



ESPO 2013 Programme

Terms of Reference

Typology Compilation (2008-2009)

Technical and Administrative Terms and Conditions

**Implementation Framework: The ESPO 2013 Operational
Programme Adopted by European Commission Decision C(2007)
5313 of 7 November 2007**



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1. INTRODUCTION – CONTEXT OF THE CALL FOR TENDERS

The ESPON 2013 Programme is financed under the Objective 3 of the Structural Funds for the period 2007-2013.

The overall aim of the ESPON 2013 Programme is to “Support policy development in relation to the aim of territorial cohesion and a harmonious development of the European territory by (1) providing comparable information, evidence, analyses and scenarios on territorial dynamics and (2) revealing territorial capital and potentials for the development of regions and larger territories contributing to European competitiveness, territorial cooperation and a sustainable and balanced development”.

The ESPON 2013 Programme will carry through activities within 5 priorities at programme level:

1. Applied research on territorial development, competitiveness and cohesion: Evidence on territorial trends, perspectives and policy impacts
2. Targeted analysis based on user demand: European perspective to development of different types of territories
3. Scientific platform and tools: Territorial indicators and data, analytical tools and scientific support
4. Capitalisation, ownership and participation: Capacity building, dialogue and networking
5. Technical assistance, analytical support and communication.

The new programme covers the entire territory of the 27 EU Member States, plus Iceland, Norway, Switzerland and Lichtenstein as a Partner States.

This contract is foreseen in the framework of Priority 3 on Scientific Platform and Tools and is aiming at delivering a compilation of regional typologies that allow projects under the ESPON 2013 Programme to (1) identify comparable findings, (2) differences/similarities for types of territories/regions and (3) to analyse their causes for the types of territories having particular attention by policy makers.

2. OFFICIAL NAME AND ADDRESS OF THE AWARDING AUTHORITY

Ministère de l'Intérieur et de l'Aménagement du territoire
Direction de l'Aménagement du Territoire
1 Rue du Plébiscite
L-2341 Luxembourg

3. PURPOSE OF THE CALL FOR TENDERS

This call for tenders aims at selecting a tenderer that will carry out the work of defining and compiling a set of operational typologies of regions that can reflect the types of territories that currently are of particular concern by European policy makers. This task is in line with the objectives of ESPON 2013 Operational Programme adopted by European Commission Decision C(2007) 5313 of 7 November 2007.

The Typology Compilation shall be delivered to Transnational Project Groups working in ESPON 2013 applied research projects under Priority 1. The ESPON Monitoring Committee will be involved in advance of this delivery.

By all using the typologies compiled, key messages/findings might appear for the types of territories related to the different themes of applied research. By using a standardised set of typologies the ambition is to ensure comparability and be able to provide cross-thematic evidence and knowledge for these specific types of territories/regions, building on inputs from several projects.

4. SERVICE TO BE PROVIDED

4.1 General description of the service

The service requested shall include work developed on regional typologies for types of territories within and outside the ESPON Programmes (2006 and 2013), taking into consideration the policy development in relation to EU Cohesion Policy (latest the Green Paper on Territorial Cohesion and the Regional Focus 1), the Treaty of Lisbon and the description of the new European aim of territorial cohesion. This is the base for the service in order to deliver a compilation of regional typologies that allow for identifying differences / similarities and to analyse their causes for the types of territories having particular attention by policy makers.

The types of territories that the Typology Compilation shall cover in terms of typologies, with a simple and operational classification, are the following types of territories/regions within Europe. The types selected are reflecting the types of territories mentioned in § 158 of the Lisbon Treaty, currently in the process of ratification:

1. Urban / metropolitan regions
2. Rural regions
3. Sparsely populated regions
4. Regions in industrial transition
5. Cross-border regions
6. Mountainous regions
7. Islands
8. Coastal regions

Ideally, the regional typologies should build on existing typology work undertaken in other studies or being used in political contexts. They should ensure a high explanatory power (being not too complex), be easy to communicate, be built on robust and complete data and finally they should have proven or be tested in order to demonstrate their usefulness in relation to analysis of territorial development.

An assessment of the data situation in the EU Candidate Countries (Croatia, Former Yugoslav Republic of Macedonia, Turkey) and the Western Balkans is to be considered, in order to extend the typologies to these countries and their regions, if possible.

