



EUROPEAN CLIMATE, INFRASTRUCTURE AND
ENVIRONMENT EXECUTIVE AGENCY (CINEA)

CINEA.D - Natural resources, climate, sustainable blue economy and clean energy
D.3 - Sustainable Blue Economy

European Climate, Infrastructure and Environment Executive Agency (CINEA)

Call for tenders CINEA/2023/OP/0010

**Multiple Framework Contract in cascade for the provision
of scientific advice beyond EU waters**

European Maritime Fisheries and Aquaculture Fund

Work programme 2023/EMFAF-3.1.1

Open procedure

TENDER SPECIFICATIONS

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2030³, which are two essential components of the European Green Deal⁴ and part of the EU agenda for achieving the UN Sustainable Development Goals⁵. In line with these strategies, the EU aims at supporting the global transition to sustainable seafood systems, and the development of Green Alliances on sustainable seafood systems, as well as, at demonstrating that the EU is ready to lead by example to address the global biodiversity crisis for the benefit of people, climate and the planet.

The new joint communication on international ocean governance⁶ has also an important role in delivering on the blue part of the European Green Deal. International ocean governance is about managing the human activities and their impacts on the world's oceans and their resources so that they are healthy and productive, for the benefit of current and future generations. Fisheries are one of the key elements of EU's "international ocean governance initiative which set the basis for safe, secure, clean and sustainably managed oceans in Europe and around the world.

The Common Fisheries Policy (CFP)⁷ aims at ensuring that "fishing and aquaculture activities are environmentally sustainable in the long-term and are managed in a way that is consistent with the objectives of achieving economic, social and employment benefits and of contributing to the availability of food supplies" (Article 2 of the CFP). The European Green Deal further strengthens the CFP approach, emphasising the triple contribution of fisheries and aquaculture to the economy and employment of coastal regions, food security in the EU and the protection of the marine environment.

According to the CFP, fisheries management shall apply precautionary and ecosystem approaches to ensure that exploited populations are maintained above levels that can produce Maximum Sustainable Yield (MSY) and that negative impacts on the marine ecosystem are minimized, including through the elimination of discards with the implementation of the landing obligation. It shall also be guided by principles of good governance (Article 3 of the CFP). Regarding the external policy, the described objectives, principles and elements shall be promoted at international level by the EU. This commitment is established by the Commission Communication on the External Dimension of the CFP⁸ and, most importantly, by Part VI of the CFP Regulation, Article 28. Here it is stipulated that "the EU shall conduct its external fisheries relations in accordance with its international

³ Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions, EU Biodiversity Strategy for 2030 Bringing nature back into our lives COM/2020/380 final

See [Biodiversity strategy for 2030 \(europa.eu\)](https://european-council.europa.eu/media/en/press-communications/2020/03/1/P12223_en.pdf)

⁴ Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions, The European Green Deal COM/2019/640 final

⁵ [THE 17 GOALS | Sustainable Development \(un.org\)](https://www.un.org/sustainabledevelopment/)

⁶ Joint communication to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, Setting the course for a sustainable blue planet - Joint Communication on the EU's International Ocean Governance agenda JOIN(2022)28 final see [International ocean governance \(europa.eu\)](https://european-council.europa.eu/media/en/press-communications/2022/02/1/P12223_en.pdf)

⁷ Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 639/2004 and Council Decision 2004/585/EC.

⁸ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on External Dimension of the Common Fisheries Policy. COM(2011) 424 final

obligations and policy objectives as well as the objectives and principles set out in Articles 2 and 3”. Furthermore, the EU shall “ensure that fishing activities outside Union waters are based on the same principles and standards as those applicable under Union law in the area of the CFP”.

At international level, the EU plays a leading role in the context of international ocean governance and fisheries management. The recently agreed legally binding instrument for the conservation and sustainable use of marine biodiversity beyond national jurisdiction (BBNJ Agreement⁹) is a milestone for the conservation of the high seas. The BBNJ Agreement will allow for the establishment of large-scale marine protected areas on the high seas, which are also necessary to meet the global commitment of the Kunming-Montreal Global Biodiversity Framework concluded last December to protect at least 30% of the ocean by 2030; and to provide for a comprehensive standardised environmental impact assessment process for all Parties that ensures transparency, accountability and broad participation.

