

*Specifications – Invitation to tender No VT/2008/0042*



***STUDY ON SOCIAL IMPACT ASSESSMENT AS A TOOL FOR  
MAINSTREAMING SOCIAL PROTECTION AND SOCIAL INCLUSION  
CONCERNS IN PUBLIC POLICY IN THE EU MEMBER STATES***

**1. Title of the contract**

Study on social impact assessment as a tool for mainstreaming social protection and social inclusion concerns in public policy in the EU Member States - Financed under the Progress programme - Reference n° VT/2008/0042.

**2. Background on the Progress programme**

The Social Agenda (2005-2010)<sup>1</sup> has fixed as its overall strategic goal to promote more and better jobs and to offer equal opportunities for all. The realisation of the Social Agenda relies on a combination of instruments comprising EU legislation, the implementation of open methods of coordination in various policy fields and financial incentives such as the European Social Fund.

The Decision n°1672/2006<sup>2</sup> establishing a Community programme for employment and social solidarity – PROGRESS was adopted by the European Parliament and the Council on 24 October and published in the OJ on 15 November.

PROGRESS aims at supporting the core functions of the European Community towards fulfilling its Treaty-delegated tasks and powers in its respective areas of competence in the employment and social sphere. *PROGRESS's* mission is to strengthen the EU contribution in support of Member States' commitments and efforts to create more and better jobs and to build a more cohesive society. To that end, PROGRESS will be instrumental in:

- providing analysis and policy advice on PROGRESS policy areas;
- monitoring and reporting on the implementation of EU legislation and policies in PROGRESS policy areas;
- promoting policy transfer, learning and support among Member States on EU objectives and priorities; and
- relaying the views of the stakeholders and society at large.

<sup>1</sup> For information on the Social Agenda see: [http://ec.europa.eu/employment\\_social/social\\_policy\\_agenda/social\\_pol\\_ag\\_en.html](http://ec.europa.eu/employment_social/social_policy_agenda/social_pol_ag_en.html)

<sup>2</sup> Official Journal L 315 of 15.11.2006, p. 1–8

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2006:315:0001:0008:FR:PDF>

More specifically, PROGRESS will support:

- (1) the implementation of the European Employment Strategy (section 1);
- (2) the implementation of the open method of coordination in the field of social protection and inclusion (section 2);
- (3) the improvement of the working environment and conditions including health and safety at work and reconciling work and family life (section 3);
- (4) the effective implementation of the principle of non-discrimination and promotion of its mainstreaming in all EU policies (section 4);
- (5) the effective implementation of the principle of gender equality and promotion of its mainstreaming in all EU policies (section 5).

The present Call for tenders is issued in the context of the implementation of the 2008 annual plan of work which is consultable at the Progress' website:

[http://ec.europa.eu/employment\\_social/progress/docs/progress\\_005\\_en.pdf](http://ec.europa.eu/employment_social/progress/docs/progress_005_en.pdf)

### **3. Background on this study**

Two of the overall objectives of the Open Method of Coordination on Social Protection and Social Inclusion (OMC SPSI) are:

- effective and mutual interaction between the Lisbon objectives of greater economic growth, more and better jobs and greater social cohesion, and with the EU's Sustainable Development Strategy; and
- good governance, transparency and the involvement of stakeholders in the design, implementation and monitoring of policy.

Since the start of the OMC, Member States have been reporting on their efforts to make progress with respect to these objectives. In this context ex ante Social Impact Assessment (SIA) has increasingly come to the fore.

Many Member States are currently experimenting with such arrangements and the European Commission has established a system of integrated impact assessment<sup>3</sup>.

The increased interest is reflected in recent EU policy documents like the Joint Report on Social Protection and Social Inclusion 2008<sup>4</sup>. In the Report it is stated that in the Social Protection Committee agreement was reached on a number of improvements of the OMC to be implemented over the 2008-2010 cycle. One of them is a reinforcement of the analytical framework, including the social impact element of integrated impact assessments.

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<sup>3</sup> The European Commission introduced a new integrated impact assessment method in 2002, integrating and replacing previous single-sector types of assessment.

<sup>4</sup> See: <http://register.consilium.europa.eu/pdf/en/08/st07/st07274.en08.pdf>. In the proposed Employment guidelines for the National Reform Programmes 2008-2010 (Growth and Jobs Strategy) Member States are encouraged to monitor the social impact of reforms. See: [http://ec.europa.eu/growthandjobs/pdf/european-dimension-200712-annual-progress-report/200712-annual-report-integrated-guidelines\\_en.pdf](http://ec.europa.eu/growthandjobs/pdf/european-dimension-200712-annual-progress-report/200712-annual-report-integrated-guidelines_en.pdf)

In October 2008 a peer review on social protection and social inclusion will be organised where 9 Member States will discuss how to develop and successfully implement SIA.

The idea behind social impact assessment is that before a decision is taken (ex ante) on policies that can potentially have a social impact, this impact is assessed so that tradeoffs and/or possible synergies can be identified and thereby decisions can be taken in full knowledge of possible consequences. Potentially, decisions in many policy areas can have a social impact.

