

Call for tenders

Terms of Reference

“Spatial dynamics and integrated territorial development scenarios for the functional area of central Europe – CE FLOWS”

Technical and Administrative Terms and Conditions

ESPON EGTC

Version 02 July 2019

Implementation Framework: The Single Operation within the ESPON 2020 Cooperation Programme implemented by the ESPON EGTC. The ESPON 2020 Monitoring Committee approved the Single Operation on 20 November 2015. The Single Operation is co-financed by the European Regional Development Fund via the ESPON 2020 Cooperation Programme. Table of contents

This document details both the technical and administrative terms and conditions including its annexes and constitutes the dossier of this call for tenders. Its original is kept in the contracting authority's records and is the only version that is deemed authentic.

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1 What is to be done? (Definition of the contract)

The ESPON Targeted Analysis “Spatial dynamics and integrated territorial development scenarios for the functional area of central Europe – CE FLOWS” shall contribute to the extended use of territorial evidence adding a European perspective to policy development at national, regional and local level in the framework of the ESPON 2020 Programme, under Specific Objective 2.

The service contract shall investigate spatial dynamics and existing flows across regions in Central Europe (CE) and identify main development potentials, drivers and bottlenecks in that functional area. Emphasis should be put on how transnational cooperation structures, governance mechanisms and solutions could be tailored to reduce economic and social disparities and foster integrated territorial development in CE.

The main outcome should be policy implementation tools for integrated territorial development of the CE area.

1.1 Context and objectives of this call for tender

The Interreg Central Europe (CE) programme area¹ encompasses the territory of nine EU Member States, i.e. Austria, Croatia, the Czech Republic, Hungary, Poland, Slovakia and Slovenia, as well as parts of Germany and Italy. It makes up 23% of the EU territory and covers countries from both sides of the former ‘Iron Curtain’.

Despite major progress, economic and social differences between ‘Eastern’ and ‘Western’ countries are still pronounced. The area is characterised by an uneven distribution of economic strength, which is rooted in the historical, political and economic development (East-West divide: command economy vs market economy) as well as in structural differences between regions (urban and industrialised areas vs. rural and peripheral areas). Research and development (R&D) as well as investments are concentrated in few, mostly urban growth poles including capital city agglomerations like Warsaw, Prague, Berlin, Vienna, and Budapest. As a consequence, rural and peripheral areas often show a lower competitiveness combined with significant brain-drain. Also, social disparities within CE can be observed especially along the former ‘Iron Curtain’ and the eastern external frontier of the EU.

A recent study² analysed the main challenges for the CE region which were identified as: a) globalisation, b) digital economy, c) transport and accessibility, d) energy, e) circular economy/environment, f) climate change, g) employment and skills, h) social risks, i) demographic change/migration and j) governance. The study concluded that CE is a functional area, and that this functionality is not only based on the geographic proximity of countries, but on spatial interactions and linkages within different sectors such as economics and business, governance etc.

The CE-FLOWS targeted analysis shall look into the spatial dynamics and existing flows across the regions making up the CE functional area. With this focus on the functional geography of CE, the project is well anchored in the European policy context in view of the objectives of European regional development and Cohesion Policy for the forthcoming funding period 2021-2027.

The draft ETC regulation introduces the notion of functional areas, therefore the methodology and approach tested by CE-FLOWS in the CE area can be applied in the analysis of functional relationships in other transnational Interreg programme areas outside the four Macro-Regional Strategy (MRS) areas (e.g. South-West Europe, North-West Europe, Mediterranean, North Sea Region). Furthermore, the methodology developed in CE-FLOWS can be applied to a smaller scale than the transnational one, i.e. for capturing dynamics and flows at the cross-border level.

The analysis in the framework of CE-FLOWS shall also consider complementarities and synergies with other EU instruments and policies, including macro-regional strategies. A better understanding of the flows and interdependencies within CE will allow to increase the impacts of other EU policy instruments through better coordination and valorisation of synergies as well as strengthen the linkages of CE with other adjacent functional areas. This will further reinforce cooperation between stakeholders and territories, leading not only

¹ Interreg CENTRAL EUROPE Cooperation Programme (version 3.0), <http://interreg-central.eu/Content.Node/documents/documents.html>

² Socio-economic challenges, potentials and impacts of transnational cooperation in central Europe (wiw, 2018) - <http://interreg-central.eu/Content.Node/discover/programme.html>

to an effective integrated territorial development of the CE functional area but, considering its location at the heart of Europe and its economic importance, to more cohesion in the entire EU.

1.2 Objectives

The objective of this activity is the development of transnational policy actions and tools that are effective for the integrated territorial development of CE in view of 2030, thereby supporting transnational, national and regional policy interventions in the area.

The design of effective policy interventions, which are tailored to the specificities of CE as a functional area, requires a clear understanding of the underlying territorial spatial linkages and dynamics. This targeted analysis should provide in-depth insight into these interdependencies and identify predominant development potentials that can be efficiently addressed through transnational cooperation and tailored governance mechanisms.

More concretely, the objective of this activity is to satisfy the stakeholders' knowledge need as defined below:

- Which spatial dynamics of CE as a functional area can be observed? How can the current situation be characterised (e.g. by which indicators) and which are the main development trends/scenarios in view of 2030? What is going to be the territorial impact of the predicted / expected development trends?
- What are the main spatial development potentials able to reduce economic and social disparities in CE and foster integrated territorial development? Which drivers and bottlenecks can be best addressed by transnational cooperation to further strengthen functional links?
- Building on existing cooperation patterns and partnerships, how can transnational cooperation structures, governance mechanisms and solutions be tailored to fit spatial dynamics of the CE functional territory? How can their impacts be further strengthened in view of 2030 (i.e. by when impacts of 2021-2027 programmes will be achieved)? What is the special niche of transnational cooperation in this context (in relation to other EU instruments and policies)? How can complementarities and synergies with other EU instruments and policies, such as macro-regional strategies be used?

The main outcome of the service should be:

- Territorial evidence on the spatial dynamics including flows and interconnections within the CE functional area. This should include data on the current situation, as well as projections and development scenarios for 2030 considering relevant trends.
- Visualisations of the spatial dynamics in CE through maps and/or other innovative ways of visualisation.
- Identification of spatial development potentials of CE considering trends and scenarios for 2030 based on territorial and cross-sectorial integration. The scenarios and potentials should be based on the results of the spatial dynamics analysis. Emphasis should be put on topics especially relevant at the transnational level.
- Options and tools for transnational policy implementation that support the integrated territorial development of the CE functional area, thereby reducing disparities and fostering cohesion (namely the Interreg CE Programme 2021-2027). The policy options should build on existing cooperation patterns, address the identified drivers in view of 2030 scenarios and aim at further strengthening the functionality of CE.

