the price, thus indicating which tender represents the best value for money.

5.1 Technical evaluation

The following technical award criteria will be applied to this tendering procedure:

- ***Award criterion 1 – The level of understanding of the nature of the assignment, its context and results to be achieved (40 points)***
 - ✓ The understanding of conceptual issues relevant to the role of qualifications in regulating the labour markets **(15 points)**;
 - ✓ The understanding of practical and technical issues relevant to the role of qualifications in the labour markets **(15 points)**;
 - ✓ The overview and understanding of how qualifications regulate the labour market in different countries and sectors **(10 points)**;
- ***Award criterion 2 – The quality and relevance of the methodological approach to carry out the work (36 points)***
 - ✓ Proposal for carrying out the tasks in terms of terminology, methodology for data collection and analysis, envisaged steps and data sources to be used to meet the requirements outlined in the technical specifications **(18 points)**;
 - ✓ Rationale of the selection of 10 countries (based on geographical spread, small-large countries, old-new member states) **(10 points)**;
 - ✓ Rationale of the items selected for analysis in the sectors' and countries' sample **(8 points)**;
- ***Award criterion 3 – Appropriateness of organisation and management of the work (24 points)***
 - Allocation of human resources in relation to tasks **(12 points)**;
 - Project organisation and mechanisms to guarantee successful and on-time delivery of tasks with adequate quality and risk management **(12 points)**.

Tenders scoring less than **65 (of a maximum of 100) points** against the technical criteria, will not be considered acceptable and will therefore not have their financial proposal evaluated.

5.2 Technical proposal

The assessment of the technical quality will be based on the ability of the tenderer to meet the purpose of the contract as described in the technical specifications. To this end, the tenderer must provide the following documents and/or information to allow evaluation of their offer according to the technical criteria mentioned above:

For award criterion 1

- A concise discussion demonstrating in-depth understanding of the conceptual issues regarding the role of qualifications in regulating the labour markets (maximum 10 pages);
- A concise discussion demonstrating in-depth understanding of the practical and technical issues relevant to the role of qualifications in the labour markets (maximum 10 pages);
- A concise discussion demonstrating in-depth knowledge and understanding of how qualifications regulate the labour markets in different countries and sectors (maximum 10 pages);

For award criterion 2

- A detailed description of the approach to be followed to carry out the overview in terms of terminology, methodology for data collection and analysis, envisaged steps and data sources to be used to meet the requirements outlined in the technical specifications (maximum 10 pages);
- An explanation for establishing the list of countries that will be considered in the study with regard to coverage of EU member states and education and training systems and labour market arrangements;
- A concise justification for designing the sample to be analysed (maximum 10 pages);

For award criterion 3

- A description of the work organisation and management, i.e. the team to be assigned to the project and the distribution of tasks among them;
- A detailed timetable with descriptions of the deliverables, and different stages of work, including an analysis of the difficulties likely to be encountered in carrying out the work and an indication of how the tenderer intends to address these difficulties.

5.3 Financial evaluation

Only tenders scoring **65 points or more (of a maximum of 100)** against the technical award criteria will have their financial proposal evaluated. The evaluation will be made on the basis of the **total price (a+b+c)** offered in Table 1 – Price schedule table (see point 5.4).

5.4 Financial proposal

The financial proposal should indicate the total price in order to carry out all the activities indicated in the technical specifications. The tenderers must fill in the following table 1 - price schedule table and present a detailed breakdown of the price offered.

Table 1: Price schedule table (all fields are mandatory)

	Services	Price
a)	Price to carry out all the activities described in the technical proposal, including proof-reading/editing in English of the final report (see point 2.4 – last paragraph)	(I) Number of person-days: (II) Price per person-day: Sub Total (1) = (I) x (II);
b)	All estimated travel, accommodation, etc. expenses related to performance of the tasks (indication of total amount – see point 2.6 – 2 nd paragraph)	Sub Total (2) =
c)	Attending 2 meetings at Cedefop premises and 1 meeting in Brussels (indication of total amount for all 3 meetings – see point 2.5 and 2.6 – 1 st paragraph)	Sub Total (3) =
	Total price: sum of sub totals (1+2+3):	