Typically impact assessment involves: identification and description of the policy problem to be addressed, description of the objectives to be attained, specification of the alternative policy options, examining the likely impacts of these options, comparing the options, planning future monitoring and evaluation. An integral part of impact assessment is transparency and the involvement of stakeholders in the assessment process. Both in the context of the Growth and Jobs Strategy and in the context of the OMC on Social Protection and Social Inclusion the involvement of stakeholders in the different stages of policymaking and at all levels of government is considered to be an important feature of good governance and a precondition for good quality policy. Impact assessment arrangements are attractive tools that can provide an effective aid to decision-making in an increasingly complex policy environment, improve the quality of policy (by ensuring better founded policies, avoiding undesirable side effects etc...) and serve as a valuable communication tool (contributing to the transparency of decision making and increased accountability).

Social impact assessment is to be found in many forms and disguises. Sometimes it is part of a broader integrated assessment e.g. sustainability or environmental impact assessment or regulatory impact assessment. In other cases it can have a more limited scope: e.g. poverty impact assessment, gender impact assessment, equality impact assessment etc... Although there is a kind of a shared understanding of what the word 'social' refers to, not everyone will necessarily think of the same impacts when referring to the concept of 'social impact assessment'<sup>5</sup>. In the European Commission's impact assessment guidelines 'social' impacts are seen as a broad area that includes (1) impacts on employment and labour markets; (2) standards and rights related to job quality; (3) social inclusion and protection of particular groups; (4) equality of treatment and opportunities, non discrimination; (5) private and family life, personal data; (6) governance, participation, good administration, access to justice, media end ethics; (7) public health and safety; (8) crime, terrorism and security; (9) access to and effects on social protection, health and educational systems. This study will initially have a broad focus (overview and summary analysis in task 1 (see below)) but will subsequently focus especially on impacts on the social inclusion and protection of particular groups.

Social impact assessment has been around for some time now and several Member States have built up considerable experience over the years. From that experience it is clear that it is not easy to develop effective SIA. The right procedures (guidelines) have to be in place, but there is also a need for considerable investment in the development of tools, data sources, analytical capacity and trained personnel. SIA arrangements as such are not a panacea. They will only be effective if there is a clear political will to make them a priority and to effectively use the results obtained. Other preconditions are the presence of a so called 'evaluation culture': the idea that one can and should measure the impact of policy and a readiness to involve stakeholders in the preparation of policy.

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<sup>5</sup> See: European Commission [Impact Assessment Guidelines](http://ec.europa.eu/governance/impact/docs/key_docs/sec_2005_0791_en.pdf). 15 June 2005 with March 2006 update p. 31-32.  
[http://ec.europa.eu/governance/impact/docs/key\\_docs/sec\\_2005\\_0791\\_en.pdf](http://ec.europa.eu/governance/impact/docs/key_docs/sec_2005_0791_en.pdf)

It is clear that countries that are just getting started can learn a lot from the successes and failures of the more experienced Member States: there is a lot of potential for mutual learning.

#### **4. Subject of the contract**

The present study will support mutual learning on social impact assessment within the OMC on Social Protection and Social Inclusion. Its overall objective is to describe, compare and analyse the different ways in which social impact assessment is currently carried out in the EU and to identify recommendations for the implementation of effective social impact assessment systems and for effective social impact assessment analysis.

In particular, the study will provide:

- a general overview (mapping) of the social impact assessment arrangements that are currently in place in the EU at the national and regional level;
- an in depth comparative analysis of a limited set of well developed / particularly interesting social impact assessment systems, also focussing on the way in which these systems have developed over time in response to challenges, problems encountered;
- an in depth comparative analysis of a number of assessments of the social impact of major economic and employment policy changes / reforms on social protection and social inclusion carried out in the framework of these SIA systems;
- a list of recommendations on how to implement effective social impact assessment systems and how to effectively perform social impact assessment analysis at the national/regional level.

#### **5. Participation**

Please note that the competition is open to any natural person or legal entity coming within the scope of the Treaties and any other natural person or legal entity from a third country which has concluded with the Communities a specific agreement in the area of public contracts, under the conditions provided for in that agreement.

Where the Multilateral Agreement on Public Contracts concluded within the framework of the WTO applies, the calls are also open to nationals of States that have ratified this Agreement, under the conditions provided for therein. It should be noted that research and development services, which come under category 8 of Annex II A of Directive 2004/18/CE, are not covered by this Agreement.

In practice, the participation of applicants from third countries that have concluded a bilateral or multilateral agreement with the Communities in the area of public contracts must be allowed, under the conditions provided for in that agreement. Bids submitted by applicants from third countries that have not concluded such an agreement may be accepted, but may also be rejected.

## **6. Tasks to be carried out by the contractor**

### **Description of the tasks**

There are 5 tasks to be carried out by the contractor.

#### **6.1.1 Task 1: Description and summary analysis (mapping) of ex ante social impact assessment arrangements in place in the EU Member States at the national and regional level.**

The contractor should produce a description and summary analysis (mapping) of ex ante social impact assessment (SIA) arrangements that are currently in place in the European Union at the national and regional level. SIA systems should be classified according to a number of relevant criteria. The contractor will propose the set of criteria (framework of analysis) in the inception report, at the start of the project. It will have to be agreed with the Commission. It will be especially important to describe whether, to what extent and how social impact assessment arrangements are embedded in more integrated impact assessment systems, or how they are related to other partial impact assessment arrangements. The typology that will be developed should allow classifying different kinds of more partial SIA arrangements within the broader definition of ‘social’ impact assessment. The description of ‘social impacts’ provided in the EU Commission’s IA guidelines (see higher) should be used as a point of departure. Alternative classifications may be developed if this is indicated. If no proper ‘social’ impact assessment systems can be identified but other forms of ex ante impact assessments arrangements are in place, these should also be briefly described. The description and analysis should focus on arrangements in place but it will also be important to signal the fact that arrangements are planned to be set up in the near future.

