

ECHA/2013/483

Framework Service Contract

**Certification of the ECHA Integrated Quality Management
System against ISO 9001:2008 Standard**

Open Procurement Procedure

Tender Specifications and Draft Contract

Contract Notice: OJ 2014/S 009-010526

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SUMMARY

Contracting authority	The European Chemicals Agency (ECHA) in Helsinki.
Procedure	Call for Tenders with publication of a Contract Notice in the Official Journal of the EU. Open procedure.
Purpose	Selection of a service provider/supplier for Certification of the ECHA Integrated Quality Management System (IQMS) against ISO 9001:2008 Standard
Scope of services	<p>The services to be provided under a framework contract include the initial certification of the quality management system in accordance with ISO 9001:2008, as well as the regular surveillance and re-certification exercises that are to be scheduled within the duration of the contract. This also includes any necessary verification audits, e.g. in the frame of a regular surveillance audit, to attest the required adaptation of the quality management system to the requirements of the subsequent version of the ISO 9001 standard, which is expected to be issued in 2015.</p> <p>In addition to the audits related to the certification of the quality management system, the Agency wishes to procure pre-certification services of the certification body, i.e. a pre-certification audit to be carried out at the Agency's premises to check the readiness of ECHA IQMS for the ISO 9001:2008 certification.</p>
Duration of contract	The overall duration of the framework service contract shall be five (5) years.
Submission of offers	A natural or legal person can take part (as an individual tenderer or as a member of a consortium submitting a tender) in only one tender.
Volume (indicative)	<p>The maximum total value of the service framework contract is estimated at 80.000 euro over 5 years.</p> <p>It should be stressed that framework contracts involve no direct commitment and, in particular, do not constitute orders per se. Instead, they lay down the legal, financial, technical and administrative provisions governing the relationship between the European Chemicals Agency and the contractor during their period of validity.</p> <p>The indicated budget is a contractual budgetary ceiling. It is the potential maximum value of the contract over its whole duration.</p> <p>The estimate given above is purely indicative and does not bind the Agency in any way. The figure may be subject to revision.</p>
Contract	The European Chemicals Agency will sign a framework contract with the successful Tenderer offering best value for money.
Places of delivery	The place of performance of the services shall be ECHA's premises and/or the Contractor's premises.
Variants	Not permitted
Joint offers	Permitted as described in the current document.
Subcontracting	Permitted as described in the current document.

Introduction to ECHA

The European Chemicals Agency (ECHA) is the driving force in implementing the EU's ground-breaking chemicals legislation for the benefit of human health and the environment. ECHA was founded in 2007 and is based in Helsinki, Finland. We are a modern, science-driven organisation which has grown rapidly to become one of the largest EU agencies.

ECHA has regulatory tasks related to four pieces of EU legislation^[1]: Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH); Classification, Labelling and Packaging of substances and mixtures (CLP); Biocidal Products Regulation (BPR); and the Prior Informed Consent (PIC).

The purpose of REACH is to ensure a high level of protection of human health and of the environment; to promote alternative methods to animal testing to assess the hazards of chemicals; to facilitate the free circulation of substances within the single market; and to enhance competitiveness and innovation.

The purpose of CLP is to ensure a high level of protection of human health and of the environment, as well as the free movement of substances, mixtures and certain articles, by harmonising the criteria for the classification of substances and mixtures, and the rules on labelling and packaging.

BPR aims to harmonise the European market for biocidal products and their active substances while providing a high level of protection for humans, animals and the environment. The Regulation entered into operation in September 2013.

PIC sets requirements for the import and export of certain hazardous chemicals. The regulation implements the Rotterdam Convention at EU level. The Regulation will enter into operation in March 2014.

ECHA's Mission

ECHA is the driving force among regulatory authorities in implementing the EU's ground-breaking chemicals legislation for the benefit of human health and the environment as well as for innovation and competitiveness. ECHA helps companies to comply with the legislation, advances the safe use of chemicals, provides information on chemicals and addresses chemicals of concern.

ECHA's Vision

ECHA aspires to become the world's leading regulatory authority on the safety of chemicals.

ECHA's Values

Transparent

We actively involve our regulatory partners and stakeholders in our activities and are transparent in our decision-making. We are easy to understand and to approach.

Independent

We are independent from all external interests and impartial in our decision making. We consult members of the public openly before taking many of our decisions.

Trustworthy

Our decisions are science based and consistent. Accountability and the security of confidential information are cornerstones of all our actions.

Efficient

We are goal-oriented, committed and we always seek to use resources wisely. We apply high quality standards and respect deadlines.

Committed to well-being

We stimulate the safe and sustainable use of chemicals to improve the quality of human life in Europe and to protect and improve the quality of the environment.

More information about the Agency, its structure and activities can be found on the Agency website [2], where also the Work Programme 2014 [3] and the Multi-Annual Work Programme [4] can be found.

LEGAL FRAMEWORK OF ECHA PROCUREMENT

The present Call for Tenders is governed by the Financial Regulation of the European Chemicals Agency (ECHA), which refers to the Financial Regulation (EU, EURATOM) No 966/2012 of the European Parliament and the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union (hereinafter referred to as the Financial Regulation), and repealing Council Regulation (EC, Euratom) No 1605/2002; as well as to the Commission Delegated Regulation (EU) No 1268/2012 of 29.10.2012 on the Rules of Application of the Financial Regulation No 966/2012 (hereinafter referred to as the Rules of Application), as the regulatory framework for the procurement and contract management of the Agency.

In submitting his tender, the tenderer accepts in full and without restriction the requirements of these Tender Specifications and the Special and General Conditions governing this Contract as the sole basis of this tendering procedure, whatever his own conditions of sale may be, which he hereby waives. Tenderers are expected to examine carefully and comply with all instructions, forms, contract provisions and specifications contained in this tender dossier. Failure to submit a tender containing all the required information and documentation may lead to the rejection of the tender. No account can be taken of any reservation expressed in the tender as regards the tender dossier (if necessary, clarification may be requested by the potential tenderer concerned while the tender submission phase is open – see point 8, first paragraph, of the Invitation to Tender); any reservation may result in the immediate rejection of the tender without further evaluation.