Information concerning price

- The prices quoted must be fixed and not revisable.
- Prices must be quoted in euro and include all expenses.
- Any **extra** travel expenses, that might be needed to perform the tasks related to the contract, shall be subject to Cedefop's prior approval and shall be reimbursed by Cedefop separately, according to its relevant rules (see Annex III of the draft contract in Annex B).
- Under Articles 3 and 4 of the Protocol on the Privileges and Immunities of the European Communities, Cedefop is exempt from all charges, taxes and dues, including value added tax (VAT). Such charges may not therefore be included in the calculation of the price quoted. The VAT amount must be indicated separately (applicable to tenderers established in Greece only): ... EUR

6 Information on presentation and content of tender

It is extremely important that tenderers present their tender in the correct format and provide all documents necessary to enable the evaluation committee to assess their tender. Tenderers should fully respect the instructions indicated under points 2, 3 and 4 of this open invitation to tender.

In addition, below you will find details of the required documentation.

6.1 Envelope A - Supporting documents

One original and one copy of:

- a cover letter duly signed from the individual(s) entitled to sign the contract in case of contract award, as requested in point 4 of the invitation to tender;
- the exclusion criteria declaration as requested in point 3.1 and standard template found in Annex C
- the selection criteria documents as requested in point 3.2
- the legal entity form as requested in point 3.3 and found in Annex D
- the financial identification form as found in Annex E completed by the single tenderer or by the party nominated as representative for the payments in case of groupings (subcontractors don't need to submit this form)
- all relevant documentation concerning joint offers-groupings and subcontracting, if any, as requested in points 4.1, 4.2 and found in Annexes G and H
- the checklist found in Annex F

6.2 Envelope B – Technical proposal

One original signed unbound version and three bound copies of:

- the technical proposal providing all information requested in point 5.2

6.3 Envelope C – Financial proposal

One original signed version and three copies of:

- the financial proposal containing all information requested in point 5.4.

ANNEX A

CONTRACT NOTICE

ANNEX B

DRAFT CONTRACT

ANNEX C

Declaration of honour with respect to the Exclusion Criteria and absence of conflict of interest

The undersigned.....[name of the signatory of this form, to be completed]:

- in his/her own name..... (if the economic operator is a natural person or in case of own declaration of a director or person with powers of representation, decision making or control over the economic operator)
or
- representing..... (if the economic operator is a legal person)

official name in full (only for legal person):.....

official legal form (only for legal person):.....

official address in full:

VAT registration number:

declares that the company or organisation that he/she represents / he/she:

- a) is not bankrupt or being wound up, is not having its affairs administered by the courts, has not entered into an arrangement with creditors, has not suspended business activities, is not the subject of proceedings concerning those matters, and is not in any analogous situation arising from a similar procedure provided for in national legislation or regulations;
- b) has not been convicted of an offence concerning professional conduct by a judgment which has the force of *res judicata*;
- c) has not been guilty of grave professional misconduct proven by any means which the contracting authorities can justify;
- d) has fulfilled all its obligations relating to the payment of social security contributions and the payment of taxes in accordance with the legal provisions of the country in which it is established, with those of the country of the contracting authority and those of the country where the contract is to be carried out;
- e) has not been the subject of a judgement which has the force of *res judicata* for fraud, corruption, involvement in a criminal organisation or any other illegal activity detrimental to the Communities' financial interests;
- f) is not the subject of administrative penalty for being guilty of misrepresentation in supplying the information required by the contracting authority as a condition of participation in the procurement procedure or failing to supply an information, or being declared to be in serious breach of its obligation under contract covered by the budget.

In addition, the undersigned declares on their honour that:

- g) they have no conflict of interest in connection with the contract; a conflict of interest could arise in particular as a result of economic interests, political or national affinities, family or emotional ties or any other relevant connection or shared interest;
- h) they will inform the contracting authority, without delay, of any situation considered a conflict of interest or which could give rise to a conflict of interest;
- i) they have not made and will not make any offer of any type whatsoever from which an advantage can be derived under the contract;
- j) they have not granted and will not grant, have not sought and will not seek, have not attempted and will not attempt to obtain, and have not accepted and will not accept any advantage, financial or in kind, to or from any party whatsoever, constituting an illegal practice or involving corruption, either directly or indirectly, as an incentive or reward relating to award of the contract;
- k) the information provided to Cedefop within the context of this invitation to tender is accurate, sincere and complete;
- l) in case of award of contract, they shall provide the evidence that they are not in any of the situations described in points a, b, d, e above. Specifically:

For situations described in (a), (b) and (e), production of a recent extract from the judicial record is required or, failing that, a recent equivalent document issued by a judicial or administrative authority in the country of origin or provenance showing that those requirements are satisfied. Where the Tenderer is a legal person and the national legislation of the country in which the Tenderer is established does not allow the provision of such documents for legal persons, the documents should be provided for natural persons, such as the company directors or any person with powers of representation, decision making or control in relation to the Tenderer.