The results should consider the EU Cohesion Policy 2021-2027 policy framework and complementarity with existing transnational governance structures, such as macro-regional strategies.

1.3 Description of tasks

The research should focus on the area of CE (see section 1.1) but where relevant also adjacent territories should be considered. The following tasks, which are interconnected and interdependent, shall be carried out within the framework of this service contract.

1.3.1 Task 1 - Analysis of spatial dynamics in CE

Investigate the spatial dynamics and existing flows across the CE functional region and identify the main development potentials, drivers and bottlenecks. The analysis should be based on the identification of spatial patterns considering differences between densely and sparsely populated areas such as cities and rural areas. Since such flows are difficult to grasp, this evidence can either be quantitative or qualitative, depending on the data availability.

The analysis should focus on the identification of flows, linkages and interdependencies within CE and cover at least the following four main topics:

- Economic interactions and networks (e.g. material flow and flows of goods, transnational value chains, circular economy, innovation networks, energy networks);
- Flow of people (e.g. demographic trends, labour market, education, migration, cross border commuting);
- Environmental hazards (e.g. air, water, habitats, floods, climate crises);
- Accessibility and connectivity (e.g. services of general interest, broadband and ICT connectivity, digitalisation, transport corridors and services).

The aim of this task is to create an up-to-date picture of the current situation of flows and interconnections in the CE area. This should be done by zooming-in on existing ESPON and other relevant evidence (e.g. Eurostat and other statistical data) and breaking down relevant pan-European results for the CE area. The most relevant ESPON results to be considered are CIRCTER, GRETA, REFUGEES, COMPASS, LOCATE, ACTAREA as well as MIGRATUP, BT2050, Alps 2050, CPS, Technological Transformation and Transitioning of Regional Economies.

1.3.2 Task 2 - Development of potential development scenarios for 2030 in CE

This task comprises a forward looking element in the CE-FLOWS targeted analyses. Based on the identified development potentials, drivers and bottlenecks resulting from task 1, task 2 should develop projections and development scenarios of spatial dynamics and flows for 2030.

The emphasis in the elaboration of scenarios should be put on topics/sectors where transnational cooperation has a high potential to promote better integration across regions and which are of strategic relevance for regional development (e.g. the four main topics mentioned in 1.3.1, but necessarily limited to these). This task should consider functional (including cultural) and spatial aspects and also reflect new challenges and recent development trends (e.g. economic transition to industry 4.0 as well as green and circular economy, inner peripheries, migration and ageing, climate change, digitalisation, good governance etc.).

1.3.3 Task 3 – Elaborating proposals for transnational policy implementation

Elaborate proposals for transnational policy implementation options and tools supporting the integrated territorial development of the CE functional area.

Based on the results of tasks 1-2, develop proposals for policy interventions in the context of transnational cooperation in order to achieve the desired development scenario(s) in CE.

Emphasis should be put on the specific niche of transnational cooperation and how such cooperation structures, governance mechanisms and solutions should be tailored to reduce economic and social disparities and foster integrated territorial development in CE built on existing cooperation patterns and partnerships.

Furthermore, recommendations should be made on how the impact of existing partnerships could be further strengthened in view of 2030. This task should also investigate how, considering existing experiences and lessons learned, complementarities and synergies with other EU instruments and policies, such as macro-regional strategies, could be best used.

The process of developing transnational policy options and recommendations should have a participatory character, actively involving the relevant stakeholders from the CE area.

The fulfilment of these tasks shall be carried out in line with the specific context and objectives described in section 1.1 and 1.2.

1.4 Expected outputs and deliveries

The following outputs and deliveries shall be provided covering the tasks of the requested service as specified above in section 1.3.

1.4.1 Mandatory meetings foreseen for the contract implementation

Kick-off meeting

The kick-off meeting will consist of a general dialogue with the service provider regarding the objectives and tasks of the research; the overall research strategy; and the governance and implementation of this targeted analysis. The kick-off meeting will be chaired by the project expert of the ESPON EGTC responsible for the implementation of the CE-FLOWS project. Feedback will be provided to the service provider on the selected technical offer. Specific contractual dates for deliveries in accordance with the general timetable outlined in Section 1.5 below shall also be agreed and recorded in the minutes.

The service provider will additionally receive technical guidelines at the kick-off meeting on how to design and produce maps in accordance with the ESPON template, as well as all relevant information concerning the proper application of the ESPON Corporate Identity.

The kick-off meeting will take place in one of the stakeholder territories or at the ESPON EGTC's premises in Luxembourg and will also be the first occasion for the steering committee to convene. The service provider shall attend the kick-off meeting with at least one representative.

Steering Committee Meetings

The steering committee shall consist of representatives of all stakeholder institutions (supported by the Joint Secretariat of the Interreg CE Programme), the service provider and the ESPON EGTC. The objectives and role of the steering committee in the implementation and governance of this targeted analysis is described in Section 1.6.

In addition to the kick-off meeting, three (3) steering committee meetings will be convened throughout the lifetime of the CE-FLOWS project. The steering committee meetings will normally take place in one of the stakeholder territories or at the ESPON EGTC's premises in Luxembourg, upon agreement between the service provider, the lead stakeholder and the ESPON EGTC. Steering committee meetings shall normally be organised following key delivery milestones (see Section 1.5). Meetings may also be wholly or partly held via teleconference. The service provider shall attend each steering committee meeting with at least one representative.

Mandatory outreach events

The service provider shall also assure participation in up to three (3) specific outreach activities or other ESPON events, to be selected and agreed in consultation with the ESPON EGTC. This may include ESPON seminars which typically take place in the country holding the presidency of the council of the EU. During the implementation period of this service the member states holding the presidency are Finland, Croatia and/or Germany (depending on the precise commencement date of the contract).

At least one of the events will include a joint meeting of all partners of ongoing ESPON projects intended as a forum to exchange information and feedback, and the service provider shall attend with at least one representative.

Costs for meetings and events

Budget costs related to the travel and attendance at all of the above meetings and events must be included in the financial offer for this service contract. No other costs will be paid by the contracting authority to the service provider.

Any further costs in relation to any additional meeting or events organised by the stakeholders and for which participation of the service provider is requested will not be paid by the contracting authority.

1.4.2 Deliveries

Delivery 1:

The Inception Delivery shall include:

- Inception Report (approximately 20 pages, excluding annexes) including:
 - Brief description of the conceptual and methodological framework to be applied, the sources and data to be used and the practical steps to be taken for the implementation of the activity, based on feedback on the tender and the discussion during the kick-off meeting.