The EU is also a key player through its participation in Regional Fisheries Management Organizations (RFMOs), Regional Fisheries Bodies (RFBs), through the establishment of Sustainable Fisheries Partnership Agreements (SFPAs¹⁰) with third countries, and through the establishment of rules, conditions and obligations for EU vessels fishing in non-EU waters (SMEFF regulation¹¹). In addition, Multilateral Environmental Agreements (MEAs) are developed, to address issues that are linked to the conservation of marine species, particularly those harvested by fisheries and thus under the remit of RFMOs.

In this context, the European Commission relies on the provision of best available scientific advice for defining its strategy, achieving EU objectives, fulfilling its role and meeting its obligations at international level. Such scientific advice concerns a wide range of issues, including fishing exploitation rates, the conservation status of exploited marine biological resources, the state of the marine ecosystems, including their interconnectivity, the impacts of human activities as well as the related technical, social and economic aspects. Scientific advice is needed to fill gaps and establish reliable environmental baselines, for the basis of scientific assessments, most adequate area-based management tools, and the environmental impact assessments of human activities.

RFMOs, SFPAs, MEAs and, in the future, the BBNJ Agreement rely on scientific advice provided by their scientific bodies (Scientific Committees (SC), Joint Scientific Committees (JSC) and the Scientific and Technical Body respectively), which in turn rely mostly on active contributions by the national scientific communities of the Contracting Parties (CPs). In many instances these bodies have limited resources and do not always have the capacity or flexibility to develop and provide scientific advice on all the issues addressed to them, especially when new requirements for advice arise. The EU is committed to supporting the work of these bodies in various ways to ultimately ensure their effective and transparent functioning, and to develop their capacity to deliver best available scientific advice for underpinning sound management decisions. This includes funding of relevant scientific

⁹ See [Intergovernmental Conference on Marine Biodiversity of Areas Beyond National Jurisdiction | \(un.org\)](https://www.un.org/development/desa/po/2019/05/marine-biodiversity-beyond-national-jurisdiction/)

¹⁰ See [Sustainable fisheries partnership agreements \(SFPAs\) \(europa.eu\)](https://ec.europa.eu/fisheries/sfpas/)

¹¹ Regulation (EU) 2017/2403 of the European Parliament and of the Council of 12 December 2017 on the sustainable management of external fishing fleets, and repealing Council Regulation (EC) No 1006/2008

studies, supporting the participation of experts/scientists in the work of these bodies and co-financing the EU Data Collection Framework (EU DCF)¹² for the EU fishing fleets.

EU delegations involved in the work of these bodies need to be ready to contribute to developing science-based proposals or analysing and determining the scientific relevance of proposals of other CPs, all for which they rely on scientific advice. This is particularly important in preparation of RFMO, SFPA, MEA and BBNJ meetings where future conservation and management measures are discussed and adopted, as well as for other relevant international instruments related to the conservation and management of marine ecosystems and biological resources. Ultimately, this ensures that the best available science effectively feeds into the decision-making process at both EU and international level (multilateral and bilateral).

This FWC will enable addressing the specific needs for scientific advice on the conservation of marine ecosystems and biological resources, as the basis for the management of fisheries beyond EU waters (also partially carried out in EU waters) and for the implementation of the BBNJ Agreement. It will be used for the provision of scientific advice and, where and when needed, for scientific services needed for the development of such advice. Such services may comprise the collection, collation, verification and analysis of data, not provided by other instruments on stocks, ecosystems, fisheries and their related socio-economic aspects and other human activities when competing with fisheries for space or undermining the productivity of stocks and marine ecosystems.

To avoid duplication, the European Commission and the Contracting Authority will make sure, that this FWC addresses only issues that cannot be dealt with existing instruments for the provision of scientific advice in the required timeframe.