The output of this task will be a set of country fiches for all EU Member States and a summary comparative analysis on the basis of a limited set of relevant criteria (mapping - typology). Apart from a description, the fiches should also contain a bibliography of relevant documents, internet links and contact persons that will facilitate further in depth analysis later on.

For this task, the contractor should refer to the results of previous studies, like the EVIA study<sup>6</sup> and to assessments produced in the context of the Growth and Jobs Strategy<sup>7</sup> and the Open Method of Coordination on Social Protection and Social Inclusion<sup>8</sup>. Another interesting source of information will be the assessment reports produced over the years by the EU network of independent experts on social inclusion<sup>9</sup>.

This task will be based on desk research (literature survey) supplemented with interviews with key persons involved in the impact assessment systems.

#### **6.1.2 Task 2: In depth analysis of a subset of well developed / particularly interesting SIA systems**

On the basis of the general overview and classification of SIA systems in EU Member States in task 1, a subset of about 10 well developed / particularly interesting SIA-systems will be selected. The criteria for selection and the selection itself will be proposed by the contractor and decided together with the Commission. The SIA-systems selected can have a broader focus, but social inclusion and protection of particular groups should be among the social impacts measured. When selecting SIA systems for in

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<sup>6</sup> EVIA- Evaluating Integrated Impact Assessments. DG Research 6th Framework Programme Project No. 028889. [http://ec.europa.eu/research/social-sciences/newsletter/issue6/article\\_6007\\_en.htm#evia](http://ec.europa.eu/research/social-sciences/newsletter/issue6/article_6007_en.htm#evia) and <http://web.fu-berlin.de/ffu/evia/>

<sup>7</sup> [http://ec.europa.eu/growthandjobs/index\\_en.htm](http://ec.europa.eu/growthandjobs/index_en.htm)

<sup>8</sup> [http://ec.europa.eu/employment\\_social/spsi/the\\_process\\_en.htm](http://ec.europa.eu/employment_social/spsi/the_process_en.htm)

<sup>9</sup> [http://ec.europa.eu/employment\\_social/spsi/expert\\_reports\\_en.htm](http://ec.europa.eu/employment_social/spsi/expert_reports_en.htm)

depth analysis some of the criteria for selection can be: demonstrated impact on better policymaking, effective institutionalisation, effective quality control, level of resources available, effective involvement of stakeholders, broad range of tools and data sources developed, high political profile of the exercise, contribution to transparency of the decision making process and accountability of decision makers.

For each of the systems selected a detailed description will have to be provided, also including relevant context variables. It will be especially important to go back in time and to examine why the systems selected have originally been set up and how they have evolved over the years in response to challenges and problems encountered so that lessons learnt on the basis of experience can be identified. A documentation will have to be put together including a (long) list of fairly recent social impact assessments produced. The analysis should identify strengths and weaknesses of the SIA systems selected.

This task should result in a detailed analysis of each of the SIA systems selected and in a comparative analysis (strengths and weaknesses).

This task will be based on desk research and in depth interviews with key people involved in the systems to be examined. It will be important to interview a sufficient number of producers and users of the assessments. Stakeholders involved in consultation procedures concerning the impact assessments should also be interviewed.

### **6.1.3 Task 3: In depth comparative analysis of a set of (approx. 50) 'social impact assessment' examples regarding the impact of major economic and employment policy changes / reforms on social protection and social inclusion.**

On the basis of the (long) list of fairly recent social impact assessments produced in each of the countries/regions examined in task 2, the contractor will propose a structured list of policy changes / reforms recently screened by SIA systems in the different countries, clustered around major themes. These policy changes and reforms should be included in the National Reform programmes for Growth and Jobs of the respective countries. Together with the Commission a list of about 50 cases, spread over the SIA-systems selected in task 2 will then be selected for in depth comparative analysis.

The impact assessments selected will be screened and compared on a number of quality criteria related to the methodology and tools used (e.g. range of policy options identified, tools used, quantification of impacts, way to handle qualitative information, involvement of stakeholders etc...). The list of quality criteria will be proposed by the contractor and agreed with the Commission.

This task should result in a comparative analysis of impact assessments on similar subjects over different SIA-systems (countries/regions).

This task will be based on desk research and interviews with key people responsible for producing and using the impact assessments.

### **6.1.4 Task 4: Recommendations for implementation.**

Based on the analysis in tasks 2 and 3 the contractor should present a number of recommendations on how best to set up an effective social impact assessment system and how to perform quality social impact assessments.

### **6.1.5 Task 5: Seminars**

The contractor will present the study and the planned approach at a peer review on social impact assessment that is scheduled to be organised in Slovakia in October 2008 as part of the 2008 peer review in social protection and social inclusion programme.

After the end of the project the contractor will present the results at a seminar with policy makers, social partners, researchers and NGO's.