Delivery 2:

The Interim Delivery shall include:

- Interim Report (approximately 30 pages, excluding annexes) including:
 - Interim results of the analysis of spatial dynamics in CE, including draft overview on the main development potentials, drivers and bottlenecks (task 1).
 - Maps and/or other types of visualisations of the analysed spatial dynamics in CE.
 - Detailed overview of (territorial) data gathered and actions carried out to overcome data shortcomings.
 - State of affairs on the development of spatial development scenarios for CE (task 2).
- Source files for the maps and figures included in the report (in vector format).

Delivery 3:

The Final Delivery shall include:

- Final report (approximately 50 pages) including:
 - Executive summary (max. 3 pages) focusing on conclusions and recommendations based on the stakeholders' knowledge needs
 - Summary findings of the analysis of spatial dynamics and flows in CE, supported by some key maps/visualisations (task 1).
 - Spatial development scenarios for CE in 2030 focusing on the spatial dynamics and flows in that functional area (task 2).
 - Concrete proposals for transnational policy implementation options and tools supporting an integrated territorial development of the CE functional area (task 3).
- Synthesis report (max. 8 pages) including:
 - Main results of the Targeted Analysis
 - Content to be discussed and agreed with the ESPON EGTC
- Scientific annexes including:
 - Everything that has to be known to make the study repeatable and verifiable
 - Full descriptions of the spatial analysis and the scenario work..
 - Proposals for further research in the subject area of the activity.
- Content for the ESPON website (max. 12 pages) showcasing the key results and insights of the main report, based on guidelines and templates to be provided by the ESPON EGTC
- A PowerPoint presentation (approximately 30 slides), consisting of the main components of the final report, including the key maps and results of the study, to be agreed with the ESPON EGTC

- Key maps (2-5) (as appropriate) and accompanying text following the structure of the ESPON Online MapFinder, selection in consultation with the ESPON EGTC
- Source files for the maps and figures included in the delivery reports (in vector format)
- Geodatabase(s) for all the maps included in the Final Delivery
- Data gathered according to the ESPON metadata template and proof of the integration of data in the ESPON 2020 database

All deliveries

All reports should be delivered in electronic (pdf and docx) format and the text in the reports should have gone through a thorough language check, preferably by an English native speaker.

1.5 Indicative time schedule

Delivery	Delivery description	Indicative deadline ³
	Kick-off meeting	As soon as possible (and normally up within 4 weeks) after the award of the contract
D1	Inception delivery	T + 1 month
	Meeting or teleconference	
D2	Interim delivery	T + 7 months
	Meeting or teleconference	
D3	Final delivery	T + 12 months
	Meeting or teleconference	T + 13 months

The exact deadlines for the deliveries will be agreed on during the kick-off meeting. The minutes of the kick-off meeting containing a record of the agreed delivery dates will be signed by the representatives of both the service provider and the ESPON EGTC and will be subject to the article on “Performance of the contract and subcontracting” in the service contract.

The contracted service provider will receive written feedback from the ESPON EGTC on each of the abovementioned deliveries, including the compiled feedback of the steering committee, typically within four (4) weeks after receiving the deliveries, including advice on the further direction of the research.

In addition, regular ongoing contact by phone/email is envisaged between the service provider and the ESPON EGTC to continually progress and monitor the implementation of the service contract.

³ The letter "T" in this table stands for the date of the kick-off meeting.

1.6 Implementation and governance of the Targeted Analysis

Partnership and cooperation are central to the implementation of ESPON targeted analyses and are prerequisites for ensuring useful results and meeting stakeholders' research demands. The successful accomplishment of the objectives of the CE-FLOWS project will be achieved, to a large extent, by proactive participation of the stakeholders at every stage of the implementation. Stakeholder involvement commenced with the definition and development of the specific theme for this targeted analysis and will continue through the implementation of the research and beyond. Authorities of all stakeholder institutions are determined to continuously support the work on the project, providing all necessary documents and data they possess and reasonably available. As some of the documents to be considered for this targeted analysis might be available only in the languages of the stakeholder territories, the service provider should preferably hold the necessary local language skills.

To allow for a framework that facilitates successful cooperation, a steering committee shall be established for the lifetime of CE-FLOWS. The main purpose of the steering committees is to closely follow and advise the implementation of the research, making sure that it meets the stakeholders' policy demands and to provide continuous feedback on project deliveries and the future direction of the research, as necessary. The objectives of the steering committee are:

- To ensure the involvement and active participation of stakeholders in the implementation and steering of the project;
- To safeguard the policy relevance of CE-FLOWS' outputs for the stakeholders;
- To facilitate the information and data flow between the service provider's team, the stakeholders and the ESPON EGTC.

The role of the steering committee is:

- To discuss and give feedback to deliveries from the service provider and provide guidance for the next steps of the research and service contract implementation;
- To discuss and agree upon dissemination activities, particularly after the finalisation of the analytical work by the service provider.

The steering committee shall consist of representatives of all stakeholder institutions, the service provider and the ESPON EGTC. The ESPON EGTC shall be represented on the steering committee by the project expert responsible for this targeted analysis. Other stakeholders and/or relevant umbrella organisations may also take part in the steering committee as observers, should the steering committee decide so. The timing and location of steering committee meetings will be discussed during the kick-off meeting and agreed during the project implementation.

The City of Vienna, Municipal Department for European Affairs (Austria) is the lead stakeholder in this targeted analysis and is supported by the Joint Secretariat of the Interreg CE Programme. The other partners in the stakeholder consortium are:

- Federal Ministry for Sustainability and Tourism Directorate VII/5 – Coordination Regional Policy and Spatial Planning, Austria
- Ministry of Regional Development of the Czech Republic, Czech Republic
- Federal Institute for Research on Building, Urban Affairs and Spatial Development, Germany
- Thuringian Ministry of Infrastructure and Agriculture, Strategic Spatial Planning, Germany
- Ministry of Regional Development and EU Funds, Croatia
- Bratislava Self Governing Region, Managing Authority of INTERACT Programme, Slovakia
- Veneto Region – Joint Programming Department, Italy
- Ministry of Investment and Economic Development, Territorial Cooperation Department, Poland
- Ministry of the Environment and Spatial Planning, Spatial Planning, Construction and Housing Directorate, Slovenia

1.7 Stakeholders' envisaged use of the Targeted Analysis

Stakeholders will make use of the expected outcome in the following ways:

- The evidence on spatial dynamics, development potentials and trends for 2030 will be a key pillar of the territorial analysis underpinning the future transnational cooperation programme in CE, thus supporting its integrated territorial development.
- The resulting policy options and tools for integrated territorial development will provide input for the stakeholder dialogue and the definition of the intervention logic of the future generation of ERDF programmes.
- The output will help achieving better coordination with other functional/cooperation areas and instruments.