Once delivered they will shall nourish the results of all ongoing and future ESPON applied research projects as part of their final conclusions exploring eventual policy messages related to certain types of territories from the general results achieved within the applied research. In this context, the regional typologies should be

considered as analytical tools which can help showing and explaining specific territorial structures of Europe.

4.2 Concrete tasks

The following 6 tasks shall be considered for the development and delivery of the services requested, and this for each of the 8 mentioned types of territories:

1. Survey existing regional typologies
2. Identification of relevant regional typologies
3. Proposal on 8 regional typologies for requested types of regions
4. Test of the typologies proposed
5. Implementation of the regional typologies and dissemination support
6. Delivery of the ESPON Typology Compilation

Each of the services is further explained below.

4.2.1 Survey of existing regional typologies

Identification and gathering of relevant existing regional typologies elaborated in relation to spatial / regional analysis by relevant international and European organisations addressing territorial development issues, in particular the European Commission (DG Regio), the OECD and the ESPON 2006 Programme. An overview of the existing regional typologies should be presented and include information on the following elements:

- Theme - Each typology should be classified into a particular theme, so that similar or related typologies are grouped together.
- Geographical level – Information on the type of area that is classified (administrative area or a different areas, local, regional, national). Examples: NUTS3, NUTS5, Geographical, National
- Methodology – Brief summary of the typology. Reference should be made to the indicators and methodology used in the typology.
- Homogeneity – Quality assessment of the relative homogeneity.
- Author – People and or organisation that created each typology.
- Layer or codes by region – Information on how the actual typology can be accessed. Examples: GIS layer, list of regions.

4.2.2 Identification of relevant regional typologies

Identification of regional typologies that could be part of the ESPON typology compilation to be used by ESPON applied research projects. Based on the work undertaken under point 4.2.1 and considering the aims of the ESPON 2013 Programme, the contractor is requested to analyse the relevance and the strength of the existing regional typologies. In concrete terms, this task is aimed at identifying the regional typologies that reflect the diversity of territorial situations, as well as the diversity within specific types of territories addressed in the Lisbon treaty and in European policy documents related to territorial cohesion.

During this step, the project is required to reflect on the following issues:

- Methodological considerations in the adoption or further elaboration of existing typologies.
- Individual units used in the classification, making use of typologies based on administrative divisions, as used by the DG Regio, OECD and EUROSTAT (preferably at NUTS 3 or lower level) and the Joint Research Centre (e.g. JRC Population Grid, please refer to JRC 2007, Population density disaggregated with CORINE land cover 2000, EEA, Copenhagen at <http://dataservice.eea.europa.eu/dataservice/metadetails.asp?id=1018>).
- The operational use of regional typologies within ESPON 2013 Programme, including the presentation and delivery of the Typology Compilation to applied research projects.

4.2.3 Proposal on 8 regional typologies

A proposal on the 8 regional typologies (cf. point 4.1) to be part of the ESPON Typology Compilation shall be made. This proposal should include an operational, regional classification of the 8 types of territories indicated.

The typologies proposed shall include a simple and robust classification of the diversity within the 8 types of territories mentioned above, which could be based on territorial characteristics such as demographic profiles, population density, level of accessibility, Lisbon performance and/or environmental aspects. Some existing typologies (for example the urban-rural typology of NUTS 3 regions, recently presented by DG Regio) already created five classes of regions. A similar approach should be considered for all 8 typologies requested.

4.2.4 Test of the regional typologies proposed

A test/analysis of the regional typologies proposed shall be implemented in order to ensure their robustness and their operational value in practice. In particular the strength of the methodology used and the usefulness of the regional typology in breaking down the results of other ESPON applied research projects for specific type of territories needs to be tested.

In relation to this step, the internal homogeneity or external heterogeneity of the regional typologies might be analysed or tested using different statistical techniques. In addition, considerations on the quality and availability of data for the maintenance and implementation of the ESPON Typology Compilation should be made.

The underlying objective of the assessment shall be the possible contribution of the typologies in explaining territorial trends, perspectives and/or impacts related to the diversity of regions and larger territories of Europe.