### **6.2 How the activities should be carried out**

The PROGRESS Programme aimed at promoting gender mainstreaming in all its five policy sections and commissioned or supported activities. Consequently, the Contractor will take the necessary steps to ensure that:

- Gender equality issues are taken into account when relevant for the drafting of the technical offer/proposal by paying attention to the situation and needs of women and men;
- Implementation of the requested tasks includes a gender perspective by considering systematically women and men dimension;
- Performance monitoring includes the collection and gathering of data disaggregated by sex when needed.
- its proposed team and/or staff respects the gender balance at all levels.

Equally, needs of disabled people shall be duly acknowledged and met while executing the requested service. This will in particular entail that where the Contractor organises training sessions, conference, issues publications or develops dedicated websites, people with disabilities have equal access to the facilities or the services provided.

Finally, the Contracting Authority encourages the Contractor to promote equal employment opportunities for all its staff and team. This entails that the Contractor shall foster an appropriate mix of people, whatever their ethnic origin, religions, age, and ability.

The Contractor will be required to detail in its activity report accompanying the request for the final instalment the steps and achievements it made towards meeting these contractual provisions

## **7. Professional qualifications required**

See Annex IV of the draft contract.

## **8. Time schedule and reporting**

See Article I.2 of the draft contract.

### **8.1 Time schedule**

The period of execution of the contract is **15 months**. The contract will actually start after both parties

have signed the contract.

## 8.2 Reporting

A succinct **inception report** must be submitted in English within fifteen calendar days of the date of signature of the contract by the last of the two parties. It should detail the methodology proposed by the Contractor, the work plan and the proposed time schedule. The inception report should contain the proposed framework of analysis that is to be used for task 1. A kick off meeting with the Commission will be held before the end of the first month to take a decision on the proposal contained in the inception report.

The **first interim report** must be submitted in English within five months of the date of the signature of the contract by the last of the two parties. This report will contain a first draft version of the results of task 1: 'Description and summary analysis (mapping) of ex ante social impact assessment arrangements in place in the EU Member States at the national and regional level'. It will also contain a proposal regarding the criteria for selection and the selection of the SIA-systems that will be examined in depth in task 2. This report will be discussed at a second meeting with the Commission. At this meeting a decision will be taken about the selection of SIA systems to be examined in task 2.

The **second interim report** must be submitted in English in 3 hard copies (1 original and 2 copies) plus an electronic version within nine months of the date of the signature of the contract by the last of the two parties. This report will contain:

- an updated draft version of the results of task 1, and
- a first draft version of the results of task 2 'In depth analysis of a subset of well developed or particularly interesting SIA systems'.

It will also contain the structured list of policy changes / reforms recently screened by SIA systems in the different countries, clustered around major themes, which is to be produced by the contractor on the basis of the (long) list of fairly recent social impact assessments produced in each of the countries/regions examined in task 2. This report will be discussed at a third meeting with the Commission. A decision will be taken about the selection of social impact assessments to be examined in task 3. When approved, this interim report will open the right to interim payment.

The **third interim report** must be submitted in English within thirteen months of the date of the signature of the contract by the last of the two parties. This report will contain a first draft version of the results of task 3 'In depth comparative analysis of a set of (approx. 50) 'social impact assessment' examples on the impact of major economic and employment policy changes / reforms on social protection and social inclusion'. This report will be discussed at a fourth meeting with the Commission.

The **draft final report in English**, containing:

- the results of task 1 to 4,
- a draft executive summary of no more than 5 pages in English, French and German, and
- a draft final activity report containing a complete description of the work undertaken in the framework of this contract,

must be submitted within fifteen months of the date of signature of the contract by the last of the two parties. This document must provide the conclusions of the Contractor in respect of the questions raised within the terms of reference and must be clearly based on evidence generated through the study. It is

essential that the report be clear, unambiguous and comprehensible for the non-specialist.

The **final report, the executive summary** and the final activity report must be submitted in English in 3 hard copies (1 original and 2 copies) plus an electronic version within one month after the approval of the draft final report.

The report as well as the executive summary must be provided in English. It must take into account the results of the assessment of the draft final report and discussions with the contracting authority on the draft final report.

### **8.3 Additional requirements**

1- As a matter of principle, with a view to favouring appropriate monitoring and valorisation by the European Commission of all results obtained and outputs delivered under PROGRESS programme, the Contractor will be required to provide for each of the tasks required under the present Call

- Presentation of their key points in one page. Key points should be concise, sharp and easily understandable. They shall be provided in English, French and German. Other Community languages would be welcome, though not compulsory.

2- In accordance with the General conditions, the Contractor is under the obligation to acknowledge that the present service is delivered on behalf of the Community in all documents and media produced, in particular final delivered outputs, related reports, brochures, press releases, videos, software, etc, including at conferences or seminars, as follows:

*This (publication, conference, training session) is supported for under the European Community Programme for Employment and Social Solidarity (2007-2013). This programme is managed by the Directorate-General for Employment, social affairs and equal opportunities of the European Commission. It was established to financially support the implementation of the objectives of the European Union in the employment and social affairs area, as set out in the Social Agenda, and thereby contribute to the achievement of the Lisbon Strategy goals in these fields.*

The seven-year Programme targets all stakeholders who can help shape the development of appropriate and effective employment and social legislation and policies, across the EU-27, EFTA-EEA and EU candidate and pre-candidate countries.