[1] On the ECHA web site, the REACH, CLP, BPR and PIC Regulations are located in section "Document Library"

[2] <http://echa.europa.eu/>

[3] On the ECHA web site, the ECHA Work Programme 2014 is located in section "Document Library".

[4] On the ECHA web site, the ECHA Multi-annual Work Programme is located in section "Document Library".

1. THE SERVICES (TECHNICAL SPECIFICATIONS)

1.1. BACKGROUND

The Agency has established an Integrated Quality Management System (IQMS). The certification of the quality management system according to **ISO 9001:2008** is planned in the Multiannual Work Programme 2013-2015.

The Agency wishes to establish a long-term cooperation with the contractor, in order to ensure continuity in the certification services to benefit from the value added for the Agency and its Stakeholders.

1.2. DESCRIPTION OF RESOURCES

The contractor must have a team of experts of appropriate skills and qualifications to carry out the requested services.

Mandatory requirements for the qualification and skills are:

- Command of the English language to a high standard in written and spoken expression, as the Agency expects typically C1 levels (Levels: A1/2: Basic user - B1/2: Independent user - C1/2 Proficient user, based on Common European Framework of Reference for Languages);
- Training and relevant experience for management system certification according to ISO 9001, ISO 14001, OHSAS 18001;
- Proven auditing experience with similar organisations, e.g. public administration, service providers, international organisation of size comparable to ECHA.

1.3. DESCRIPTION OF TASKS

The Agency wishes to procure services for the certification of its Integrated Quality Management System (IQMS).

Within the scope of the contract, the Agency wishes to realise the initial certification of the quality management system according to ISO 9001:2008 and the regular surveillance and re-certification activities, including any required adaptations as a consequence of the revision of the ISO 9001 standard that is planned by ISO for 2015.

During the implementation of this contract it is possible that the Agency extends the certification to other management systems that are components of its Integrated Quality Management System.

The Contractor will perform the necessary tasks:

- at the premises of the Agency (including participation to kick-off, interim and final meetings), and/or
- at their own premises.

The Agency's premises (the only site) are located in Helsinki, Finland. For the performance of this contract, there are no missions to other locations foreseen.

1.4. DESCRIPTION OF DELIVERABLES

The framework contract includes the initial certification of the quality management system in accordance with ISO 9001:2008, as well as the regular surveillance and re-certification exercises that are to be scheduled within the duration of the contract. This also includes any necessary verification audits, e.g. in the frame of a regular surveillance audit, to attest the required adaptation of the quality management system to the requirements of the subsequent version of the ISO 9001 standard, which is expected to be issued in 2015.

In addition to the audits related to the certification of the quality management system, the Agency wishes to procure pre-certification services of the certification body, i.e. a pre-certification audit to be carried out at the Agency's premises to check the readiness of the IQMS for ISO 9001:2008 certification.

At a later stage, the Agency may extend the ISO 9001 certification to an Integrated Management system certification, for example, by successively adding as integral components environmental management (ISO 14001), occupational health and safety management (OHSAS 18001 respectively the successor version) or any other certifiable management system component.

All services shall be provided in compliance with the applicable rules and standards, such as ISO 17021, and the applicable mandatory documents of IAF, in particular IAF MD 5.

The Certification Body shall provide the Agency with adequate reports. All reports are to be drafted in the English language. The reports shall be provided two weeks after the audit or the reception of the Agency's comments on draft reports and audit findings, if not otherwise agreed with the Agency. The reports are to be submitted for review and acceptance to the Agency's Quality Manager.

The following reports shall be provided, according to the services delivered:

- detailed report after the pre-certification exercise,
- detailed report after each stage (stage 1 and stage 2 as specified in ISO 17021) of the initial certification exercise,
- detailed report after each surveillance and each re-certification audit,
- detailed report after each additional audit performed by the Certification Body and agreed with the Agency,
- whenever applicable, substantiated feedback on the Agency's responses to the outcome of any audit, in particular action plans drawn up in response to audit findings.

An audit report shall include at least:

- a summary of the activities performed,
- a statement on the status of the management system of the Agency and the fulfilment of the applicable standard,
- a technical report with the details of the audit findings, substantiated by relevant objective evidence.

All the activities performed under the contract, in spoken or written form, shall be in English language.

2 THE CONTRACT

2.1 NATURE OF THE CONTRACT

The Agency intends to conclude a framework service contract with a single contractor, whereby the services will be provided following the signature of order forms in line with the terms and conditions of the framework contract throughout its validity. The number and content of order forms will correspond to the necessary yearly audit and certification activities.

This call for tenders is not divided into lots.

2.2 STARTING DATE OF THE CONTRACT AND DURATION OF THE TASKS

The framework contract shall enter into force on the date on which it is signed by the last contracting party.

It is expected to be signed in 04/2014.

The framework contract will be signed for a maximum period of 5 years. The Agency wishes to establish a long-term cooperation with the contractor, in order to ensure continuity in the certification services to benefit from the value added for the Agency and its Stakeholders.

The execution of the tasks may not start before the contract has been signed. The period of execution of the tasks may be extended, only with the written agreement of the contracting parties, before the end of the period originally stated in the contract.

2.3 PLACE OF PERFORMANCE

The tasks of the contract will be performed both on the Contractor's premises and on ECHA's premises in Annankatu 18, 00120 Helsinki, Finland. Certain steps of the certification scheme can be performed off-site at the contractor's premises. This mainly relates to the stages of the certification that are typically performed at the Certification Body's premises, such as documentation review, report elaboration, action plan review, if needed, etc.

2.4 TERMS OF PAYMENT

The schedule and the procedure for the approval of payments and the documents to be submitted are described in Articles I.4, II.15, II.16 and II.7 of the draft contract (Annex 4.2.1).