Furthermore, the results of CE-FLOWS will provide a clear added value for place based territorial policy making of ERDF mainstream and cross-border programmes within CE, in particular due to the national/regional responsibilities of the participating stakeholders. For example, the results will:

- Provide input for the Austrian Spatial Development Concept (ÖREK 2021-2031);
- Contribute to the development of future regional strategies for the Czech Republic;
- Support the design of efficient regional and national policy interventions in Italy in coordination with other contiguous territories;
- Feed into the update of the State Spatial Development Programme Thuringia (Germany);
- Be used to support preparation of strategic documents on national and regional level in Croatia;
- For preparing and implementing strategic documents and spatial development plans on national and regional level in Poland; and
- For providing guidance to and building capacities of Interreg programme authorities across Europe by INTERACT. Competences and skills required

1.8 Competences and skills required

The service provider should have the following specialised expertise, experiences and competences as part of the service provision:

- Proven experience from European projects and studies of territorial development issues, including experience from policy-relevant and comparative analyses with a European coverage and/or transnational multi-disciplinary research activities. The track record should cover the past 5 years.
- Good knowledge in European territorial policy development and publicly available European territorial evidence as a basis for policy making at EU and/or other administrative levels related to territorial development and cohesion.
- Specialised technical expertise and knowledge related to data collection, spatial data analysis and mapping Central European territorial trends.
- Affinity with translating scientific knowledge and results into concrete messages suitable for policy makers at European, national and regional levels, including broad policy directions and specific policy measures based on evidence.
- A very good linguistic ability to communicate and draft texts in high-quality standard English.

At least three (3) of the proposed team of service provider's experts shall have at least five (5) years of experience and academic background in the field of European territorial development issues in relation to the topic of this service contract, and experience in territorial analysis at international level.

The competences and experience of the service provider within the fields outlined above shall be clearly demonstrated and documented in the CVs submitted, as per sections 3 and 4 below.

2 What can be paid? (Conditions and Budget)

2.1 Duration of contract

The contract is expected to be signed in the second half of 2019 and run for 12 months. The contract remains valid until completion and approval of necessary duties and the release of the final payment.

2.2 Budget available

The maximum available budget for this contract is **EUR 300.000,00 (Three hundred thousand Euros)**, EXCLUSIVE of VAT but inclusive of all other taxes, disbursements, travel, accommodation and delivery costs.

The contract is not broken down into lots as this is not reasonably possible due to the nature, scope and timing of services requested.

2.3 Main terms for invoicing and payments

Payments will be executed only if the selected service provider has fulfilled all its contractual obligations by the date on which the invoice is submitted. Payment requests may not be made if payments for previous periods have not been executed as a result of default or negligence on the part of the service provider.

The payments to the service provider will be made as follows:

- Two interim payments for service provisions related to delivery 1 and delivery 2 shall be admissible. These interim payments shall amount to respectively a maximum of 15% and 30% of the total contracted value, excluding VAT.

Interim payments will be processed upon submission of related invoices and after formal approval of the relevant deliveries by the contracting authority.

- One final payment of the balance of the contract value will be processed once all requested deliveries have been approved by the contracting authority, accompanied by the relevant invoice.

The payment will be made by bank transfer within 30 days after the approval of the deliveries and the presentation of the invoice.

2.4 Modification of the contract during its term

A modification of the contract may be requested by the ESPON EGTC to the contractor when it becomes necessary during the contract's implementation. This modification shall be done in accordance with article 43 of the Luxembourg Law on Public Procurement of the 8th of April 2018.

3 How to apply? (Participation in the Tendering procedure)

Tenderers are advised that all communication from the Contracting Authority in the framework of the procurement procedure will be made **via the Luxembourgish Public Procurement Portal**. As the Portal is currently only available in French language, notifications to the tenderers may be sent in French, but the message will always be in English language. Tenderers are advised to regularly check their spam folders.

3.1 Who can submit a tender? (Individual contractor, joint tender and/or subcontracting)

Economic operators may submit its tenders as a sole contractor, as joint partners or as a natural person acting on his/her own behalf.

Each tender shall include the duly completed European Single Procurement Document(s) (ESPD) (see Annex A).

Common **mistakes** in **filling in the ESPD**, as observed in previous calls, are as follows:

- To leave in blank the insured amount of professional risk indemnity (section IV.5) without specifying the amount or at least indicating “not applicable” together with the justification (i.e. excepted public entity, a certain legal provision, etc.)
- Not to indicate the proportion the economic operator intends to subcontract (section IV.10), even if the economic operator declared his intention to subcontract in a previous section of the ESPD (Section II.D)
- To indicate the same number for average annual manpower as for annual managerial staff, which is inconsistent (section IV.C.8)
- Not to sign or date the concluding statement (Part VI)
- To include the wrong procurement title

In order to speed up the procedure, filling in the ESPD correctly is of utmost importance.

3.1.1 Joint tender

A **joint tender** is a situation where a tender is submitted by a group of economic operators (natural and/or legal persons). Joint tenders may include subcontractors in addition to the members of the group.

Joint tenders will be treated in the same way as any other type of tender, each will be assessed for their own merits in relation to the criteria and the evaluation procedure set out in these terms of reference.

1) Liability

In case of a joint tender, the designated duly authorized representative of the consortium or the representative of the legal entity will be the sole contractor and will hold the sole liability towards the contracting authority for the implementation of the contract.

2) Form of the joint tender

If a joint tender is proposed by the tenderer with one or several partners and the organisation has already set up a consortium or a legal entity, this fact should be mentioned in the field “*is the economic operator participating in the procurement procedure together with others?*” (included in **Part II**, “information

concerning the economic operator”, **section A** of the ESPD (Annex A), together with any other relevant information in this context.

If this step has not yet been taken, the tenderer should be aware that if the contract is awarded, the contracting authority will require giving a legal status to the collaboration before the contract is signed.

This collaboration can take the form of:

- an entity with legal personality recognised by EU Member States and ESPON Partner States (i.e. Iceland, Liechtenstein, Norway, and Switzerland);
- Or, given the nature and scope of the contract and the principle of sound financial management of public funds under which ESPON EGTC conducts its procurement procedures, the contracting authority requires **signature by all the partners of a “power of attorney”** to the designated duly authorized representative of the consortium. The power of attorney should designate contracting rights and sole liability of one of the partners in the consortium towards the contracting authority and any other relevant right. The duly authorized representative of the consortium and its partners will be responsible for organizing internal partnership relations concerning the liability among each other.

If a **joint tender** is submitted, the **ESPD (Annex A) with all required information (i.e. duly completed Parts II, III, IV and VI) must be provided by each partner**. Missing documents may lead to the exclusion and/or to the non-selection of the tender.