The Programme has six general objectives. These are:

- (1) to improve the knowledge and understanding of the situation prevailing in the Member States (and in other participating countries) through analysis, evaluation and close monitoring of policies;
- (2) to support the development of statistical tools and methods and common indicators, where appropriate broken down by gender and age group, in the areas covered by the programme;
- (3) to support and monitor the implementation of Community law, where applicable, and policy objectives in the Member States, and assess their effectiveness and impact;
- (4) to promote networking, mutual learning, identification and dissemination of good practice and innovative approaches at EU level;

(5) to enhance the awareness of the stakeholders and the general public about the EU policies and objectives pursued under each of the policy sections;

(6) to boost the capacity of key EU networks to promote, support and further develop EU policies and objectives, where applicable.

For more information see:

[http://ec.europa.eu/employment\\_social/progress/index\\_en.html](http://ec.europa.eu/employment_social/progress/index_en.html)

For publications it is also necessary to include the following reference: "The information contained in this publication does not necessarily reflect the position or opinion of the European Commission"

With regard to publication and any communication plan linked to the present service, the Contractor will insert the European Union logo, and if any another logo developed for the employment and social solidarity fields, and mention the European Commission as the Contracting Authority in every publication or related material developed under the present service contract.

#### **8.4 Progress reporting requirements**

*PROGRESS* will be implemented through a results-based management - RBM. Managing for outcomes and results is about working to maximise results for European citizens. This includes:

- Identifying the most important results for European citizens;
- Managing for these results, including setting clear desired results, implementing plans based upon these results and learning about 'what works' in the process;
- Seizing opportunities to work together whenever this helps achieve the results.

As a first step, a Strategic Framework for the implementation of *PROGRESS* has been developed in collaboration with Member states and organisations from the civil society. The Strategic Framework provides the framework for implementing *PROGRESS*, complemented by the Performance Measurement, which defines *PROGRESS* mandate, its long-term and specific outcomes. See in Annex I the overview of *PROGRESS* performance measurement framework. For more information on the strategic framework, please visit *PROGRESS* website:

[http://ec.europa.eu/employment\\_social/progress/framework\\_en.htm](http://ec.europa.eu/employment_social/progress/framework_en.htm)

The Commission will in that context monitors the effect of *PROGRESS* supported or commissioned initiatives and considers how these initiatives contributes to *PROGRESS* outcomes as defined in the Strategic Framework. In that context, the Contractor will be asked to work in close cooperation with the Commission and/or persons authorised by it to define their expected contributions and the set of performance measures against which their contribution will be assessed. The Contractor will be asked to collect and report on its own performance on a regular basis to the Commission and/or persons authorised by it. In addition, the Contractor will make available to the Commission and/or persons authorised by it all documents or information that will allow *PROGRESS* performance measurement to be successfully completed and to give them the rights of access.

## **9. Payments and standard contract**

The terms of payment are as follows:

- 30% of the total amount within 30 days after the signing of the contract;
- 40% after the submission and acceptance of the second interim report;
- 30% after the Commission's acceptance of both the final report and final invoice.

In drawing up the bid, the bidder should take into account the provisions of the standard contract comprising the "General terms and conditions applicable to service contracts".

## **10. Prices**

The price should not exceed €350,000 in total.

Under the terms of Articles 3 and 4 of the Protocol on the Privileges and Immunities of the European Communities, the latter are exempt from all charges, taxes and duties, including value added tax; such charges may not therefore be included in the calculation of the price quoted. The amount of VAT is to be indicated separately.

- The price must be stated in EUR(€), net of VAT (using, where appropriate, the conversion rates published in the C series of the Official Journal of the European Union on the day when the invitation to tender was issued), and broken down according to the model in Annex III included in the attached standard contract.

### **Part A: Professional fees and direct costs**

Fees, expressed as the number of person-days multiplied by the unit price per working day for each expert proposed (expert x person/day x unit price).

Direct costs could include all the following assignment-related costs:

- Travel expenses
- Subsistence expenses of the Contractor and his staff;
- Reporting expenses;
- Translation expenses;
- All other unavoidable expenses necessary to the achievement of the Contract.

Should the implementation period be extended, no price revision will apply.

## **11. Groupings of economic operators or consortia**

Tenders can be submitted by groupings of service providers/suppliers who will not be required to adopt a particular legal form prior to the contract being awarded, but the consortium selected may be required to assume a given legal form when it has been awarded the contract if this change is necessary for

proper performance of the contract.<sup>10</sup> However, a grouping of economic operators 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. The documents required and listed in the following points 12 and 13 must be supplied by every member of the grouping. Each member of the grouping assumes a joint and several liability towards the Commission.

## 12. Exclusion criteria and supporting documents

1) Bidders must provide a declaration on their honour, duly signed and dated, that they are not in one of the situations referred to in Article 93 and 94 a) of the Financial Regulation

Those articles are as follows:

### Article 93:

Applicants or bidders shall be excluded if:

- a) they are bankrupt or being wound up, are having their affairs administered by the courts, have entered into an arrangement with creditors, have suspended business activities, are the subject of proceedings concerning those matters, or are in any analogous situation arising from a similar procedure provided for in national legislation or regulations;
- b) they have been convicted of an offence concerning their professional conduct by a judgement which has the force of res judicata;
- c) they have been guilty of grave professional misconduct proven by any means which the contracting authority can justify;
- d) they have not fulfilled their obligations relating to the payment of social security contributions or the payment of taxes in accordance with the legal provisions of the country in which they are established or with those of the country of the contracting authority or those of the country where the contract is to be performed;
- e) they have 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) they are currently subject to an administrative penalty referred to in Article 96(1)<sup>11</sup>..