For the situation described in point (d) above, recent certificates or letters issued by the competent authorities of the State concerned are required. These documents must provide evidence covering all taxes and social security contributions for which the Tenderer is liable, including for example, VAT, income tax (natural persons only), company tax (legal persons only) and social security contributions.

For any of the situations (a), (b), (d) or (e), where any document described in the two paragraphs above is not issued in the country concerned, it may be replaced by a sworn or, failing that, a solemn statement made by the interested party before a judicial or administrative authority, a notary or a qualified professional body in his country of origin or provenance.

By signing this form, the undersigned acknowledges that they have been acquainted with the administrative and financial penalties described under Article 134b in conjunction with Article 133a of the Commission Regulation (EC, Euratom) No 2342/2002 of 23/12/2002 laying down detailed rules for the implementation of Council Regulation (EC, Euratom) No 1605/2002 on the Financial Regulation applicable to the general budget of the European Communities, which may be applied by analogy by Cedefop if any of the declarations or information provided prove to be false.

Full name

Date

Signature

ANNEX D

LEGAL ENTITY FORM

(to be downloaded, depending on the nationality and legal status of the tenderer, from the following website)

http://ec.europa.eu/budget/execution/legal_entities_en.htm

ANNEX E

FINANCIAL IDENTIFICATION FORM

(to be downloaded, depending on the nationality of the tenderer, from the following website)

http://ec.europa.eu/comm/budget/execution/ftiers_en.htm

PLEASE NOTE:

Please indicate the BIC (Bank Identification Code) in the REMARKS box of the downloaded form.

ANNEX F

CHECK LIST OF MANDATORY DOCUMENTS

The checklist must be used to ensure that you have provided all the documentation for this tender and in the correct way. This checklist should be included as part of your offer.

Please Tick ✓ the boxes provided

<u>Mandatory</u> documents to be included as part of the tender	Reference paragraph	Included		If the document is not included, please provide an explanation for the reason
<u>Envelope 'A' must contain</u> one original and one copy of: - this checklist - duly signed cover letter	Annex F & point 4 of page 2	Yes	No	
- exclusion criteria declaration (If applicable, including those of consortia and subcontractors)	Annex C, 3.1, 4.1 & 4.2	☐	☐	
- selection criteria documents (If applicable, including those of consortia and subcontractors)	3.2, 4.1 & 4.2	☐	☐	
- legal entity form	Annex D & 3.3	☐	☐	
- financial identification form	Annex E & 6.1	☐	☐	
- joint offers and/or subcontractors if applicable	Annexes G and/or H, 4.1 and/or 4.2			
<u>Envelope 'B' must contain</u> one original and three copies of:				
- the technical proposal	5.2, 6.2	☐	☐	
<u>Envelope 'C' must contain</u> one original and three copies of:				
- the financial proposal	5.4, 6.3	☐	☐	

You should also ensure that:

☐	your offer is formulated in one of the official languages of the European Union.
☐	both the technical and financial proposals of the offer are signed by you or your duly authorised agent.
☐	your offer is perfectly legible in order to rule out any ambiguity.
☐	your offer is submitted in accordance with the envelope system as detailed in the invitation to tender point 3.
☐	the outer envelope bears the information mentioned in the invitation to tender point 3.

ANNEX G

MODEL 1 - POWER OF ATTORNEY

Agreement / Power of Attorney

(DESIGNATING ONE OF THE COMPANIES OF THE GROUP (CONSORTIUM) AS LEADER AND GIVING A MANDATE TO IT)

We the undersigned:

Signatory 1 (Name, Function, Company, Registered address, VAT Number)

Signatory 2 (Name, Function, Company, Registered address, VAT Number)

.....

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

Each of them having the legal capacity required to act on behalf of his/her company,
HEREBY AGREE AS FOLLOWS:

In case Cedefop awards the Contract («the Contract») to Company 1, Company 2, ..., Company N («the Group Members»), based on the joint offer submitted by them on ...
..... for the provision of services for ... («the Services»)

(1) As co-signatories of the Contract, all the Group (Consortium) Members:

- (a) Shall be jointly and severally liable towards Cedefop for the performance of the Contract.
- (b) Shall comply with the terms and conditions of the Contract and ensure the proper execution of their respective share of the Supplies and/or the Services.