Also, in case of a joint tender, each economic operator must indicate its **share of the contract in Annex E**.

Please note that in case of a joint tender where an economic operator relies on the capacities of another to meet the selection criteria: the tenderer may need to provide relevant information (included in **Part II** “information concerning the operator”, **section C** “Information about reliance on the capacities of other entities” of the ESPD).

In this respect, the tender evaluation detailed in section 4 below for joint tenders will be made in relation to the **combined** capacities of the economic operators in relation to the requirements laid down in these ToR.

3.1.2 Subcontracting

Subcontracting is defined as the situation where a Contractor assigns part of the obligations and tasks under a contract to another party known as a subcontractor. Subcontracting can be either structural or punctual.

In case of subcontracting, the ESPON EGTC does not have a direct contractual link with the subcontractor(s). The lead contractor will remain solely and fully responsible for the delivery of all products and services under the Contract.

Accordingly, the contracting authority will treat all contractual matters (e.g. payment) exclusively with the main contractor, regardless whether the tasks are performed by a subcontractor or not. Under no circumstances, the main contractor can avoid liability towards the contracting authority on the grounds that the subcontractor is at fault.

During the contract execution, the change of any subcontractor contributing to the technical performance of the contract and identified in the tender will be subject to prior written approval of the contracting authority.

Please note that in case of a submission of a tender with subcontracting, the contracting authority requires the lead tenderer to indicate the subcontractors and their share of the contract in **Part IV(C)(10)** of the ESPD (Annex A).

As for the nature of subcontractors, there are two options:

3.1.2.1 Structural subcontracting

Structural subcontractors are those **on whose capacity the tenderer relies** (i.e. subcontractors providing key experts):

Such subcontractors should be identified in the field “*is the economic operator participating in the procurement procedure together with others?*” included in **Part II (A)** of the ESPD (Annex A), together with any other relevant information in this context.

The tenderer should **answer “yes”** in the field “*does the economic operator rely on the capacities of other entities in order to meet the selection criteria set out under Part IV below?*” included in **Part II (C)** of the ESPD (Annex A).

These subcontractors have to provide a complete ESPD (Annex A) with all required information (i.e. duly completed Parts **II, III, IV and VI**).

Missing documents may lead to the exclusion and/or to the non-selection of the tender.

3.1.2.2 Punctual subcontracting

Punctual subcontracting are those subcontractors **on whose capacity the tenderer does not rely**:

Such subcontractors should be identified in the field “*Does the economic operator intent to subcontract any share of the contract to third parties?*” included in **Part II (D)** of the ESPD (Annex A).

These subcontractors have to provide a duly completed ESPD comprising **Parts II, III and VI**.

Missing documents may lead to the exclusion and/or to the non-selection of the tender.

Please note that such subcontractors will **not** be considered when assessing the selection criteria (see Section 4.2 below).

3.1.3 Participation

Participation in this procurement procedure is open on equal terms to all natural and legal persons coming within the scope of the Treaties.

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

For British participants, please be aware that after the UK's withdrawal from the EU, the rules of access to EU procurement procedures of economic operators established in third countries will apply to tenderers from the UK depending on the outcome of the negotiations. In case such access is not provided by legal provisions in force, tenderers from the UK could be rejected from the procurement procedure.

3.2 Questions and answers

Tenderers are advised to consult the Frequently Asked Questions web page available on the ESPON website at the following link: <https://www.espon.eu/participate/calls/faq>.

At the request of potential tenderer(s), the contracting authority may provide additional information solely for the purpose of clarifying the nature of the contract. Any request for additional information must be made in writing to the Luxembourgish Public Procurement Portal via the link provided in the Contract Notice or by

email to the following address: tenders@espon.eu. Additional information will be sent to all tenderers having downloaded or requested the Terms of Reference. The Contracting Authority will not pre-assess individual situations of tenderers in relation to the Terms of Reference. Requests for additional information received less than 7 days before the closing date and time for submission of tenders will not be considered.

3.3 Submission of offers and deadline

All tenders must be submitted electronically and in English language **at the latest by 12 September 2019 at 16h00.**

Tenders must be submitted electronically with the option of an additional physical back-up copy by following the procedure set out below. **All tenders sent by other means (e.g. paper versions or electronic versions submitted by e-mail) will be automatically rejected.**

The submission of a tender is made according to the provisions of the national (Luxembourg) modified Regulation of the 27th of August 2013 on the use of electronic means in public procurement procedures⁴ and it is done via the Luxembourg Portal of Public Procurement (PMP, www.pmp.lu). Please note that the PMP is currently only available in French language. A user guide in English language on the Luxembourgish Public Procurement Portal is available here: <https://www.espon.eu/participate/calls/faq>.

In order to submit a tender, the economic operators need to:

- a) Create an account on the Luxembourg portal of public procurements (PMP)

The economic operators must create an Enterprise account in the PMP – www.pmp.lu

The following browser is recommended to be used according to the PMP: Internet Explorer 32 bit

To create an account in the PMP, (www.pmp.lu) the economic operators have 3 options:

1. By the creation of a username/password to login; or
2. Registration by using a LUXTRUST product; or
3. Registration via eIDAS.

If the economic operator opts for options 2. or 3., the authentication procedure can be made by using a LUXTRUST product (smart card or signing stick, issued by the Luxembourg relevant authorities), or with a recognised eID card.

The procedure to obtain a LUXTRUST product is described at the following website: <https://www.luxtrust.lu/>.

Please note that, for the economic operators outside Luxembourg, the procedure to obtain a LUXTRUST product can be longer (approximately 4 weeks). Information regarding this procedure can be found at the following link <https://www.luxtrust.lu/en/simple/206>.

If needed, the ESPON EGTC can also provide additional information on the procedure to obtain a LUXTRUST. Any request for additional information must be made in writing to the Luxembourgish Public Procurement Portal via the link provided in the Contract Notice or by email to the following address: tenders@espon.eu.

⁴ (Règlement grand-ducal du 27 août 2013 relatif à l'utilisation des moyens électroniques dans les procédures des marchés publics modifiant le règlement grand-ducal modifié du 3 août 2009 portant exécution de la loi du 25 juin 2009 sur les marchés publics et portant modification du seuil prévu à l'article 106 point 10° de la loi communale du 13 décembre 1988).

Natural persons (economic operators) with Luxembourgish citizenship can use also their e-Identity Card to access the Luxembourg Portal of Public Procurements.

More information on the specific procedure to follow in this case can be found at the link below:

<https://guichet.public.lu/citoyens/en/citoyennete/papiers-identite/carte-identite/gestion-certificats/index.html>

Other eID cards recognised by the Luxembourg Portal of Public Procurement can also be used in order to create an account.