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

2.5 GUARANTEES

The need to request any guarantees from the Contractor is not foreseen in this tendering procedure and subsequent contract.

2.6 LIABILITY

2.6.2 Joint Offers

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

Statements saying, for instance:

- that one of the partners of the joint offer will be responsible for part of the contract and another one for the rest, or
- that more than one contract should be signed if the joint offer is successful

are thus incompatible with the principle of joint and several liability. The Agency will disregard any such statement contained in a joint offer, and reserves the right to reject such offers without further evaluation on the grounds that they do not comply with the tendering specifications.

2.6.3 Subcontracting

Certain tasks provided for in the contract may be entrusted to subcontractors, but the main contractor retains full liability towards the Agency for performance of the contract as a whole. Accordingly:

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

During execution of the contract, the contractor will need the Agency's express authorization to replace a subcontractor with another and/or to subcontract tasks for which subcontracting was not envisaged in the original offer.

Tenderers must inform the subcontractor(s) and include in their sub-contracting documents that Article II.7 of the contract may be applied to sub-contractors.

Once the contract has been signed, Article II.18 of the above-mentioned contract shall govern the subcontracting.

2.7 DATA PROTECTION

Any response to the invitation to tender will require the recording and further processing of personal data (name, address, CV, for example). This data will be processed in accordance with the requirements of Regulation (EC) 45/2001 on the protection of individuals with regard to the processing of personal data by Community institutions and bodies and on the free movement of such data. Except if mentioned otherwise, replies to questions and personal data are necessary for the purpose of assessing a tender according to the specifications of the invitation to tender and will only be processed by the Agency's Data Controller for this purpose. A tenderer may, upon request, obtain the communication of personal data and rectify any inaccurate or incomplete personal data. Any queries concerning the processing of personal data should be addressed to by the Agency's Data Controller. As regards to the processing of

personal data, a tenderer has the right to recourse at any time to the European Data Protection Supervisor.

2.8 IMPLEMENTATION OF THE CONTRACT

The implementation of the framework service contract shall start after the signature by both parties.

In 2014 the pre-certification exercise is expected to take place in Q2 and the Agency's intention is to apply also for the actual certification in Q4 of 2014.

The Agency intends to issue individual and successive order forms over the period of validity of the framework contract. The procedure for concluding an order form is as follows:

Step 1: Each year, the Agency will draw up a description of its needs and prepare a service request, and/or a draft order form, for the set of services required over the given time period. The documents will be sent to the Contractor together with a time schedule. The service request shall be based on the specifications of the framework contract and the Contractor's technical and financial proposal received in response to the open call for tenders ECHA/2013/483. The Agency's Service Request will form Annex A to the Order Form;

Step 2: In response the Contractor shall submit a technical and financial proposal for the implementation of the requested services. The Agency and the Contractor will then discuss and come to an agreement on the budget and the details of the delivery of the services in question. In all cases, the terms of the order form shall not depart from those agreed under the framework contract. Based on the reached agreement, the Contractor confirms or adjusts the offer, which will form Annex B to the order form;

Step 3: The Agency will send a signed order form with annexes to the Contractor for countersignature, as laid out in the framework contract. The requested activities shall only commence once the order form has been signed by both parties.

3 THE PROCUREMENT PROCEDURE

3.1 PREPARATION AND SUBMISSION OF THE TENDER

3.1.1 Preparation of the tender

3.1.1.1 General

Tenders must be clear and concise, with continuous page numbering, and assembled in a coherent fashion (e.g. bound or stapled, etc.).

Tenders must be written in one of the official languages of the European Union.

Tenders must include the following information:

- all the information and documents requested by the Agency in order to assess the tender;
- the price in euros;
- one specimen signature of an authorised agent (preferably in blue ink) on the legal entity form¹, and a statement from the same agent confirming the validity of the tender;
- the name and contact details of a contact person in relation to the submission of the bid.

If this is not included, the tender may be excluded from the procedure for the award of the contract.

Since tenderers will be judged on the content of their written bids, these must make it clear that they are able to meet the requirements of the specifications.

3.1.1.2 Content of the tender

3.1.1.2.1 Section One: Administrative proposal

Eligibility documentation

Participation in ECHA tendering procedures is open on equal terms to all natural and legal persons or groupings of such persons (consortia) falling within the scope of the Treaties. It includes all economic operators registered in the EU and all EU citizens. Pursuant to Article 106 of the general Financial Regulation the participation is also open to all natural and legal persons from non-EU countries that have a ratified agreement with the European Union in the field of public procurement on the conditions laid down in that agreement. ECHA can therefore accept offers from and sign contracts with tenderers from 34 countries, namely: the 28 EU member States, 3 EEA Countries (Lichtenstein, Norway, Iceland) and 3 SAA Countries (FYROM, Albania and Montenegro). The procurement (tender) procedures of ECHA are not open to tenderers from GPA countries.

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

¹ See section 4.3

To identify himself the tenderer must fill in a Legal Entity Form and a Financial Identification Form:

The **Legal Entity Form² (LEF)** is to be signed by a representative of the tenderer authorised to sign contracts with third parties.

The **Financial Identification³ Form (FIF)** shall be duly filled in and signed by an authorised representative of the tenderer and his or her banker.

The above forms must be accompanied by the evidence as indicated at the bottom of each form.

Both joint offers and subcontracting are allowed in response to this call for tenders. Offers may even combine both approaches. In any case, the tender documents must specify very clearly by means of the appropriate forms, detailed hereafter, whether each company involved in the tender is acting as a partner in a joint offer or as a subcontractor (this also applies where the various companies involved belong to the same group, or even where one is the parent company of the others).

All tenderers must provide their legal entity form as well as the evidence indicated at the bottom of that form.

Subcontractors are only obliged to provide the legal entity form without the evidence, and are not required to present the financial identification form.

In case of a joint offer, only the co-ordinator must return the financial identification form.