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<sup>10</sup> *These entities can take the form of an entity with or without legal personality but offering sufficient protection of the Commission's contractual interests (depending on the Member State concerned, this may be, for example, a consortium or a temporary association).*

*The contract has to be signed by all members of the group, or by one of the members, which has been duly authorised by the other members of the grouping (a power of attorney or sufficient authorisation is to be attached to the contract), when the bidders have not formed a legal entity.*

<sup>11</sup> "Article 96(1): The contracting authority may impose administrative or financial penalties on the following:

- (a) candidates or tenderers in the cases referred to in point (b) of Article 94;
  - (b) contractors who have been declared to be in serious breach of their obligations under contracts covered by the budget.
- (...)"

**Article 94:**

Contracts may not be awarded to candidates or bidders who, during the procurement procedure:

- a) are subject to a conflict of interest.
  - b) are guilty of misrepresentation in supplying the information required by the contracting authority as a condition of participation in the procurement procedure or fail to supply this information;(...)
- 2) ) The tenderer to whom the contract is to be awarded shall provide, within a time limit defined by the contracting authority and preceding the signature of the contract, the evidence referred to in Article 134 of the implementing Rules, confirming the declaration referred to in point 1 above

**Article 134 of the Implementing Rules– Supporting documents**

1. The contracting authority shall accept as satisfactory evidence that the candidate or bidder is not in one of the situations described in points (a), (b) or (e) of Article 93 of the Financial Regulations, production of a recent extract from the judicial record or, failing that, a recent equivalent document issued by a judicial or administrative authority in the country of origin or provenance showing that these requirements are met.

2. The contracting authority shall accept as satisfactory evidence that the candidate or bidder is not in the situation described in point (d) of Article 93 of the Financial Regulations, a recent certificate issued by the competent authority of the State concerned.

Where no such document or certificate is 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.

3. Depending on the national legislation of the country in which the bidder or applicant is established, the documents referred to in paragraphs 1 and 2 above shall relate to legal entities and/or physical persons, including, where considered necessary by the awarding authority, company directors or any person with powers of representation, decision-making or control in relation to the bidder.

3) The contracting authority may waive the obligation of a candidate or bidder to submit the documentary evidence referred to in Article 134 of the Implementing Rules, if such evidence has already been submitted to it for the purposes of another procurement procedure launched by DG EMPL and provided that the issuing date of the documents does not exceed one year and that they are still valid.

In such a case, the candidate or bidder shall declare on his honour that the documentary evidence has already been provided in a previous procurement procedure and confirm that no changes in his situation have occurred.

See Annex II for the supporting documents to be provided by successful bidder.

**13. Selection criteria**

Candidates will be selected on the basis of their financial, economic and technical capacity.

## Financial and economic capacity

In order for the Commission to determine the sound economic and financial capacity of an undertaking to execute this contract, the following must be provided:

- Proof of turnover in the last financial year at least equivalent to 100% of the price of the contract;
- Full set of financial statements (comprising at least a balance sheet and profit and loss account) for the last two financial years (or the annual budget for the last 2 years in the case of semi-public or non-profit organisations), where the bidder is required by law to produce such statements. Where the relevant company law requires these financial statements to be audited, the audit statement should be included. Where the bidder is not required to produce full financial statements, other documents establishing financial capacity should be submitted (e.g. internal reports, management accounts, appropriate bankers' statements, evidence of professional risks indemnity insurance etc).

Please note that according to the evaluation of the financial capacity of the bidder, bidders or group of bidders, the Commission might require a financial guarantee, in accordance with Art. 102 of the Financial Regulations to ensure full performance of the contract and/or to limit the financial risks connected with payment of pre-financing.

## Technical and Professional capacity

The Bidder must comply with the following criteria:

1. Proven track record in policy analysis in the fields of social inclusion and social protection in the last five years
2. Proven track record in the field of evaluation of public policies in the last five years.

The Contracting Authority shall accept the following as evidence of compliance with the above criteria:

1. details of educational and professional qualifications of the persons undertaking the study accompanied by their respective CVs.
2. a list of the principal services relevant to the tasks of the contract which have been provided in the past five years, complete with the amount, dates and recipients, (public or private bodies)
3. a description of the measures employed to ensure the quality of services and a description of the firm's study and research facilities.

## 14. Award criteria

The contract will be awarded on the basis of the best value for money, taking into account the following criteria:

1. The quality and consistency of the tender (**maximum 30%**)
  - the degree of understanding of the nature of the assignment, its context and results to be achieved (**maximum 15%**).

- the quality and appropriateness of the strategy proposed for the implementation of the expertise (**maximum 15%**).
2. The technical value of the bid and proposed methodology (**maximum 70%**)
- the work plan: actions proposed to supplement the sources of information available, the use of existing research in the fields covered by the expertise as well as available data to complement background information (**maximum 20%**).
  - type of analysis provided: interpretation of quantitative and qualitative information according to the proposed strategy (**maximum 20%**).
  - detailed timetable including the allocation of the human resources at the different stages of the work (**maximum 30%**).
3. Price. It should be noted that the contract will not be awarded to a bidder who receives less than 70 % in the Award Criteria. The total points will then be divided by the price, with the highest scoring bid being awarded the contract.