For further background information see: [Oceans and fisheries \(europa.eu\)](https://europe.europa.eu/en/policies/oceans-fisheries) and [International agreements \(europa.eu\)](https://europe.europa.eu/en/policies/international-agreements).

Objectives (General and Specific)

The objective of this FWC is to provide the Contracting Authority with a flexible tool to request specific and timely scientific services and advice on issues related to the conservation of marine ecosystems and marine biological resources, as well as management of fisheries and other human activities, with possible impact on fisheries and harvested marine biological resources, carried out, fully or partly, beyond EU waters and of interest to the EU. The services and advice are sought to support the EU in the various aspects of their participation and contributions to RFMOs, SFPAs, Regional Fishing Bodies (RFBs) without management mandate and in areas of the high seas which require scientific advice in line with the relevant CFP objectives and provisions.

This call for tender aims at selecting framework contractors capable of providing expert capacity that will be used, on demand, by means of specific service requests. The service requests will stipulate the exact nature of the work to be carried out, the tasks to be performed, the deliverables and outputs expected, resources to be allocated, exact duration and reporting structure.

¹² Council Regulation (EC) No 2017/1004 of 17 May 2017: on the establishment of a Union framework for the collection, management and use of data in the fisheries sector and support for scientific advice regarding the common fisheries policy and repealing Council Regulation (EC) No 199/2008 (Recast).

The framework contractor(s) may be required to collaborate and liaise with relevant organisations (e.g. National Institutes/Universities and other relevant EU science service providers), RFMOs and relevant research institutions in third countries with which the EU has, or may have an SFPA or a common interest in promoting cooperation.

Input by the Contracting Authority

2. Relevant input by the Contracting Authority will be provided to the framework contractor for each specific service contract requested under this FWC.

1.4.2 Detailed characteristics of the purchase

Upon specific request of the *contracting authority*, the framework contractor will provide scientific advice and support as needed. The specific requests will cover, *inter alia*, the evaluation of status and productivity of fish stocks, the knowledge basis for fisheries management, biodiversity and ecosystems' conservation, the definition and evaluation of management approaches and options, the socio-economic aspects of fisheries as well as, impacts of the environment (including climate change) and human activities on fisheries and harvested marine biological resources, in areas covered by RFMOs, RFBs, SFPAs, SMEFF fisheries and other relevant international instruments, such as BBNJ, CITES and Sharks MoU. The advice and support will be provided via the development of specific studies and through the participation in relevant meetings according to the needs and priorities identified. The work will mainly consist of studies and services sometimes to be carried out within a relatively tight timeframe.

The studies and services under this FWC are sought to support the implementation of the external dimension of the CFP by applying both the precautionary and the ecosystem approaches while ensuring coherence with the objectives of international and EU instruments such as the United Nations Convention on the Law of the Sea (UNCLOS)¹³; the UN 2030 Agenda for Sustainable Development Goal 14¹⁴; the Treaty of the High Seas to protect ocean biodiversity¹⁵, FAO guidelines for responsible fishing¹⁶, Sustainable Blue Economy¹⁷ and International Ocean Governance¹⁸.

Geographical scope

The geographical scope of this FWC covers the Atlantic, Indian and Pacific Oceans, Antarctic, Arctic and adjacent seas (excluding the Mediterranean Sea and Black Sea for species not covered by the International Commission for the Conservation of Atlantic Tunas (ICCAT)).¹⁹ The range of stocks, fisheries and ecosystems to be covered is wide and includes highly migratory species (such as tunas, sharks and rays, swordfish and billfishes), small pelagic, demersal and deep-sea species, diadromous species, and unwanted/incidental by-

¹³ [Oceans and Law of the Sea \(un.org\)](https://www.un.org/)

¹⁴ [Oceans - United Nations Sustainable Development](https://www.un.org/sustainabledevelopment/oceans/)

¹⁵ [Treaty of the High Seas to protect ocean biodiversity \(europa.eu\)](https://www.europa.eu/press-communications/infobox/press_corner.do?cid=1234567890)