In case of a tenderer submitting a joint offer who has already set up a consortium or similar entity for conducting the project in case a contract will be awarded, the tenderer should mention this fact in the tender, together with any other relevant information in this connection.

In case of tenderers submitting a joint offer who have not yet set up a consortium or similar entity, the tenderers should be aware that, in case the tenderers are awarded the contract, the Agency may require the tenderer to give a formal status to this collaboration before the contract is signed. This can take the form of:

- an entity with legal personality recognized by a Member State; or
- an entity without legal personality but offering sufficient protection of the Agency's contractual interests (depending on the Member State concerned, this may be, for example, a consortium or a temporary association).

In case of tenderers submitting a joint offer, the tenderers are asked to fill in and duly sign one of the attached **powers of attorney⁴**, depending on the set up that has been chosen by the tenderers.

If the tenderer envisages subcontracting, the tender must include:

- a **document⁵** clearly stating the roles, activities and responsibilities of the proposed subcontractor(s), and the reasons why subcontracting is envisaged;

² This form is available at:

http://ec.europa.eu/budget/contracts_grants/info_contracts/legal_entities/legal_entities_en.cfm

³ The form is available at:

http://ec.europa.eu/budget/contracts_grants/info_contracts/financial_id/financial_id_en.cfm

⁴ Section 4.3

- o a **letter of intent**⁶ by each proposed subcontractor stating its intention to collaborate with the tender if the tenderer wins the contract and their willingness to accept the tasks and the terms and conditions set out above, in particular article II.18 of the draft framework contract.

Exclusion criteria documentation

Tenderers or their representatives shall provide a **declaration on their honour**⁷, duly signed and dated in which they:

- state whether or not they are in one or more of the situations referred to in Articles 106 and 107 of the Financial Regulation and detailed in the form;
- undertake to submit to the Agency any additional document relating to the exclusion criteria, that the Agency considers necessary to perform its checks, within seven calendar days following the receipt of the Agency's request.

Where the bid constitutes a joint offer, each entity must provide the form. Where the total amount envisaged for subcontracting is above 50% of the total contract value, the potential subcontractor(s) must also provide the form (as required from the potential contractor). The same applies regarding the requirement to present evidence of compliance with the exclusion criteria.

By returning the above-mentioned form, duly signed, tenderers confirm that they have been notified of the following points.

Administrative or financial penalties may be imposed by the Agency on tenderers who are in one of the cases of exclusion provided for in Articles 106 and 107 of the Financial Regulation after they have been given the opportunity to present their observations.

These penalties are detailed in Article 109 of the Financial Regulation and Articles 144 and 145 of the Regulation laying down the rules for the application of the Financial Regulation.

Selection criteria documentation

General

This part of the tender concerns the criteria and evidence relating to the technical and professional capacity and economic and financial capacity of the service provider(s) involved in the bid. It should also contain any other document that the tenderer(s) wish(es) to include by way of clarification. The evidence for the selection criteria shall be assessed in the second stage of the evaluation of the tenders⁸.

An economic operator may rely on the capacities of other entities, regardless of the legal nature of the links which it has with them. In that case, evidence must be provided that it will have at its disposal the resources necessary for performance of the contract, for example by producing a clear undertaking on the part of those entities to place those resources at its disposal.

⁵ To be provided in free format

⁶ See Section 4.3

⁷ See Section 4.3

⁸ See Section 3.4

In addition, all tenderers are informed that they may be asked to prove that they are authorised to perform the contract under national law, as evidenced by inclusion in a professional or trade register or a sworn declaration or certificate, membership of a specific organisation, express authorisation, or entry in the VAT register.

In case of joint offer or sub-contracting, the tenderer(s) must stipulate the role, qualifications and experience of each service provider and, where relevant, the monitoring arrangements that exist between them.

In case of joint offer, or sub-contracting for which the total amount envisaged is above 30% of the total contract value, evidence of the ability of the entity involved in the joint offer or the potential subcontractor(s) to perform the tasks entrusted to him/them shall be included in the offer.

Evidence of the economic and financial capacity of the service provider(s)

This proof is to be provided by submitting the completed Financial and Economic Capacity Overview Form⁹, as well as a full copy of the tenderer's annual accounts (balance sheet, profit and loss account, notes on the accounts and auditors' remarks when applicable) of the last two years, as approved by the general assembly of the company and, where applicable, audited and/or published. These documents must be certified by the tenderer.

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

All tenderers must provide proof of their economic and financial capacity. If several service providers are involved in the bid, each of them, in principle, must have and show that they have the necessary economic and financial capacity to perform the tasks assigned to them in the tender. The same applies to subcontractors whose tasks are equal to or exceed 30% of the contract.

Evidence of the technical and professional capacity of the service provider(s)

The ability of service providers to perform services will be assessed in particular with regard to their know-how, efficiency, experience and reliability.

Please note that professional conflict of interest will be assessed as part of the technical capacity of the tenderers¹⁰. In this regard, in order to avoid conflicting interests which may negatively affect the performance of the contract, the tenderer must not have previously provided consultancy services to the Agency in the area of Quality Management.

By submitting a tender, each legal entity involved therein accepts the possibility of a check being carried out by the Agency on its technical capacities and, if necessary, on its quality control measures.

Evidence of the technical and professional capacity of the providers involved in the tender must be furnished on the basis of the following documents:

- a) Evidence for selection criterion 2.1:

⁹ See Section 4.3

¹⁰ Article 148.8 of the Rules of Application of the Financial Regulation.