4.2.5 Implementation of the regional typologies and dissemination support

Based on the work undertaken under point 4.2.4, the contractor is requested to review and finalise the typologies to be included in the ESPON Typology Compilation and, if necessary, to implement necessary adjustments/improvements to the typologies initially selected.

As part of this task, a concrete proposal for dissemination of the ESPON Typology Compilation and its implementation in ESPON 2013 applied research projects, including examples on the best practical use, should be developed and presented.

4.2.6 Delivery of the ESPON Typology Compilation

Final presentation and delivery of the Typology Compilation including the 8 operational regional typologies related to territorial cohesion that in principle will be used by all ESPON applied research projects.

The Typology Compilation shall be delivered in a form that supports an easy dissemination and use. The typologies shall be delivered in GIS layers and make use of the Nomenclature of Territorial Units for Statistics (NUTS version 2006) or the Local Administrative Units (LAU) from EUROSTAT.

The presentation of the Typology Compilation should include documentation for each typology on the following elements:

- Designation of the typology
- Geographical level
- Description – Brief summary of the typology.
- Methodology - Indicators used in the typology, sources, availability and the methodology used to group the indicators.
- Homogeneity – Quality assessment of the homogeneity.
- Author
- Recommendations on the use of the typology, including a brief overview on its strong and weak points
- Updating – possible needs and possibility to update the typology should be addressed.

In addition, options for further development of territorial typologies for the ESPON 2013 Programme should be mentioned by the contractor.

Following the delivery of the ESPON Typology Compilation, the ESPON Monitoring Committee intend to disseminate it and ask all projects to consider the typologies in relation to their main results and present additional significant results/observations that this combination may arise.

Regarding the development of the service contract, the contractor is expected to cooperate closely with the TPG being in charge of the development of the ESPON 2013 Database, in order to ensure that the regional typologies are incorporated into the structure of the ESPON 2013 Database.

5: DOCUMENT CONSTITUTING THE CALL FOR TENDERS

This document detailing both the Technical and Administrative Terms and Conditions for the Call for Tender including its annexes constitute the call for tender's dossier. Its original copy will be kept in the Awarding authority's records, and is the only version that will be deemed authentic.

6: NATURE OF THE CONTRACT

6.1 Type of contract

The contract is a service contract according to Luxembourg Law of 30 July 2003 on public procurement¹.

¹ <http://www.legilux.public.lu/leg/a/archives/2003/0093/a093.pdf#page=26>

It has not been planned to break down the work into lots. The proposal submitted shall cover all the services described.

6.2 Collaborating with others: joint tender or/and subcontracting

The proposal shall be submitted by one contractor only or by a group acting jointly or by a natural person acting for his/her own account.

Tenderers may submit proposals either as individual tenderers, or as members of a group. So, they may not act in both capacities.

In any case the file must specify very clearly whether each company involved in the tender is acting as a partner in a joint tender 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). The tenderers must describe how their cooperation will be organised in order to achieve the expected results. This organisation must cover both technical aspects and administrative/financial issues.

In any event, such tenders will be treated in the same way as any other type of tender, each being assessed on their own merits in relation to the criteria and the evaluation procedure set out in these Tender Specifications.

6.2.1 Joint tender

Partners in a joint tender assume joint and several liabilities towards the contracting authority for the performance of the contract as a whole.

If a joint tender is proposed with one or several partners and the organisation has already set up a consortium or similar entity to that end, this fact should be mentioned in the tender, together with any other relevant information in this connection. If this step is not yet taken, the entity should be aware that, if the contract is awarded to this entity, the contracting authority will require giving a formal status to its collaboration before the contract is signed.

This can take the form of:

- an entity with legal personality recognised by a Member State;
- an entity without legal personality but offering sufficient protection of the contracting authority' financial interests (depending on the Member State concerned, this may be, for example, a consortium or a temporary association);
- or the signature by all the partners of a "power of attorney"

6.2.2 Subcontracting

Certain tasks provided for in the contract may be entrusted to subcontractors, but the main contractor retains full liability towards the contracting authority for the performance of the contract as a whole. Accordingly, the contracting authority 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 contracting authority on the grounds that the subcontractor is at fault.