¹⁶ [Responsible Fishing Practices for Sustainable Fisheries | Food and Agriculture Organization of the United Nations \(fao.org\)](https://www.fao.org/fishery/management/2013/01/responsible-fishing-practices-for-sustainable-fisheries/)

¹⁷ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on a new approach for a sustainable blue economy in the EU Transforming the EU's Blue Economy for a Sustainable Future COM/2021/240 final, see [Sustainable blue economy \(europa.eu\)](https://www.europa.eu/press-communications/infobox/press_corner.do?cid=1234567890)

¹⁸ see [International ocean governance \(europa.eu\)](https://www.europa.eu/press-communications/infobox/press_corner.do?cid=1234567890)

¹⁹ Species under the provision of ICCAT or caught associated with ICCAT fisheries are covered by this framework contract in the Mediterranean Sea and Black Sea.

catch species (in particular, non-commercial and/or protected species). The scope of this FWC goes beyond fisheries management to include aspects related to the conservation of marine biodiversity and ecosystems, in particular, but not limited to, vulnerable marine ecosystems.

Regarding tuna RFMOs (t-RFMOs), particular importance and priority shall be given to highly migratory species, including tropical and temperate tunas, sharks, swordfish and billfish, as well as other species caught incidentally in the fisheries (e.g. fish, cetaceans, sea turtles, sea birds) managed by the:

- International Commission for the Conservation of Atlantic Tunas (ICCAT)²⁰
- Indian Ocean Tuna Commission (IOTC)²¹
- Western and Central Pacific Fisheries Commission (WCPFC)²²
- Inter-American Tropical Tuna Commission (IATTC)²³

Regarding non-tuna RFMOs and RFBs, particular importance and priority shall be given to pelagic, demersal and deep-sea biological resources as well as, other species caught incidentally in the fisheries (e.g. fish, cetaceans, sea turtles, sea birds), managed by the:

- Northwest Atlantic Fisheries Organization (NAFO)²⁴
- North East Atlantic Organization (NEAFC)²⁵
- South Pacific Regional Fisheries Management Organisation (SPRFMO)²⁶
- South Indian Ocean Fisheries Arrangement (SIOFA)²⁷
- Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR)²⁸
- Fishery Committee for the Eastern Central Atlantic (CECAF)²⁹
- Western Central Atlantic Fishery Commission (WECAFC)³⁰
- The North Pacific Fisheries Commission (NPFC)³¹
- Central Arctic Ocean (CAO)³²

Regarding SFPAs, of particular importance and priority are the multi-species, or mixed agreements, with partner countries and resources as indicated:

- Morocco: pelagic, demersal and deep-sea resources;

²⁰[International Commission for the Conservation of Atlantic Tunas \(ICCAT\)](#)

²¹[Indian Ocean Tuna Commission \(IOTC\)](#)

²²[Western and Central Pacific Fisheries Commission \(WCPFC\)](#)

²³[Inter-American Tropical Tuna Commission \(IATTC\)](#)

²⁴[Northwest Atlantic Fisheries Organization \(NAFO\)](#)

²⁵[North-East Atlantic Fisheries Commission \(NEAFC\)](#)

²⁶[South Pacific Regional Fisheries Management Organisation \(SPRFMO\)](#)

²⁷[Southern Indian Ocean Fisheries Agreement \(SIOFA\)](#)

²⁸[Convention on Conservation of Antarctic Marine Living Resources \(CCAMLR\)](#)

²⁹[Fisheries Committee for the Eastern Central Atlantic \(CECAF\)](#)

³⁰[Western Central Atlantic Fisheries Commission \(WECAFC\)](#)

³¹[North Pacific Fisheries Commission \(NPFC\)](#)

³² Agreement to prevent unregulated high seas fisheries in the Central Arctic Ocean (OJ L 73, 15.3.2019, p. 3–8)

- Mauritania: pelagic, demersal and deep-sea resources, including fish, crustaceans and cephalopods;
- Senegal: pelagic and deep-sea demersal resources;
- Gambia: pelagic and deep-sea demersal resources;
- Guinea-Bissau: pelagic, demersal and deep-sea resources, including fish, crustaceans and cephalopods;
- Greenland: pelagic, demersal and deep-sea resources.
- Gabon: exploratory fishery on deep sea shrimps

Other Mixed SFPA might be added to this list such as for Guinea and Angola.