- Accreditation certificate and annex thereto specifying the scope of accreditation;
- b) Evidence for selection criterion 2.2:
- A statement/written description of the tenderer on its capability to provide the necessary human and technical resources to perform any aspect of the technical specifications within the required time scale. This could be enhanced by supporting documents, CVs;
see also:
<http://europass.cedefop.europa.eu/en/documents/curriculum-vitae/templates-instructions>
- c) Evidence for selection criterion 2.3:
- A statement of the tenderer on its capability to deliver:
- Reports in English
 - The ISO 9001 certificate in English
- d) Evidence for selection criterion 2.4:
- Using the Project reference Form, the list of ISO 9001 certified organisations and the indication of at least two (2) references of performance of similar projects in the public sector and at least one (1) international organisation(s) with a size comparable to the Agency, in the past 5 years (see the template for a project reference form in Annex 4.3.4)

3.1.1.2.2. Section Two: Technical proposal

Qualitative award criteria documentation

This section is of great importance in the assessment of the bids, the award of the contract and the future execution of any resulting contract. Some guidelines are given below, but attention is also drawn to the award criteria, which define those parts of the technical proposal to which the tenderers should pay particular attention. The technical proposal should address all matters laid down in the technical specifications as described¹¹ and should include models, examples and technical solutions to problems raised in these specifications giving an answer to each of the points mentioned with regard to the methodology, deadlines and organisation. The level of practical details provided in the tender will be extremely important for the evaluation of the tender. The technical proposal must respond to these technical specifications and provide, as a minimum, all the information needed for the purpose of awarding the contract.

Please note that, to grant equal treatment of all tenders, it is not possible to modify offers after their submission in relation to the technical and financial proposals. As a consequence, incompleteness in this section can only result in negative impact for the evaluation of award criteria. Please note also, that proposals deviating from the technical specifications may be rejected for non-conformity.

The technical specifications and the tenderer's bid shall be integral parts of the contract and will constitute annexes to the contract.

Tenders should elaborate on all points addressed by these specifications in order to score as many points as possible. The mere repetition of mandatory

¹¹ See Section 1

requirements set out in these specifications, without going into details or without giving any added value, will only result in a very low score. In addition, if certain essential points of these specifications are not expressly covered by the tender, the Agency may decide to give a zero mark for the relevant qualitative award criteria.

Assessment basis for award criterion AW1:

Based on the offers received, the Evaluation committee will assess the tenderer's understanding of the environment the Agency operates in, the impact of 2 of the relevant regulations (REACH & CLP) on the Agency's IQMS and the interaction with bodies of the European Union and its Member States. Regardless of the outside activities of the Agency committees, working groups and of the interaction with stakeholders, the certification activities are to be carried out at the Agency premises in Helsinki. To assess the above, the Tenderer is requested to provide a detailed description of the proposed pre-certification services and activities, and also to fill in and develop the document in Annex 4.3.5. Award Criteria Document for AW1;

Assessment basis for award criterion AW2:

Based on the detailed description of the characteristics of the proposed team, the Evaluation Committee will assess the organisation of the work and structure of the proposed team, reflecting the seniority, specialisation and level of experience in several areas of certification;

Assessment basis for award criterion AW3:

Based on the submitted tender, the Evaluation Committee will assess the understanding of the tenderer of the audit plan (scope) within the overall audit cycle of the certification scheme, the yearly outline of the required services, the effective timing continuity of the tasks to be carried out (in relation to each respective stage in the certification process), the incorporation of possible adaptation to new version of ISO 9001 and the possible extension of the scope of certification;

3.1.1.2.3. Section Three: Financial proposal

Financial award criteria documentation

The tenderers attention is drawn to the following points:

- prices must be expressed in EUR;
- prices should be quoted free of all duties, taxes and other charges, i.e. also free of VAT, as the Communities are exempt from such charges in the EU under Articles 3 and 4 of the Protocol on the Privileges and Immunities of the European Communities of 8 April 1965 (OJEC L 152 of 13 July 1967). Exemption is granted to the Agency by the governments of the Member States, either through refunds upon presentation of documentary evidence or by direct exemption. For those countries where national legislation provides an exemption by means of a reimbursement, the amount of VAT is to be shown separately. In case of doubts about the applicable VAT system, it is the tenderers responsibility to contact his national authorities to clarify the way in which the European Community is exempt from VAT;
- Prices shall not be conditional and be directly applicable by following the technical specifications;
- Prices shall be fixed and not subject to revision;

- 1) Tenderers must use the Financial Form (Annex 4.3.5) to formulate their financial proposal. The financial form is based on a simulation and serves for evaluation purposes only.

The Financial proposal for the simulation shall consist of two amounts (if applicable):

- a) the amount for payment of all the tasks executed, as described in the Financial Form (simulation);

For the Agency to be able to assess how the offered price reflects the relevant market, for each category of staff to be involved in the project, the tenderer must specify in the financial proposal:

- the total labour costs, including the break-down of daily rates and total number of days (person-days/audit-days) of each member of the staff that will contribute to the project;

- b) the amount corresponding to the reimbursable expenses.

(In case the tenderer will not require the reimbursement of this kind of expense, simply write NOT APPLICABLE.)

In case the tenderer intends to get reimbursed for those expenses, they must be included in the Financial Form.

Reimbursable expenses are travel, daily subsistence and travel expenses, in accordance with the rules on reimbursement set out in Article II.16 of the draft contract referred to above. The daily scales applicable to subsistence expenses for Helsinki are 104 EUR and 140 EUR for the accommodation. For travel expenses (including all means of traffic) a flat rate of 800 EUR is set, which in case of lower costs can serve also as a maximum ceiling.

This amount shall be estimated on the basis of the articles of the draft contract referred to above and the information given below. In the bid it must be indicated separately from the amount stipulated in a).

- 2) The Tenderers are requested to fill in the Reference Price List in Annex 4.3.5, respectively for each category of profile, delivering the services. The Tenderers are allowed to add more items to the list if they consider them relevant for the future implementation of the contract. During the implementation of the Framework Contract by issuing Order Forms, the Agency will apply those prices, when ordering the relevant services.

The price list proposed for ECHA IQMS certification against ISO 9001 shall be accompanied by an explanation/specification of the services that would be provided, and must be in compliance with ISO 17021 and IAF MD5 (e.g. involvement of lead auditor, specialised auditor, technical experts, number of auditor days, etc.)