If subcontracting is proposed, the file must include a document mentioning the reasons why subcontracting is proposed; stating clearly the roles, activities and responsibilities of subcontractor(s) and a letter of intent by each subcontractor stating its intention to collaborate with the tenderer if he wins the contract. During execution of the contract, the contractor will need the contracting authority's express

authorisation to replace a subcontractor with another and/or to subcontract tasks for which subcontracting was not envisaged in the original tender.

If a joint tender is submitted or if subcontractors are proposed, the declaration relating to the exclusion criteria and the documents concerning the selection criteria referred to in points 16.1 and 16.2 below must be provided by each of them. Lack of documents may lead to the exclusion and/or to the non selection of the tenderer.

The selection criteria referred to in point 16.2. will for joint tenders/tenders including subcontractors be assessed in relation to the combined capacities of the economic operators in respect of the other clauses of these tender specifications, esp. point 16.2.4.

6.3 Place of performance of the contract

There are no obligations in relation to the place of execution of the services. Services described in sections 4 shall be delivered to Luxembourg, according to the provisions set in section 10.5.

6.5 Variations

Variations are not permitted.

6.6 Validity of the offers

Offers will be valid for 3 months from the deadline for receiving offers.

7. DURATION OF THE CONTRACT

7.1. Initial and maximum terms of the contract

The contract will be valid for a period of 12 months and will become applicable from the date when it is notified to the successful tenderer.

7.2. Overall project time

The overall project time is provided for in section 10.2 of this tender document.

8. TERMINATION

The contracting authority will reserve the right of terminating the contract in case of wrong and / or repeated breach of the obligations by the successful tenderer (as detailed under paragraph 4 and 10 of this tender document).

This contract may be terminated by the contracting authority, in case no wrong was committed, with not less than three months' notice, given by registered letter with proof of receipt. The date of termination will be the date mentioned in the notice. This decision will not result in any payment of compensation.

9. LANGUAGES

English will be the working language for the service provision.

10. REPORTING PROCEDURE AND TIMETABLE

10.1. Terms of deliveries and reporting

All deliveries shall be in English language and in conformity with the project reporting as defined in the following:

Interim Report, covering:

- (a) Results of the survey of existing regional typologies elaborated by relevant international and European organisations (cf. step 4.2.1 above).
- (b) Definition of regional typologies for the 8 types of territories requested that could be operational for the purpose of the service (cf. step 4.2.2 above).
- (c) Proposal on typologies to be considered as the most relevant in relation to the aim of Territorial Cohesion and to the objectives of the ESPON 2013 Programme (cf. step 4.2.3)
- (d) Results of the test/analysis of the typologies proposed for types of regions proving their homogeneity and liability (cf. step 4.2.4).

Draft Final Report, covering:

Deepening of elements provided in the first Interim Report, adding new key elements, and taking into account responses communicated by the ESPON CU based on the discussion of the Interim Report, the draft final report shall include the following deliveries referring to remaining tasks (cf. step 4.2.5 and 4.2.6):

- (e) Presentation and documentation of the selected and implemented 8 regional typologies of the Typology Compilation, including the criteria used for their definition.
- (f) Proposal for the dissemination envisaged by the ESPON 2013 Programme of the Typology Compilation, including a short guiding documentation of each of the typologies and a proposal for the transfer of GIS layers to Lead Partners of ESPON applied research projects using a CD Rom.
- (g) Proposal on an easy integration of the Typology Compilation into the ESPON 2013 Database and provisions for this delivery.
- (h) Options for further development of territorial typologies for ESPON.

Final Report, covering:

Delivery of the entire service requested in a Final Report, including point a) to h) mentioned above as well as improvements requested of the draft Final Report. As part of the Final report a dissemination package ensuring an easy the dissemination and use of the Typology Compilation as well as integration in the ESPON 2013 Database shall be included.

10.2 Deadlines for the Submission of Deliveries

With reference to the above mentioned deliveries the following deadlines have to be met by the tenderer. The submission of all the deliveries shall be done by the specified deadlines.

In case of unjustified delay, penalties proportional to the duration of the delay shall be used. Such penalties are described in point 10.4 of this tender document.

The date of final delivery will be deemed to be the date of completion of the service ordered.