More information on the specific procedure to follow in this case can be found at the link below:

https://eidas.services-publics.lu/cisie-node/ServiceProvider?req_lang=fr

b) Submit the electronic tender

The tender can be submitted as PDF, Word and Excel files.

Tenders submitted electronically must also be electronically signed by the economic operator, respectively by his representative, through an electronic signature as foreseen by the modified Luxembourg Law modified of the 14th of August 2000 on electronic trade⁵.

The electronic signature to be used can be a LuxTrust or any other qualified certificates of the Trusted List of EU Commission (<https://webgate.ec.europa.eu/tl-browser/#/>). The Luxembourg Portal of Public Procurement allows for economic operators to test if their electronic signature is valid and can be used to submit a tender at the following address:

<https://pmp.b2g.etat.lu/index.php?page=commun.VerifierSignature&callFrom=entreprise>

Economic Operators must electronically sign their tender:

- Either by electronically signing, at least, the ESPD of the consortium leader;
- Or by electronically signing the whole tender directly via the Luxembourg Public Procurement Portal which offers that option at the moment of submission.

If an economic operator does not have a valid electronic signature certificate, he/sge will need to request one from the authorised institutions. Please be aware that the procedure to obtain an electronic signature certificate can take some time.

The tenders must be submitted at the latest by the deadline mentioned above.

The electronic submission of tenders leads to an acknowledgment of receipt, issued automatically by the PMP, which states the date and hour of submission. Any tenders that may be submitted or for which the acknowledgement of receipt may be issued after the above-mentioned deadline will not be considered.

c) Submit a tender in a physical version – as back-up copy (optional)

The economic operator can also submit, **in addition to the electronic tender submitted**, a tender in physical version, as a back-up copy. This is an option to be considered by the economic operator and is neither imposed nor requested by the Contracting Authority.

The back-up copy must be submitted to the following address:

ESPON EGTC

Attn.: Ilona Raugze
4, Rue Erasme

⁵ <http://data.legilux.public.lu/eli/etat/leg/loi/2000/08/14/n8/jo>

L-1468 Luxembourg

Either against **receipt by hand delivery at the ESPON EGTC premises**, (4 Rue Erasme, L-1468 Luxembourg) **during the following hours:** Mondays to Fridays, from 9h30 to 12h00 and 13h45 to 16h30.

Or by **registered mail with notice of receipt to reach the recipient in its premises** (4, rue Erasme, L-1468 Luxembourg).

Any back-up copies that may be delivered or for which acknowledgement of receipt may be issued after the deadline for submission of tenders at the ESPON EGTC premises will not be considered.

The back-up copy must be placed inside a **sealed envelope** bearing the following information:

<p>The name of the tenderer The address of the tenderer Zip Code, City and Country of the tenderer</p> <p style="text-align: center;">ESPON EGTC To the attention of Ilona Raugze</p> <p style="text-align: center;">Back-up copy for offer: “CE Flows”</p> <p style="text-align: center;">“DO NOT OPEN”</p>
--

The mention “**do not open**” must be marked to avoid that the internal mail department opens the sealed envelope.

The sealed envelope must also contain two sealed interior envelopes, marked as:

- “Envelope No.1 – Administrative and Technical Offer” containing the administrative and technical specification,
- “Envelope No. 2 – Financial Offer”.

The back-up copy is opened **only in the following situation(s)**:

- when the documents transmitted via the portal are damaged or corrupted, in particular when a malicious computer program is detected, during the opening session, in the documents transmitted electronically, the proof of the technical problem being preserved;
- when a tender has been submitted via the portal and has not arrived on time or could not be opened, provided that the backup copy is received in time.

Please note that if an economic operator submits an electronic version of the tender and a physical version of tender which is not marked as “back-up copy”, the latter, even if received more recently than the electronic version tender, will not be taken into consideration.

Please note that when several electronic versions of tenders or physical versions of tenders have been submitted by the same economic operator, **only the most recently submitted offer** will be taken into consideration. The other offers will be destroyed at the end of the procedure.

3.4 Content of the offer (administrative - technical offer and financial offer)

All tenders must be submitted in English language and drafted in a clear, complete and consistent way and must meet all the requirements laid down in the tendering documents.

Tenders must be:

- Signed by the tenderer or its duly authorised representative;
- Perfectly legible so that there is no doubt about words and figures.

A tender is composed as follow:

- 1) File 1 – Administrative part
- 2) File 2 – Technical Offer
- 3) File 3 – Financial Offer

Tenderers are requested to structure their tender and submit the requested documentation as presented in the table below which serves both as a table of content and a checklist for documents to be submitted.

FILE n°1 – ADMINISTRATIVE PART					
<u>Please include your documents in the following order, as relevant and per partner/subcontractor:</u>					
N°	Document	Refer to Section of ToR and/or Annex	Single tenderer or Main tenderer in a joint tender	Other partners in a joint tender	Sub-contractor (see Section 3.1.2)
Section 1 General					
1	a. European Single Procurement Document b. Annex E	Section 3.1 & Annexes A&E	✓ ✓	✓ ✓	✓ ✓
2	<i>Only if applicable:</i> If you intend to employ or contract the services of previous ESPON EGTC staff for this tender, please add a note justifying how their involvement in preparing this procurement procedure is not capable of distorting competition.	n/a (no template provided)	✓	✓	✓
FILE n°2 –TECHNICAL OFFER (approximately 30 pages)					
<u>Please include your documents in the following order, as relevant:</u>					
The technical offer must cover all aspects and tasks required in the technical specification and provide all the information needed to facilitate the subsequent evaluation of tenders against the technical award criteria (see Section 4.4). Offers deviating from the requirements or not meeting all requirements may be excluded on the basis of non-conformity with the terms of reference and will not be evaluated. The contracting authority will <u>reject</u> tenders where no technical offer is included.					
N°	Document/Chapters	Refer to Section of ToR and/or Annex	Single tenderer or Main tenderer in a joint tender	Other partners in a joint tender	Sub-contractor

1	<ul style="list-style-type: none"> A description (approximately 6 pages) of the concept for addressing the research need expressed in the ToR and description of how objectives will be achieved. 	Section 1	✓		
2	<p>A description (approximately 18 pages) of the specific approaches and methods to be applied, the rationale behind, and the sources and data to be used, as well as:</p> <ul style="list-style-type: none"> Outline of the conceptual and methodological framework to be applied. Description of the main sources and data to be used and collected. Description of the main outcomes and results expected and their added value 	Section 1	✓		
3	<p>Description outlining the intended organisation, milestones and management of the work including (approximately 6 pages)</p> <ul style="list-style-type: none"> Explanation of the role and extent of the team members' participation in the service provision, and if relevant how the composition of the team will be organised and utilised Allocation of human resources (i.e. duly filled in Annex D). Detailed work plan and timetable with first descriptions of the content of the deliverables envisaged Assessment of the potential challenges involved, description of the quality control measures proposed to be applied to the service foreseen concerning the quality of the deliverables, the language check, and continuity of service in case of absence of team members. 	Section 1	✓		

FILE n°3 – FINANCIAL OFFER The contracting authority will <u>reject</u> tenders where no financial proposal is included.					
N°	Document	Refer to Section of ToR and/or Annex	Single tenderer or Main tenderer in a joint tender	Other partners in a joint tender	Sub-contractor
1	Financial Offer (original dated, signed and stamped by the authorised representative of the tenderer)	Section 2 & Annex B	✓		

The tenderer shall submit a price covering the services in EURO using the financial offer template provided (see **Annex B**). Annex B must be signed by the tenderer's representative and the template must not be modified.