The prices shall be sufficiently clear and comprehensive enough for the Agency to order the services that are necessary to cover all individual tasks for the duration of this FWC.

The price list should also include an indication of costs that could be charged for any adaptation of the certification following the issuing of the new version of ISO 9001 standard, expected for 2015.

The unit prices in the Financial Form shall correspond with the Reference Price List, respectively for each category of services. If this is not the case, the offer will be automatically excluded.

All tenders must contain all the information and all the supporting documents required by these specifications. In the absence of the required information or documents, the Agency may disqualify the bid. The Agency reserves the right, however, to request additional evidence in relation to the bid submitted for evaluation or verification purposes within a time-limit stipulated in its request.

3.1.1.3 Form of the tender

The tender must be submitted under double sealed cover.

The outer envelope should bear the address as mentioned below.

The inner envelope should be addressed to the Financial Unit R1 and marked "*Invitation to tender No ECHA/2013/483*" and "*Not to be opened by the internal mail service*". If self-adhesive envelopes are used, they must be sealed with adhesive tape and the sender must sign across the tape. The inner envelope must also contain three sealed envelopes, one containing the administrative proposal, the second the technical proposal and the third the financial bid. Each of these envelopes must clearly indicate the content. The administrative proposal, the technical proposal and the financial bid must be submitted, in duplicate (one [1] set of originals and one [1] set of copies) and a third set in electronic format (on CD ROM).

3.1.1 Submission of the tender

3.1.2.1 General terms and conditions for submission

Submission of a tender implies that the Contractor accepts all the terms and conditions set out in these specifications (including the annexes) and waives all other terms of business.

Submission of a tender binds the Contractor to whom the contract is awarded during performance of the contract.

The tenderer's bid, in conjunction with the technical specifications, shall be an integral part of the contract and will constitute annexes to the contract.

Once the Agency has accepted the tender, it shall become the property of the Agency and the Agency shall treat it confidentially.

The Agency shall not reimburse expenses incurred in preparing and submitting tenders.

The Protocol on the Privileges and Immunities or, where appropriate, the Vienna Convention of 24 April 1963 on Consular Relations shall apply to this invitation to tender.

Variants are not allowed.

The offer must remain valid for a period of six (6) months following the final date for submitting tenders (see below). During this period, tenderers must maintain all the conditions of their bids.

The tendering procedure shall not involve the Agency in any obligation to award the contract.

Up to the point of signature, the contracting authority may either abandon the procurement or cancel the award procedure. This decision must be substantiated and the tenderers notified.

No compensation may be claimed by tenderers whose tender has not been accepted, including when the Agency decides not to award the contract.

3.1.2.2 Requirements for submission

Tenders may be:

- a) either sent by registered mail, posted no later than 03/03/2014, (date as postmark); to the following address:

*European Chemicals Agency (ECHA)
Invitation to tender No: ECHA/2013/483
Finance Unit R1
PO Box 400
Annankatu 18
00121 Helsinki
Finland*

- b) or sent by courier services, no later than 03/03/2014 (date of deposit slip), to the following address:

*European Chemicals Agency (ECHA)
Invitation to tender No: ECHA/2013/483
Finance Unit R1
Annankatu 18
00120 Helsinki
Finland*

- c) or delivered by hand, in person or by an authorised representative no later than 18:00 hours Helsinki time (EET) on 03/03/2014, (date of acknowledgement of receipt by the Agency) to the address mentioned above.

Tenderers shall observe precisely the above indications in order that tenders reach their specified destination in due time.

Evidence of timely submission by post or courier service will be constituted by the date of the postmark or the date of the deposit slip. In the case of hand-delivery, the signed and dated receipt will serve as evidence.

Late delivery will lead to the exclusion of the tender from the award procedure for this contract. Offers sent by e-mail or by fax will also be non admissible. Envelopes found open at the opening session will also lead to non admissibility of the tender. Consequently, tenderers must ensure that their bids are packed in such a way as to prevent any accidental opening during its mailing.

3.2 CONTACT BETWEEN THE TENDERER AND THE AGENCY

In principle, no contact is permitted between the Agency and the tenderers during the contract award procedure.

However, in exceptional circumstances contact may be made on the tenderers' initiative before the final date for the receipt of bids, in order (and only for this reason) to clarify the nature of the contract.

Such requests for further information may be made only in writing with the subject indication, « ECHA/2013/483 » to the following e-mail address:

opencalls@echa.europa.eu

The Agency is not bound to reply to requests for additional information made less than five working days before the deadline for submission of tenders.

Insofar as it has been requested in good time, the questions raised and the additional information provided by the Agency will be published on the website at: http://echa.europa.eu/opportunities/procurement_en.asp

All tenderers are advised to take note of the fact that no additional information will be sent (neither by post nor by e-mail) regarding new information that has become available. Therefore, all tenderers are kindly requested to visit the above-mentioned website frequently prior to submitting bids.

Similarly, contact may in exceptional circumstances be made on the Agency's initiative:

- before the final date for the receipt of bids, in order to inform interested parties of an error, a lack of precision, an omission or any other material shortcoming in the drawing up of the documents of the invitation to tender;
- or, after the opening of bids, where a bid requires clarification or in order to correct material errors made in drawing up a bid.

Please note that in any event such contact may not result in a modification of the terms of the bid. In case the Agency deems it appropriate to provide additional information it will be published on the website mentioned above.

3.3 OPENING OF THE TENDERS

Tenders will be opened at 10:00 hours Helsinki time (EET) on 10/03/2014 at the following location:

*Office address:
European Chemicals Agency (ECHA)
Annankatu 18
00120 Helsinki
Finland*

A representative of each tenderer may attend the opening of the bids. Tenderers wishing to attend are requested to notify their intention by sending an e-mail at least 2 working days in advance to the above-mentioned e-mail address. This notification must be signed by an authorised representative of the tenderer and specify the name of the person who will attend the opening of the bids on the tenderer's behalf.