Regarding other relevant international instruments, generally of global scale and abovementioned as MEAs, addressing fisheries and biodiversity related aspects:

- Agreement for the conservation and sustainable use of marine biodiversity beyond national jurisdiction (BBNJ Agreement)
- Convention on the Conservation of Migratory Species of Wild Animals (CMS)²²;
- Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)²³;
- Memorandum of Understanding on the Conservation of Migratory Sharks (MoU Sharks)²⁴;

Other international instruments as appropriate.

Type of services

The range of fisheries management organisations and fisheries agreements may extend during the development of the contract, depending on priorities to be defined by the Contracting Authority in consultation with the European Commission (DG MARE).

The main categories of tasks covered under this framework service contract will be to:

- Carry out studies and analyses aiming at:
 - Informing on the structure, functioning and conservation status of marine ecosystems and marine biological resources.
 - Addressing the technical (including monitoring, control and surveillance), scientific and socio-economic aspects of the exploitation of marine biological resources, in particular related to the development and/or implementation of management measures, including also trade, economic, social and food security issues, in the context of the external dimension of the CFP, namely for RFMOs, RFBs, SFPAs, SMEFF fisheries and other relevant international instruments.
 - Facilitating and coordinating the participation of EU scientific experts in technical and scientific meetings of RFMOs, RFBs, SFPAs and other relevant international instruments, including the BBNJ Agreement.

- Advising the Contracting Authority throughout the duration of the specific contracts, and during specific meetings, on scientific subjects related to the work of such international instruments and the external dimension of the CFP.
 - Assessing the implementation of certain policy or management measures in waters beyond EU jurisdiction and the impact those measures may have on the conservation of marine biological resources and on the socio-economic benefits of the fishing fleets potentially exploiting those resources.
 - Supporting the Contracting Authority and EC-DG MARE work in RFMOs, RFBs, SFPAs, SMEFF fisheries and other relevant international instruments, through activities such as early warning and raising awareness on emerging scientific issues and challenges, organising of *ad hoc* working groups/meetings bringing together Member States (MS) experts, and/or contributing to the dissemination of relevant scientific and technical outcomes to stakeholders. The follow-up of scientific deliberations and meetings is essential.
 - Ensuring adequate level of coordination and knowledge sharing between EU scientists and policy officers involved in the work of RFMOs/ RFBs on topics of common interest such as, MSE, FADs, bycatch management, climate change etc., as well as, ensuring the availability of expertise on such topics and cross fertilisation among teams working on different RFMOs.
 - Facilitating the communication of complex scientific information to policy makers and the access to scientific information relevant to the work of EU teams involved in RFMOs/ RFBs.
- Provide services such as desk, field or experimental work and may include, *inter alia*, the following:
- the collation, review, and critical analysis of relevant existing scientific, technical, social, economic and historical information (including on fisheries data, programmes/standards for data collection and sharing protocols, data provision by EU Member States, conservation status of species, etc.).
 - The collection of new scientific and technical information by embarking on fishing vessels, carrying out surveys, selectivity trials or experimental fishing actions.
 - The verification of data quality, scientific analysis, evaluations, simulations and modelling.
 - The development and testing/benchmarking of new and emerging technologies and methodologies relevant for the purposes of this FWC.
 - The monitoring of fisheries in ports and at sea, including the development and trialling of novel data collection methodologies and execution of pilot studies.
 - The collection of new scientific, technical, social and economic information related to biodiversity and ecosystems in the high seas, as well as the impact of human activities undertaken thereof and impacting on fisheries and on harvested marine biological resources.

Concerning the provision of data, the framework contractor(s) shall ensure that all relevant data are available to carry out the necessary work. Where appropriate, data collected through Regulation (EU) 2017/1004 or other relevant EU regulations may be requested by the

framework contractor(s) from the relevant Member States. For the provision of data, the contracting authority might, if necessary, assist, to the extent possible, the framework contractor(s) in getting into contact with other research teams and in getting access to relevant data that have been funded or co-funded by the EU budget.