### **No obligation to award a contract**

Initiation of a tendering procedure imposes no obligation on the Contracting Authority to award the contract. The Contracting Authority shall not be liable for any compensation with respect to Bidders whose tenders have not been accepted. Nor shall it be liable if it decides not to award the Contract.

## **15. Content and presentation of bids**

### **Content of bids**

Tenders must include:

- all information and documents necessary to enable the Commission to appraise the bid on the basis of the selection and award criteria (see points 13 and 14 above);
- a bank ID form duly completed and signed by the bank;
- a "legal entity" form duly completed;
- the price;
- the detailed CVs of the proposed experts;
- the name and function of the contractor's legal representative (i.e. the person authorised to act on behalf of the contractor in any legal dealings with third parties);
- proof of eligibility: bidders must indicate the State in which they have their registered office or are established, providing the necessary supporting documents in accordance with their national law.

### **Presentation of bids**

Bids must be submitted in triplicate (i.e. one original and two copies).

They must include all the information required by the Commission (see points 10, 11, 12 and 13 above).

They must be clear and concise.

They must be signed by the legal representative.

They must be submitted in accordance with the specific requirements of the invitation to tender, within the deadlines laid down.

Annex I: Overview of PROGRESS Performance Measurement Framework  
Annex II: Exclusion criteria and supporting documents  
Annex III: Declaration on honour

# ANNEX I: OVERVIEW OF PROGRESS PERFORMANCE MEASUREMENT FRAMEWORK

## PROGRESS Ultimate Outcome

*Member States implement laws, policies and practices in a manner that contributes to the desired outcomes of the Social Agenda*

PROGRESS works toward its ultimate outcome by helping strengthen the EU's support for Member States' efforts to create more and better jobs and to build a more cohesive society. PROGRESS seeks to contribute to (i) an **effective legal regime** in the EU in relation to the Social Agenda; (ii) **shared understanding** across the EU with regard to Social Agenda objectives; and (iii) **strong partnerships** working toward Social Agenda objectives.

In operational terms, support provided by PROGRESS facilitates (i) provision of analysis and policy advice; (ii) monitoring and reporting on the implementation of EU legislation and policies; (iii) policy transfer, learning and support among Member States; and (iv) relaying to decision-makers the views of the stakeholders and society at large.

### Legal Regime

#### Outcome:

*Compliance in Member States with EU law related to PROGRESS areas.*

#### Performance Indicators

1. Transposition rate of EU law on matters related to PROGRESS policy areas
2. Effectiveness of application in Member States of EU law on matters related to PROGRESS policy areas.
3. EU policies and legislation are grounded in thorough analysis of situation and responsive to conditions, needs and expectations in Member States in PROGRESS areas
4. Extent to which PROGRESS-supported policy advice feeds into the development and implementation of EU legislation and policies
5. Cross-cutting issues are addressed in PROGRESS policy sections
6. EU policies and legislation display a common underlying logic of intervention in relation to PROGRESS issues
7. Gender mainstreaming is systematically promoted in PROGRESS

### Shared Understanding

#### Outcome:

*Shared understanding and ownership among policy/decision-makers and stakeholders in Member States, and the Commission, of objectives related to PROGRESS policy areas.*

#### Performance Indicators

1. Attitudes of decision-makers, key stakeholders and general public regarding EU objectives in PROGRESS policy areas
2. Extent to which national policy discourses or priorities reflect EU objectives
3. Extent to which principles of good governance (including minimum standards on consultation) are respected in policy debate
4. Extent to which the outcomes of policy debates feed into the development of EU law and policy.
5. Greater awareness of policy-and decision-makers, social partners, NGOs, networks regarding their rights/obligations in relation to PROGRESS policy areas
6. Greater awareness of policy-and decision-makers, social partners, NGOs, networks regarding EU objectives and policies in relation to PROGRESS policy areas

### Strong Partnerships

#### Outcome:

*Effective partnerships with national and pan-European stakeholders in support of outcomes related to PROGRESS policy areas.*

#### Performance Indicators

1. Existence of common ground/consensus among policy and decision-makers and stakeholders on EU objectives and policies
2. Identification and involvement by the EU of key actors in a position to exert influence or change at EU and national levels
3. Effectiveness of partnerships in relation to outcomes related to PROGRESS policy areas.
4. Number of individuals served or reached by networks supported by PROGRESS.
5. Extent to which advocacy skills of PROGRESS-supported networks have improved
6. Satisfaction of EU and national authorities with the contribution of networks
7. Extent to which PROGRESS-supported networks take a cross-cutting approach

## Annex II - Supporting documents to be provided by successful bidder

Exclusion criteria (Article 93(1) FR)	Supporting documents to be provided by applicants, tenderers or bidders (Article 134 IR)	
<p><b>1. Exclusion from a procurement procedure, Article 93(1) FR :</b></p> <p><i>« Candidates or tenderers shall be excluded from participation in a procurement procedure if:</i></p>		
<p><b>1.1. (subparagraph a)</b></p> <ul style="list-style-type: none"> <li>▪ <i>they are bankrupt or being wound up,</i></li> <li>▪ <i>are having their affairs administered by the courts,</i></li> <li>▪ <i>have entered into an arrangement with creditors have suspended business activities, are the subject of proceedings concerning those matters,</i></li> <li>▪ <i>or are in any analogous situation arising from a similar procedure provided for in national legislation or regulations<sup>12</sup>;</i></li> </ul>	<p>Recent extract from the judicial record</p> <p style="text-align: center;"><b>or</b></p> <p>recent equivalent document issued by a judicial or administrative authority in the country of origin or provenance</p> <p style="text-align: center;"><b>or</b></p> <p>Where no such certificate is issued in the country concerned : 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</p>	
<p><b>1.2. (subparagraph b)</b></p> <p><i>they have been convicted of an offence concerning their professional conduct by a judgment which has the force of res judicata<sup>13</sup>;</i></p>	<p>Cf. supporting documents for Article 93(1)(a) FR above</p>	