3.4 EVALUATION OF THE TENDERS

The evaluation will be based on each tenderer's bid. In addition, the Agency reserves the right to use any other information from public or specialist sources.

All the information will be assessed in the light of the criteria set out in these specifications. The procedure for the award of the contract, which will concern only admissible bids, will be carried out in three successive stages.

Only bids meeting the requirements of one stage will be examined in the next stage.

The aim of each of these stages is:

1. to check, in the first stage (exclusion criteria), whether tenderers can take part in the tendering procedure and, where applicable, be awarded the contract;
2. to check, in the second stage (selection criteria), the technical and professional capacity and economic and financial capacity of each tenderer who has passed the exclusion stage;
3. to evaluate on the basis of the award criteria the technical and financial tenders and establish a ranking list, by order of merit, of all tenders having passed the exclusion and selection stages, as well as the quality thresholds set for the evaluation of the award criteria.

Stage 1 – application of exclusion criteria

In accordance with Articles 106 and 107 of the Financial Regulation, tenderers shall be excluded from the selection and award procedures if they do not satisfy criteria a) to f) specified in the exclusion criteria form¹².

Furthermore, contracts may not be awarded to tenderers who, during the procurement procedure are subject to a conflict of interest (criteria g) or 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 (criteria h) or fall into one of the situations as specified under criteria a) to f).

Stage 2 - application of selection criteria

These criteria will be assessed on the basis of the documents indicated¹³.

<u>SELECTION CRITERIA</u>
1. FINANCIAL AND ECONOMIC CAPACITY
Sufficient economic and financial capacity to guarantee continuous and satisfactory performance throughout the envisaged lifetime of the contract: <ol style="list-style-type: none"> 1.1 Sufficient turnover in relation to the volume of tasks under this contract demonstrated by an yearly turnover of at least 150.000 EUR for the past 2 years; 1.2 Positive equity for the past 2 years, or at least a guarantee of a third party to cover the problem of negative equity;
2. TECHNICAL AND PROFESSIONAL CAPACITY
2.1 Accreditation for the certification of management systems according to ISO 17021 [Scope of accreditation including public administration (EA/IAF code 36), Quality management systems according to ISO 9001 and also ISO 14001, OHSAS 18001]
2.2 The ability to provide the necessary human and technical resources to perform any aspect of the technical specifications within the required time

¹² See section 4.3

¹³ See section 3.1.1.2.1 (pg. 14 – 15)

scale;
2.3 Linguistic abilities - High quality of written and spoken language skills in English, Capability to deliver an ISO 9001 certificate in English;
2.4 The tenderer must have a proven successful track record of previous experience of ISO 9001 certification of at least 1 international organisation with a size comparable to the Agency, in the last 5 years; The tenderer must have a proven successful track record of previous experience of ISO 9001 certification of at least two (2) public administration bodies, in the last 5 years;

A consolidated assessment shall be made for joint offers (all members of the consortium together) and in case of subcontracting (tenderer plus subcontractor) to the extent that those entities put their resources at the disposal of the tenderer for the performance of the contract, as evidenced by a clear undertaking on the part of those entities.

Stage 3 - application of award criteria

The contract will be awarded under the 'best-value-for-money' procedure, to the most cost-effective tender. The following award criteria will be applied:

No	Qualitative award criteria	Weighting (maximum points)
1.	Quality of the tenderer's offer, reflecting the understanding of the environment the Agency operates in, the impact of the relevant regulations (REACH & CLP) on the Agency's IQMS and the interaction with bodies of the European Union and its Member States;	40
2.	Organisation of the work and structure of the proposed team, reflecting the seniority, specialisation and level of experience required for the executed tasks at various stages of certification;	40
3.	Demonstration of the tenderer's understanding of the time schedule of Certification scheme, the yearly outline of the required services, scope of audit and the effective timing of the tasks to be carried out, in relation to each respective stage in the certification process;	20
Total number of points		100

The selected tender is assessed according to the above qualitative award criteria and the weighting applicable to each criterion.

Tenders scoring less than 70 % in the overall points total or less than 50% in the points awarded for a single criterion will be excluded from the rest of the assessment procedure.

Award criterion	
	Total price (Grand Total in the Financial Form for simulation)

The contract will be awarded to the tender which is the most cost-effective (offers the best value for money) on the basis of the ratio between the total points scored and the price.

Final Evaluation	
	$1000 \times (\text{Total Quality Points} / \text{Total Price})$

Tenders should elaborate on all points addressed by these specifications in order to score as many points as possible. The mere repetition of mandatory requirements set out in these specifications, without going into details or without giving any added value, will only result in a very low score. In addition, if certain essential points of these specifications are not expressively covered by the tender, the Agency may decide to give a zero mark for the relevant qualitative award criteria.

3.5 AWARD OF THE CONTRACT

The Agency will inform tenderers of decisions reached concerning the award of the contract, including the grounds for any decision not to award a contract or to cancel the procedure.

If a written request is received from any non-successful tenderer, the Agency will inform the tenderer of the reasons for their lack of success and of the name of the successful tenderer.

However, certain information may be withheld where its release would impede law enforcement or otherwise be contrary to the public interest, or would prejudice the legitimate commercial interests of economic operators, public or private, or might prejudice fair competition between them.

The procurement procedure may be concluded by a contract signed by the parties. In this case, the General Terms and Conditions applicable to service contracts referred to below shall apply.

After the period of validity of the tender has expired, conclusion of the contract shall be subject to the tenderer's agreement in writing.

The Agency shall not sign the contract or framework contract with the successful tenderer until a standstill period of 10 calendar days has elapsed, running from the day after the simultaneous dispatch of the notification letters to the tenderers informing them of the award decision.

During the standstill period, the Agency will request the tenderer proposed for award to provide the evidence on exclusion criteria defined in Articles 106 and 107 of the Financial Regulation. If this evidence was not provided or proved to be unsatisfactory, the Agency reserves the right to cancel the award procedure or to change the award decision to the benefit of the next best ranked tenderer on condition that he satisfies with the provision of the evidence on exclusion.