The price must include all the costs associated as well as the travel and accommodation costs for meetings, and the pertinent delivery costs to the ESPON EGTC, if any. No other expenses will be paid by the contracting authority. **Travel, accommodation and subsistence costs cannot be higher than 10% of the total costs.**

No indexation of the price is allowed. The price quoted must be firm and not subject to revision. Tenderers from countries outside the Euro zone have to quote their prices in Euro. A price quoted may not be revised in line with exchange rate movements. It is for the tenderer to select an official exchange rate and assume the risk of the benefits deriving from any variation.

The contracting authority will reject offers where the price for services is not provided. The lack of prices for any of the assignment types mentioned in the price list will invalidate the offer. No financial guarantee is required for this contract.

Tenders not including the necessary evidence may be rejected. However, the contracting authority reserves the right to request clarifications or additional evidence in relation to the exclusion and selection stages after the opening within a time limit stipulated in its request. If clarification is required, the contracting authority may contact the tenderer to obtain further explanations and/or additional evidence, provided that, and only if, the tender is not modified as a result. **The contact person designated by the tenderer in Annex A will be the recipient of clarifications and additional evidence request. Therefore, the tenderer must ensure the correctness of contact details (in particular of email addresses) given therein.**

3.5 Opening of the tender

The tenders received in due time and place will be opened immediately after the submission deadline mentioned above at the premises of the ESPON EGTC, 4, Rue Erasme L-1468 Luxembourg and the tender opening report will be sent to all tenderers.

One representative per tenderer may attend the opening session. Please inform the ESPON EGTC beforehand by email at tenders@espon.eu, mentioning the procedure in the subject line of the email.

4 How to be selected? (Exclusion, Selection and Award criteria)

The evaluation is based solely on the information provided in the submitted tender. It involves the following:

- Verification of non-exclusion of tenderers on the basis of the exclusion criteria;
- Selection of tenderers on the basis of selection criteria;
- Evaluation of tenders on the basis of the award criteria.

4.1 Verification of non-exclusion

Participation in this tender is only open to tenderers who fully meet the requirements laid out in **Part III: Exclusion grounds of the ESPD (Annex A)**, which has to be duly completed and submitted.

Tenderers are advised that, in case of contracting, supporting documents proving the statements made in the ESPD have to be submitted (see Section 4.5 below). Please note that in line with article 90 of the modified national (Luxembourg) Regulation of 8th April 2018 implementing the Law of 8th April 2018 on public procurement the following supporting documents have to **be issued within the timeframe of three months preceding the submission deadline**:

- To exclude that the economic operator is in breach of its obligations relating to the payment of **taxes or social security contributions**: A certificate issued by the competent authority in the Member State or country concerned.

Tenderers are advised accordingly to be in the possession of **properly dated** documents regarding these criteria when submitting the tender.

The contracting authority may, where appropriate, ask tenderers to supply supporting documents and may also, when having doubts concerning the personal situation of such candidates or tenderers, request from the competent authorities any information it considers necessary to clarify its doubts.

Where the information concerns a tenderer established in a State other than the one of the contracting authority, the latter may seek the cooperation of the competent authorities. Having regard for the national laws of the State where the tenderers are established, such requests shall relate to legal and/or natural persons, including, if appropriate, company directors or/and any person having powers of representation, decision or control in respect of the tenderer.

A tenderer shall be excluded if the provisions of the article 29 of the national (Luxembourg) Law of 8 April 2018 on Public Procurement are not fulfilled.

Furthermore, tenderers should take into full consideration that:

- none of the team members proposed in the offers should have any prior knowledge of the terms of reference whatsoever (i.e. being involved in their commenting, consultation process with the stakeholders, etc.), have advised ESPON EGTC or otherwise been involved in the preparation of the procurement process. In such case, the tender proposal may be excluded in accordance with article 13 of the national (Luxembourg) Law of 8 April 2018 on Public Procurement;
- not providing the declaration of no conflict of interest by the tenderer or by the service provider, before or after the award of the contract, may lead to the exclusion of the tenderer or of the service provider or to the cancellation of the contract;
- in case the contracting authority acquaints itself with a situation calling into question the autonomous and independent nature of a tender, it shall request the parties to provide information

and evidence in rebuttal;

- in case distortion of the market is detected, the tenderers involved will be excluded accordingly.

4.2 Verification of the selection criteria

Tenderers must prove their legal, regulatory, economic, financial, technical and professional capacity to carry out the work subject to this procurement procedure.

Tenderers must be in a stable financial position and have the economic and financial capacity to guarantee continuous and satisfactory performance throughout the envisaged lifetime of the contract. In addition, the tenderers are required to have sufficient technical and professional capacity to perform the tasks outlined in these Terms of Reference.

To this end, the following information has to be provided in the ESPD.

4.2.1 General information

Please provide the information required in “Part II: Information concerning the economic operator” of the ESPD (Annex A).

4.2.2 Economic and financial capacity

Please provide the information required in Part IV(B)(1a, 1b, 2a, 3 and 5) of the ESPD (Annex A). All related information has to be provided for the **last three financial years**.

The tenderer must be in a stable financial position and **the total turnover of the tenderer (or the consortium, see Sections 3.1.1 and 3.1.2) for the last three financial years (see Part IV(B)(1b) of the ESPD (Annex A)) must equal or exceed the maximum available budget for this contract as stated in these Terms of Reference.**

Please note that an economic operator may, when appropriate and for a specific contract, rely on the capacities of another entity not taking part in the tendering process to meet the selection criteria. (art. 33 of the Law on Public Procurement of 8 April 2018).

4.2.3 Technical and professional capacity

Tenderers must have the appropriate technical and professional ability to carry out the tasks required for this call for tenders, as described in sections 1.3 and 1.4, by providing the required information in Part IV (C) of the ESPD (Annex A).