Delivery dates are as defined in the following table:

Expected Deliverable	Tasks referred to in section 4	Deadline
Interim Report	4.2.1, 4.2.2, 4.2.3 and 4.2.4	15 May 2009
Draft Final Report	All steps of section 4	15 November 2009
Final Report	All steps of section 4	15 January 2010

Responses to the Interim Report and Draft Final report will follow 4 weeks after the delivery from the service provider. The responses will be communicated by the ESPON CU.

10.3 Involvement of the ESPON Monitoring Committee

The typologies proposed and tested, part of the Interim Report, will be addressed by the ESPON Monitoring Committee. The service provider has to preview, also in budgetary terms, that a discussion of the Interim Report may take place in beginning of June 2009 in Prague.

The draft Final Report may be part of the open ESPON seminar previewed for 10-11 December 2009 in France. The service provider should also include funds for participating in this event when preparing a bid for this contract.

A response to the Draft Final Report will be sent by the ESPON CU at the latest 4 weeks after the deadline for delivery, including guidance on the Final Report and deliveries related to the dissemination tasks envisaged of the Typology Compilation.

10.4 Claims and penalties for late deliveries

In case any services delivered are not in conformity, claims may be filed within 45 working days from the date of delivery.

In case of any delays in the performance of services ordered or provided in the contract, the contracting authority may apply penalties for late deliveries for an amount equal to 0,15% of the total maximum amount specified, per calendar day of delay.

10.5 Address and form of delivery

The reports requested in section 4 as well as other deliveries mentioned in this tender document shall be transmitted in both paper and electronic version, to the following address:

ESPON Coordination Unit
Attention of Peter Mehlbye

CRP HT - P.O. Box 144
4221 Esch-sur-Alzette
L- GRAND DUCHY of LUXEMBOURG
peter.mehlbye@espon.eu

Delivery of data and GIS layers shall be made using a CD ROM.

11. CONDITIONS FOR THE DISPATCH OR REMITTANCE OF TENDERS

11.1 Transmission of tenders

If you are interested in this contract you should submit a tender in duplicate in English language

Tender shall be delivered to the address indicated below delivered at the latest by 26 **November 2008 by 14h00.**

ESPON Coordination Unit
Attention of Peter Mehlbye

Postal Address:

CRP HT - P.O. Box 144
L-4221 Esch-sur-Alzette
L- GRAND DUCHY of LUXEMBOURG

Visiting address:

70, rue de Luxembourg
Esch-sur-Alzette
L- GRAND DUCHY of LUXEMBOURG

Either :

- Against receipt at ESPON 2013 CU premises (see visiting address indicated above) **from Mondays to Fridays, from 9AM to 12AM and 2PM to 5 PM**, or
- By registered mail with notice of receipt, to reach the recipient before the deadline and closing time for receiving tenders as indicated above at the above-mentioned address.

Any envelopes as may be served or for which acknowledgement of receipt may be delivered after the abovementioned deadline and closing time or delivered in non-sealed (unclosed) envelopes will not be considered and will be sent back to the senders.

Tenders must be placed inside two sealed envelopes. The **outer envelope** must bear the address indicated above and the name and address of the tenderer. The **inner envelope** shall indicate the information below:

The name of the tenderer

The address of the tenderer

Zip Code, City and Country of the Tenderer

**ESPON Coordination Unit
Attention of Peter Mehlbye**

TPOLOGY COMPILATION

“DO NOT OPEN”

This inner envelope must also contain two sealed envelopes, one containing the administrative and technical specification and the other the financial bid.

The **first interior envelope** shall strictly mention « Envelope No.1 – Administrative and Technical Part » and contain information on the tender in compliance with supporting evidence and competences described in the call for tenders and according to the provisions of Article 10.1 hereof. One signed original and one copy should be provided.

The **second interior envelope** shall strictly mention « Envelope No. 2 - Financial Offer » and will contain documents relating to the Financial offer according to the provision of Article 10.1 hereof. One signed original and one copy should be provided.

Tenders must be:

- signed by the tenderer or his duly authorized representative
- perfectly legible so that there can be no doubt as to word and figures

11.2 Opening of the tender

The tenders received will be opened on the 2 December 2008 in the office of the ESPON Coordination Unit. One representative per tenderer can be present at this opening session. Tenderers, who plan to attend the opening session have to inform the ESPON Coordination Unit by fax (00 352 545580701) by 28 November 2008 at the latest.