The tenderer to whom the contract is to be awarded shall provide, within the 15 days following the receipt of the letter informing him of the proposed award of the contract and preceding the signature of the contract, the following evidence confirming the declaration of honour:

- 1 The Agency shall accept as satisfactory evidence that the tenderer to whom the contract is to be awarded is not in one of the situations described in point (a), (b) or (e) of Article 106(1) of the Financial Regulation, a recent extract from the judicial record or, failing that, an equivalent document recently issued by a judicial or administrative authority in the country of origin or provenance showing that those requirements are satisfied;
- 2 The Agency shall accept, as satisfactory evidence that the tenderer is not in the situation described in point (d) of Article 106(1) of the Financial Regulation, a recent certificate issued by the competent authority of the State.
- 3 Where the document or certificate referred to in paragraph 1 and 2 is not issued in the country concerned and for the other cases of exclusion referred to in Article 106 of the Financial Regulation, 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.
- 4 Depending on the national legislation of the country in which the tenderer is established, the documents referred to in paragraphs 1, 2, and 3 shall relate to legal persons and/or natural persons including, where necessary, company directors or any person with power of representation, decision-making or control in relation to the tenderer or tenderer. This would be the case when the national legislation concerned gives juridical responsibility of the acts committed by a legal entity (moral persons) to their legal representatives. The tenderer shall provide information on the ownership or on the management, control and power of representation of the legal entity whenever necessary for the proper understanding of the evidence submitted or whenever the Agency requests it.
- 5 Where they have doubts as to whether tenderers are in one of the situations of exclusion, the Agency may itself apply to the competent authorities referred to in paragraph 3 to obtain any information they consider necessary about that situation.
- 6 The Agency may waive the obligation of a tenderer to submit the documentary evidence referred to in paragraphs 1 and 2 if such evidence has already been submitted to it for the purposes of another procurement procedure 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 tenderer shall declare on his honour that the documentary evidence has already been provided to the Agency in a previous procurement procedure and confirm that no changes in his situation have occurred. He shall indicate in its tender all the references necessary to allow the Agency services to check this evidence.

4 ANNEXES

4.1 TECHNICAL DOCUMENTATION

For background information about ECHA, please see the ECHA website at:
<http://echa.europa.eu/>

Other documents are available at:

http://echa.europa.eu/opportunities/procurement_en.asp

4.2 CONTRACTUAL DOCUMENTATION

4.2.1 Framework Service Contract (draft) with Annexes

In Annex 4.2.1 Framework Service Contract (draft)

4.2.2 Order Form under FWC (model)

In Annex 4.2.2 Order Form under FWC (model)

4.2.3 Daily subsistence allowances and accommodation

In Annex 4.2.3 Daily subst. allowances and accommodation

4.2.4 Confidentiality declaration

In Annex 4.2.4 Confidentiality declaration

4.3 PROCUREMENT DOCUMENTATION

4.3.1 Company Information Sheet

In Annex 4.3.1 Company Information Sheet

4.3.2 Eligibility documentation

In Annex 4.3.2 Eligibility documents

SUBCONTRACTOR / LETTER OF INTENT

In Annex 4.3.2 Subcontractor / letter of intent

POWER OF ATTORNEY

In Annex 4.3.2 Power of attorney

4.3.3 Exclusion criteria documentation

In Annex 4.3.3 exclusion criteria form

4.3.4 Selection criteria documentation

In Annex 4.3.4 Financial and economic capacity overview form

In Annex 4.3.4 Project reference form

In Annex 4.3.4 European Curriculum Vitae

editable version at:

<http://europass.cedefop.europa.eu/en/documents/curriculum-vitae/templates-instructions>

4.3.5 Award criteria documentation

In Annex 4.3.5 Award criteria documentation for AW1

In Annex 4.3.5 Financial Form (simulation)

In Annex 4.3.5 Reference Price List

4.3.6 Checklist of documents to be submitted

The purpose of the table below is to facilitate the preparation of the tender by providing an overview of the documents that must be included (marked by ■) depending on the role of each economic operator in the tender (coordinator/group leader in joint bid, partner in joint bid, single contractor, main contractor, subcontractor). Some of the documents are only relevant in cases of joint bids or when subcontractors are involved. Additional documents might be necessary depending on the specific characteristics of each tender.

Description	Section	Coordinator or group leader in joint bid	All partners in joint bid	Single or Main contractor	Sub-contractor
Power of attorney of partners in joint bid indicating the group leader (see Section 4.3.2)	1		■		
Letter(s) of intent of subcontractor(s) (see Section 4.3.2)	1				■
Legal Entity Form (see Section 4.3.2) Download the form from : http://ec.europa.eu/budget/execution/legal_entities_en.htm	1	■	■	■	■
Supporting documents for the Legal Entity Form	1	■	■	■	
Financial Identification Form (see Section 4.3.2) Download the form from: http://ec.europa.eu/budget/contracts_grants/info_contracts/financial_id/financial_id_en.cfm	1	■		■	
Exclusion Criteria form (see Section 4.3.3)	2	■	■	■	■
Evidence of Economic and financial capacity (see Section 3.1.1.2.1 and Section 4.3.4)	3	■	■	■	■
Evidence of Technical and professional capacity (see Section 3.1.1.2.1 and Section 4.3.4) Go to the following page to fill in the CV: http://europass.cedefop.europa.eu/en/documents/curriculum-vitae/templates-instructions	3	■	■	■	■
Evidence of Technical and professional capacity: project reference form (see Section 3.1.1.2.1 and Section 4.3.4)	3	■		■	

The following Sections must be provided in the bid, their absence would mean rejection of the bid for incompleteness:

Description	Section	Coordinator or single tenderer
Technical Proposal (see Section 3.1.1.2.2)	4	■
Financial Proposal (see Section 3.1.1.2.3)	4	■