<sup>12</sup> See also Article 134(3) IR : Depending on the national legislation of the country in which the tenderer or candidate is established, the documents referred to in paragraphs 1 and 2 shall relate to legal persons and/or natural persons including, where considered necessary by the contracting authority, company directors or any person with powers of representation, decision-making or control in relation to the candidate or tenderer.

<sup>13</sup> Cf. footnote n° 1.

<p align="center"><b>Exclusion criteria (Article 93(1) FR)</b></p>	<p align="center"><b>Supporting documents to be provided by applicants, tenderers or bidders (Article 134 IR)</b></p>	
<p><b>1.3. (subparagraph c)</b> <i>they have been guilty of grave professional misconduct proven by any means which the contracting authority can justify;</i></p>	<p>Declaration by the candidate or tenderer that he is not in the situation described</p>	
<p><b>1.4. (subparagraph d)</b> <i>they have not fulfilled obligations relating to the payment of social security contributions or the payment of taxes in accordance with the legal provisions of the country in which they are established or with those of the country of the contracting authority or those of the country where the contract is to be performed<sup>14</sup>;</i></p>	<p>Recent certificate issued by the competent authority of the State concerned confirming that the candidate is not in the situation described</p> <p align="center"><b>or</b></p> <p>Where no such certificate is issued in the country concerned : 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</p>	
<p><b>1.5. (subparagraph e)</b> <i>they have been the subject of a judgment which has the force of res judicata for fraud, corruption, involvement in a criminal organisation or any other illegal activity detrimental to the Communities' financial interests<sup>15</sup>;</i></p>	<p>Cf. supporting documents for Article 93(1)(a) FR above</p>	
<p><b>1.6. (subparagraph f)</b> <i>they are currently subject to an administrative penalty referred to in Article 96(1)<sup>16</sup>. »</i></p>	<p>Declaration by the candidate or tenderer that he is not in the situation described</p>	

<sup>14</sup> Cf. footnote n°1.

<sup>15</sup> Cf. footnote n° 1.

<sup>16</sup> Article 96(1) FR: The contracting authority may impose administrative or financial penalties on the following:

(a) candidates or tenderers in the cases referred to in point (b) of Article 94;

(b) contractors who have been declared to be in serious breach of their obligations under contracts covered by the budget.

<p align="center"><b>Exclusion criteria (Article 94 FR)</b></p>	<p align="center"><b>Supporting documents to be provided by applicants, tenderers or bidders (Article 134 IR)</b></p>	
<p><b>2. Exclusion from a procurement or grant award procedure</b>  <b>Article 94 FR :</b> « <i>Contracts may not be awarded to candidates or tenderers who, during the procurement procedure:</i></p>		
<p><b>2.1. (subparagraph a)</b>   <i>are subject to a conflict of interest;</i></p>	<p>Statement by the applicant, tenderer or bidder confirming the absence of conflict of interests, to be submitted with the application, bid or proposal</p>	<p align="center">–</p>
<p><b>2.2. (subparagraph b)</b>   <i>are guilty of misrepresentation in supplying the information required by the contracting authority as a condition of participation in the contract procedure or fail to supply this information»<sup>17</sup>.</i></p>	<ul style="list-style-type: none"> <li>– No specific supporting documents to be supplied by the applicant, tenderer or bidder</li> <li>– It is the responsibility of the authorising officer, represented by the evaluation committee, to check that the information submitted is complete<sup>18</sup> and to identify any misrepresentation</li> </ul>	<p align="center">–</p>

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<sup>17</sup> Cf. Article 146(3) of the FR Implementing Rules: « ...the evaluation committee may ask candidates or tenderers to supply additional material or to clarify the supporting documents submitted in connection with the exclusion and selection criteria, within a specified time-limit. » and Article 178(2) of the FR Implementing Rules: « The evaluation committee may ask an applicant to provide additional proof or to clarify the supporting documents establishing financial and operational capacity, within a specified time-limit. »

<sup>18</sup> Cf. footnote n°1

Annex III

## 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<sup>19</sup>*)  
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 a subject of the 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 his obligation under contract covered by the budget.

In addition, the undersigned declares on their honour:

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<sup>19</sup> To be used depending on the national legislation of the country in which the candidate or tenderer is established and where considered necessary by the contracting authority (see art. 134(4) of the Implementing Rules).

- 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) that the information provided to the Commission within the context of this invitation to tender is accurate, sincere and complete.
- l) that 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<sup>20</sup>.

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 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 art 133 and 134 b of the Implementing Rules (Commission Regulation 2342/2002 of 23/12/02), which may be applied if any of the declarations or information provided prove to be false.

Full name

Date

Signature

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<sup>20</sup> Mandatory for contracts of value above €133 000 only (see art. 134(2) of the Implementing Rules). The contracting authority can nevertheless request such evidence for contracts with a lower value.