12. CONTENT OF THE TENDER

Offers for the service contract shall be fully written in English language, and prices shall be denominated in EUROS.

12.1 Documents to be produced

It is recommended to structure information and documents with clearly marked references to each sub-point they refer to.

FIRST INNER ENVELOPE

PART A – ADMINISTRATIVE PART

- (1) A cover letter for the submission of the offer signed by the tenderer or his duly authorised representative confirming the validity of his offer during 3 months from the deadline for the submission of the offer;
- (2) The completed and signed general information sheet (see Annex B);
- (3) Declaration (see Annex C) concerning the exclusion criteria (see point 16.1.);
- (4) Documents needed to prove that the tenderer meets the selection criteria (see point 16.2.);
- (5) Commitment to undertake the described tasks if the framework contract is awarded to the tenderer, signed by the tenderer or his authorised representative (join a copy of the notice of appointment of this authorised representative) (see Annex A);
- (6) The completed and signed Bank Account File (see Annex E)

In case of a joint tender and/or tender with subcontractor(s), tenders will first provide required documents under point 12.1 Part A (2) to (5) for each of the joint partners, followed by all required documents presented below for each of the subcontractors.

Please note that if a joint tender is submitted and/or subcontracting is proposed, the declarations relating to the exclusion criteria (points 16.1.1 to 16.1.7) and the documents relating to the selection criteria (points 16.2.1. to 16.2.7) must be provided by each of the joint partners and subcontractors.

PART B – TECHNICAL PROPOSAL

The technical proposal containing a detailed description on how the tenderer(s) intend to reach the expected results related to the Typology Compilation. The description shall cover all elements mentioned in section 4 of this tender document.

In particular the technical proposal shall present the overall understanding of the nature of services and reporting to be delivered as part of the final product as well as the framework for the service and all issues involved in the requested deliveries.

The technical proposal shall also clearly present the methodology envisaged used to reach the requested results, including information on the sources of existing typologies and the methods of statistical testing envisaged used.

The technical proposal shall finally explain the results envisaged paying particular attention to the applicability of the service envisaged, the robustness of the typologies to be delivered as well as to the presentation and dissemination support envisaged of the final delivery.

SECOND INNER ENVELOPE

PART C – FINANCIAL OFFER

A financial offer covering the total services requested. The number of working days and the unit day price shall as well be indicated. Prices shall be indicated VAT excluded and the amount of VAT shall be indicated separately.

12.2 Other conditions

- Fulfilment of the conditions of the call for tenders imposes no obligation on the contracting authority to award the contract.
- Initiation of a tendering procedure imposes no obligation on the contracting authority to award the contract.
- Expenditure on preparing and submitting tenders is non-refundable.
- The contracting authority is not liable for any compensation to tenderers whose tenders have not been accepted. Nor is it so liable if it decides not to award the contract.
- All the documents submitted by tenderers become the property of the contracting authority. These documents will be considered confidential.

13: PRICES

13.1 Price

The tenderer shall submit a price covering the total services requested in Euros (exclusive of VAT). 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 exchange rate and assume the risk of the benefits deriving from any variation.

13.2 Price indexing

No indexation of the price is allowed

13.3 VAT

Price should be quoted free of VAT. The amount of the VAT should be shown separately.

13.4 Available budget

The total available budget for the contract is estimated at €75.000, all taxes inclusive.

14: INVOICING AND PAYMENTS

14.1. Invoicing

The address where invoices should be sent is the following:

ESPON Coordination Unit

CRP HT - P.O. Box 144
4221 Esch-sur-Alzette
L-GRAND-DUCHY of LUXEMBOURG

Invoices will include an original copy and a duplicate mentioning the following indications in addition to legal information:

- name and address of the supplier
- bank or postal details as specified in the tender
- contract code
- name of the ESPON 2013 Programme

- date(s) of delivery
- type of service provided
- Sum exclusive of tax / VAT / sum inclusive of tax
- Invoice date
- Reference to the delivery

14.2. Payment

An interim payment and a final payment will be made for the provision of the services.

The interim payment for a maximum amount of 50% of the total contract value can be requested with the submission of the Interim Report due on the 15 May 2008 upon provision of the relevant invoice.

A final payment for the remaining 50% of the total contract value can be requested with the submission of the Final Report due the 15 January 2008 upon provision of the relevant invoice.