- a) A list of the relevant services successfully conducted during at least the last three years, including a description of work, indicating the budgets, dates and recipients, whether public or private. (Part IV(C)(1b) of the ESPD)
- b) the professional capacity and size of the company (Part IV(C)(8) of the ESPD)
- c) The team members who are proposed to carry out the tasks requested must demonstrate professional experience and background in the field of the services requested. Relevant specific information on the competencies and skills are detailed in Section 1.
 - Please attach detailed CVs of all team members proposed for the assignment to the ESPD (Annex A), taking into account the minimum expertise requirements detailed in this paragraph as well as in Section 1. The ESPON EGTC strongly recommends submitting the

CVs in the EU CV format⁶. It should be clearly indicated by using the table in Annex E which profile requirements/competencies are met by which member of the team.

- Please complete Annex E 'list of all team members' (one single list for all partners/subcontractors if relevant) involved in the implementation of the contract for whom CVs are submitted.

4.3 Financial evaluation

The value of the financial proposal (calculated in accordance with the scenario and the financial proposal supplied in Annex B) will be evaluated according to the best value for money principle.

The lack of providing a price in the financial proposal will invalidate the offer. Tenders with a financial offer that exceeds the total budget available **and/or where travel, accommodation and subsistence costs exceed 10% of the total costs (see Section 3.4 above)** will not be selected for the evaluation on the basis of the award criteria and will be excluded.

Calculation mistakes and discrepancies with the price per unit, if any, will be corrected by the evaluation committee based on the price per unit provided by the tenderer and the confirmation of the tenderer will be requested.

4.4 Evaluation of the tenders on the basis of the award criteria

Only the tenders meeting the requirements of the exclusion and selection criteria are evaluated in terms of quality and price. The assessment of the technical quality is based on the ability of the tenderer to meet the purpose of the contract, as described in the technical specifications.

The following evaluation criteria shall be used to determine the technical merit of the offers, producing a total score of maximum 100 points:

No	Qualitative award criteria	Weighting (maximum points)
1	Level of understanding of the tasks and services to be carried out	20
2	Quality and appropriateness of the proposed methods	50
3	Organisation, planning, and management of the service contract	30
	Total number of points	100

⁶ For the template please see <http://europass.cedefop.europa.eu/documents/curriculum-vitae/templates-instructions>

In order to guarantee a minimum threshold of quality, offers that do not reach a minimum score of **50** points at the end of the technical evaluation will not be considered acceptable and will therefore be rejected.

The contract is awarded to the tenderer submitting the tender that offers the most economically advantageous tender assessed on the basis of the best price-quality ratio as represented by the highest score (i.e. the highest X) by weighting the price and the quality respectively, by applying the formula below:

$$X = \left(\frac{\text{Cheapest price excl. VAT}}{\text{Price of tender X excl. VAT}} * 100 * 30\% \right) + (\text{technical evaluation score of tender X} * 70\%)$$

After the award decision has been taken, the contracting authority informs tenderers about the outcome of the assessment, including the reasons for the decisions taken.

4.5 Principles for awarding the contract

Before awarding the contract, the contracting authority will require the tenderer to which it has decided to award the contract to submit up-to-date supporting documents in accordance with the requirements of the present Terms of Reference and with Article 31 of the Law on Public Procurement of 8 April 2018 and, where appropriate, Article 32. The contracting authority may invite economic operators to supplement or clarify the certificates received.

Initiation of a tendering procedure imposes no obligation on the contracting authority to award the contract. Fulfilment of the conditions of the call for tenders imposes no obligation on the contracting authority to award the contract. The contracting authority shall not be liable for any compensation with respect to tenderers whose tenders have not been accepted. Nor shall it be liable if it decides not to award the contract. Expenditure on preparing and submitting tenders is non-refundable.

5 Additional contracting information

5.1 Contracting Authority

The ESPON EGTC is conducting the Single Operation implementing the Priority Axis 1 of the ESPON 2020 Cooperation Programme.

ESPON EGTC

Attn: Ilona Raugze

4, Rue Erasme

L-1468 Luxembourg

Tel: +352 20 600 280 / Fax: +352 20 600 280 01 / E-mail: tenders@espon.eu

The ESPON EGTC is the contracting and awarding authority of the present contract.

5.2 Working Language

Pursuant to Article 10 of its statutes, the official language of ESPON EGTC is English. Therefore, all oral and written communication and deliveries of the services will be in English language.

5.3 Place of execution

All services shall be delivered by default to Luxembourg, unless mentioned in Section 1 or agreed with the ESPON EGTC.

5.4 Competent jurisdiction

The contract is a service contract governed in accordance with the laws of the Grand-Duchy of Luxembourg. All disputes arising out or in connection with this service contract shall be settled by the competent jurisdiction of the District Court of Luxembourg in the first instance.

5.5 Ownership of results

Unless otherwise provided in the present service contract and its annexes, ownership, title, industrial and intellectual property rights resulting from the operation, results, reports and other documents related to the implementation of the present service contract shall be solely owned by the ESPON EGTC. They may use, publish, assign or transfer them as they see fit, without limitation, except where industrial or intellectual property rights exist prior to the service contract related to this tender.

Notwithstanding the provisions of the previous paragraph, the service provider and the ESPON EGTC shall find individual arrangements in cases where the intellectual property rights already exist and are owned by third parties.

The service provider acting in its own name and potentially on behalf of joint tenderers or subcontractors, will not invoke any intellectual property rights, including copyrights and sui generis database rights, in relation to his contribution to the ESPON database.

Any commercial use of the results by the service provider (or, if relevant, by any of the joint tenderers or subcontractors) is prohibited.

The ESPON EGTC shall agree to potential dissemination activities that the service provider plans to conduct based on results from this activity.

5.6 Draft service contract

The draft service contract and its provisions which specify the rights and obligations of the contractor, particularly those on performance of the contract, duration, liabilities, suspension and right of withdrawal, conflict of interests, confidentiality, controls and audits, are presented in Annex C. The final service contract, further elaborated, will be presented during the kick off meeting.

5.7 Data protection

Regarding the processing of personal data by ESPON and in accordance with Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation), please consult the legal notice in the ESPON's website:

<https://www.espon.eu/legal-notice>

5.8 Other conditions

Variants are not allowed.

The material provided for the preparation of the tender can only be used for the preparation of the tender and has to be kept confidential. All the documents submitted by tenderers will be kept by the contracting authority for archive purposes. These documents will be considered as confidential.

6 Annexes

Annex A – European Single Procurement Document (ESPD)

Annex B – Financial offer template

Annex C – Draft service contract

Annex D – Allocation of human resources

Annex E – List team members and economic operators