(2) To this effect, the Group Members designate Company X as Group (Consortium) Leader [N.B.: The Group Leader has to be one of the Group Members].

(3) Payments by Cedefop related to the Services shall be made through the Group (Consortium) Leader's bank account [Provide details on bank, address, account number, etc.].

(4) The Group Members grant to the Group (Consortium) Leader all the necessary powers to act on their behalf in connection with the Services. This mandate involves in particular the following tasks:

- (a) The Group (Consortium) Leader shall sign any contractual documents — including the Contract and Amendments thereto — and issue any invoices related to the Services on behalf of the Group Members.
- (b) The Group (Consortium) Leader shall act as single point of contact for Cedefop in connection with the Services to be provided under the Contract. He shall coordinate the provision of the Services by the Group (Consortium) Members to Cedefop, and shall see to a proper administration of the Contract.

For any modification to the present agreement / power of attorney Cedefop shall be expressly notified.

This agreement / power of attorney shall expire when all the contractual obligations of the Group (Consortium) Members towards Cedefop in connection with the Services to be provided under the Contract have ceased to exist. The parties cannot terminate it before that date without Cedefop's consent.

Signed in on

Name, Function, Company

Name, Function, Company

Name, Function, Company

Name, Function, Company

MODEL 2 - POWER OF ATTORNEY

Agreement / Power of Attorney

(CREATING THE GROUP (Consortium) AS SEPARATE ENTITY, APPOINTING A GROUP/ CONSORTIUM MANAGER AND GIVING A MANDATE TO HIM/HER)

We the undersigned:

Signatory 1 (Name, Function, Company, Registered address, VAT Number)

Signatory 2 (Name, Function, Company, Registered address, VAT Number)

.....

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

Each of them having the legal capacity required to act on behalf of his/her company,
HEREBY AGREE AS FOLLOWS:

In case Cedefop awards the Contract («the Contract») to Company 1, Company 2, ..., Company N («the Group Members»), based on the joint offer submitted by them on for the provision of services for ... («the Services»)

(1) As co-signatories of the Contract, all the Group Members:

- (a) Shall be jointly and severally liable towards the Cedefop for the performance of the Contract.
- (b) Shall comply with the terms and conditions of the Contract and ensure the proper execution of their respective share of the Services.

(2) To this effect, the Members have set up under the laws of the Group / Consortium..... . The Group has the legal form of a [Provide details on registration of the Group: VAT Number, Trade Register, etc.].

(3) Payments by Cedefop related to the Supplies or the Services shall be made through the Group's bank account [Provide details on bank, address, account number, etc.].

(4) The Group / Consortium Members appoint Mr/Ms as Group / Consortium Manager.

(5) The Group / Consortium Members grant to the Manager all the necessary powers to act alone on their behalf in connection with the Supplies and/or the Services. This mandate involves in particular the following tasks:

- (a) The Group / Consortium Manager shall sign any contractual documents — including the Contract and Amendments thereto — and issue any invoices related to the Services on behalf of the Group / Consortium Members.

- (b) The Group / Consortium Manager shall act as single point of contact for Cedefop in connection with the Services to be provided under the Contract. He/she shall co-ordinate the provision of the Services by the Group / Consortium Members to Cedefop, and shall see to a proper administration of the Contract.

For any modification to the present agreement / power of attorney Cedefop shall be expressly notified.

This agreement / power of attorney shall expire when all the contractual obligations of the Group / Consortium Members towards Cedefop in connection with the Services to be provided under the Contract have ceased to exist. The parties cannot terminate it before that date without Cedefop's consent.

Signed in on

Name Function Company

Name Function Company

Name Function Company

Name Function Company

ANNEX H

Model of Letter of Intent for Subcontractor/s

The undersigned:
Name of the company/organisation:
Address:

Declares hereby the intention to collaborate in the execution of the tasks subject to the above call for tender, in accordance with the terms of the offer to which the present form is annexed, if the contract is awarded to (name of the tenderer).

Declares hereby accepting the general conditions attached to the tendering specifications for this call for tender, and in particular Article II.17 in relation with checks and audits.

Full name

Signature

Date

.....

ANNEX I

CEDEFOP'S STYLE MANUAL