Payments will be implemented within 30 days from the approval of the Interim Report and Final Report respectively. The successful tenderer is entitled to late payment penalties under regulatory terms to be calculated at the legal interest rate.

15. FINANCIAL GUARANTIES

No financial guarantee is needed.

16. ASSESSMENT OF TENDERERS AND TENDERS

The assessment of tenderers and tenders will proceed in the following 5 steps:

1. Exclusion of tenderers on the basis of the exclusion criteria (see point 16.1. below)
2. Selection of tenderers on the basis of the selection criteria (see point 16.2. below)
 - General information
 - Capacity in economic and financial terms
 - Capacity in technical and professional terms
3. Selection of the three cheapest tenders submitted by tenderers having passed step 1 and 2 (see point 16.3. below).
4. Evaluation of tenders on the basis of the award criteria (see point 16.4. below)
 - Technical evaluation of the tenders according to the award criteria
5. Principles for Awarding the contract (see point 16.5. below)
 - The contract will be awarded to the tenders having reached the highest number of points

The different steps are described in the following sections.

16.1. Exclusion of tenderers on the basis of the exclusion criteria

Tenderers will be excluded if one of the following reasons are confirmed:

- (16.1.1) are bankrupt or being wound up, are having their affairs administered by the courts, have entered into an arrangement with creditors, have suspended business activities, are the subject of proceedings concerning those matters, or are in any analogous situation arising from a similar procedure provided for in national legislation or regulations;
- (16.1.2) have been convicted of an offence concerning professional conduct by a judgement which has the force of *res judicata*;
- (16.1.3) have been guilty of grave professional misconduct proven by any means which the contracting authority can justify;
- (16.1.4) have not fulfilled obligations relating to the payment of social security contributions or the payment of taxes in accordance with the legal provisions of the country in which they are established or with those of the country of the contracting authority or those of the country where the contract is to be performed;
- (16.1.5) have been the subject of a judgement which has the force of *res judicata* for fraud, corruption, involvement in a criminal organisation or any other illegal activity detrimental to the contracting authority’ and the EU Communities’ financial interests;
- (16.1.6) have been declared, following another procurement procedure to be in serious breach of contract for failure to comply with their contractual obligations.

Tenderers are also excluded from the award if, during the procurement procedure, if they 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.

In their tenders, tenderers shall provide a declaration on their honour, duly signed and dated, stating that they are not in one of the situations listed above (see Annex C). The tenderer to whom the contract is to be awarded shall provide the documents mentioned below before signature of the contract.

The contracting authority may waive the obligation of the winning tenderer to submit the documentary evidence referred to below 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.

The following documents will be accepted as proof that the tenderer is not in any of the situations mentioned under points 16.1.:

- i) For points 16.1.1., 16.1.2. and 16.1.5., the production of an extract (delivered by the issuing authority less than 90 days to the final date for receipt of offers) from the judicial record or, failing this, an equivalent (delivered by the issuing authority or entity less than 90 days to the final date for receipt of offers) document issued by a competent judicial or administrative authority in the country of origin or provenance, showing that these requirements have been met;
- ii) In the cases mentioned under point 16.1.4., a certificate delivered (delivered by the issuing authority less than 90 days to the final date for receipt of offers) by the competent authority of the country concerned.

Only where the country concerned does not issue the documents or certificates referred to in i) and ii) above, they may be replaced by a sworn, failing that, a solemn statement made by the interested party before a judicial or administrative authority, a notary or a competent professional or trade body, in the country of origin or provenance.

- iii) In the cases mentioned under points 17.1.3., 17.1.6. and 17.1.7., tenderers must include in their tender 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, based on the model (see declaration in Annex C).

Depending on the national legislation of the country in which the tenderer is established, the documents listed above must relate to legal persons and/or natural persons including company directors, principal partners or any person with powers of representation, decision-making or control in relation to the tenderer.

16.2. Selection of tenderers on the basis of the selection criteria

The selection of the tenderers will assess their technical, professional, financial and economic capacity.

To this end, all tenders submitted must include the following information on the tenderers:

General information:

16.2.1. General information on the tenderer. Please complete, date and sign the general information sheet in Annex B.

Commercial undertakings must provide a transcript or a certificate, issued by the competent body – namely the commercial registrar – in their country of provenance or the country of their main office, of their incorporation as commercial undertakings, as well as a copy of their act of incorporation. Non-commercial undertakings must provide a copy of their act of incorporation only, if, under the law of their country of provenance or the country of their main office, they are not subject to public registry. Non-commercial physical persons must provide a copy of their passport or other equivalent identification document;

Economic and financial capacity:

16.2.2. Appropriate statements from banks or evidence of professional risk indemnity insurance (e.g. relevant page(s) of the insurance policy, indicating the subject area covered and the amount of the coverage);

16.2.3. The presentation of balance sheets or extracts from balance sheets and the profit and loss statements (copy of the audited annual accounts) for at least the last two years for which accounts have been closed and audited, where publication of the balance sheet is required under the company law of the country in which the economic operator is established or equivalent documentation if it is not the case.

16.2.4. A statement of overall turnover and its turnover in respect of the services to which the contract relates during the last three financial years. Commercial undertakings established less than three years on the date of publication of the present call for tenders must give evidence of their financial capacity by providing equivalent documents.

If, for some exceptional reason which the contracting authority considers justified, the tenderer is unable to provide the references requested under points 14.2.2. to 14.2.4., he may prove his economic and financial capacity by any other means which the contracting authority considers appropriate.

Technical and professional capacity

16.2.5. A list of the principal services provided in the field of the Terms of Reference during the last 3 years (detailed description of work), with the amounts, dates and recipients, whether public or private, of the services provided (in particular, tenderers must provide proof of at least 5 years of professional experience in the field of regional typology compilation):

- (16.2.5.1) where provided to public entities, evidence to be in the form of certificates issued or countersigned by the competent authority;
- (16.2.5.2) where provided to private entities, delivery to be certified by the purchaser or, failing this, simply declared by the service provider to have been effected;
- (16.2.5.3) the services which are directly relevant to the tender being made should be listed separately.

16.2.6. The names, affiliation, relevant professional qualifications, and experience of key management and research staff responsible for the performance of the service as described shall be indicated.

16.3. Financial evaluation of the tender

The total price of the tender will be taken into account in order to determine the three tenders with the cheapest financial proposal.

The three cheapest tenders will then enter into the technical evaluation as described below.

16.4. Evaluation of tenders on the basis of the award criteria

The following three blocks of criteria will be used in the technical evaluation of the tenders:

- **Understanding of the services (max. 30 points)**
 - (1) Overall understanding of the nature of services and reporting to be delivered as part of the final product (15 points).
 - (2) Detailed framework for the service including all issues involved in the requested deliveries (15 points)
- **Methodology (max. 30 points)**
 - (1) Sources of existing typologies envisaged (15 points)
 - (2) Methodology proposed in order to reach operational regional typologies as requested, including the statistical testing involved (15 points)
- **Results envisaged (max. 40 points)**
 - (1) Applicability of the service envisaged, including the robustness of the typologies to be delivered (20 points)

(2) Presentation of the final services, including the dissemination support envisaged and user friendliness of the final delivery (20 points).

16.5. Contract award

The contract will be awarded to the tender, presenting the highest scoring on the award criteria (highest number of points obtained).

The Awarding/Contracting Authority reserves the right not to select any tender if the amounts tendered exceed the budget envisaged for this project.

After the award decision has been taken, the Awarding/Contracting Authority will inform tenderers including the reasons for any decision not to award a contract or to recommence the procedure.

17. EXTRA INFORMATION

Contacts between the contracting authority and the tenderers are prohibited throughout the procedure.

After the opening of the tenders, the contracting authority may contact a tenderer if clarification is required or if obvious clerical errors in the tender need to be corrected provided that, and only if, the tender is not modified as result.

18. APPLICABLE LAW AND JURISDICTION

In case of dispute, the laws of Luxembourg only will apply. Luxembourg courts only will have jurisdiction. Any conflict between the parties resulting from the interpretation or application of the contract which cannot be settled amicably will be brought before the Luxembourg court.

ANNEXES

Annex A - Commitment Letter

Annex B - General Information Sheet

Annex C - Declaration Concerning the Exclusion Criteria

Annex D - Legal Entity File

Annex E - Bank Account File