The framework contractor(s) shall ensure that, within the context of each specific contract, all collated and collected raw information, as well as the analyses, will be stored in suitable and quality-checked database(s), available and accessible to the contracting authority. The framework contractor(s) shall ensure maintenance of the database(s) and keep them accessible to the contracting authority and the Commission services upon request throughout the duration of the framework contract. The framework contractor(s) shall ensure that all collated data and raw information is stored and used in compliance with all security and confidentiality requirements as applicable. IT materials (such as data compilations, data products and databases, software, R code and programming routines) produced or developed under specific contracts within this FWC shall be provided to the contracting authority and the Commission according to the specifications outlined in the specific contract deliverables.

Work packages

The following work packages illustrate examples of tasks, scope and expertise needed. All tasks listed in the work packages are non-exhaustive and might be extended by other similar or analogous services necessary for the completion of the assignment:

- a. Work package 1: Provision of fisheries scientific advice for stocks covered by RFMOs, RFBs and other relevant international instruments.
- b. Work package 2: Provision of fisheries scientific advice for stocks covered by SFPAs or targeted by SMEFF fisheries.
- c. Work package 3: Support to the European Commission in the context of RFMOs, RFBs, other relevant international instruments, SMEFF fisheries, SFPAs and the BBNJ agreement.
- d. Work package 4: Scientific support to the European Commission in the early implementation phase of the BBNJ agreement.

Work package 1: Provision of fisheries scientific advice for stocks covered by RFMOs, RFBs, and other relevant international instruments

Regional Fisheries Management Organisations (RFMOs) and Regional Fisheries Bodies (RFBs) are international organisations established by states with fishing interests in a wide geographical area including the high seas. Their role is to guarantee (or, in the case of RFBs, at least advise on) the conservation and sustainable exploitation of marine biological resources and marine ecosystems under their remit. This is done through the establishment of appropriate input and/or output controls, technical measures and by ensuring the effective monitoring, control and surveillance of fishing activities, compliance with and enforcement of adopted conservation and management measures and obligations. There are two types of RFMOs: those which manage fisheries for highly migratory fish stocks, like tunas (tuna RFMOs), and those which manage fisheries exploiting other fish stocks (non-tuna RFMOs). The scientific advice necessary to establish conservation and management measures within

RFMOs is generally coming from scientific bodies of these organisations. In some cases, it is necessary to further develop or complement available scientific advice or to provide new advice on topics not covered by the RFMO scientific bodies to better understand and evaluate the overall implications of certain management options, proposals and measures.

In this sense, the framework contractor may be requested to cover, by means of specific contracts, *inter alia*, the following:

- The assessment of stocks of biological resources, targeted or bycaught, (e.g. single stock, mixed fisheries, multispecies approach) using a range of methodologies, from simple data-limited methods to highly structured statistical models (e.g. age structured and/or length based) with spatial and seasonal components, such as the ones applied in certain RFMOs (e.g., Stock Synthesis III³³, MULTIFAN CL³⁴).
- The evaluation of benchmark stock assessments by fully analysing and reviewing new data sources.
- The development and application of new ensemble modelling approaches to estimate stocks and fisheries status.
- The development or review of existing precautionary approach frameworks for RFMOs, including Management Procedures and Harvest Strategies.
- The analysis of a range of management options (e.g. spatial and/or seasonal closures, capture/landing size limitations, etc.) with a view to:
 - Evaluate fishing mortality changes, biomass and yield forecast in line with the MSY exploitation rate, or any another management objective adopted by RFMOs.
 - Improve more selective gears and fishing practices and gradually eliminate discards by minimising, if not avoiding, unwanted catches.
- The evaluation of economic, social and employment implications and benefits of a range of management options.
- The provision of scientific advice, also through simulations by Management Strategy Evaluation (MSE)³⁵, for the development of multiannual plans or harvest strategies/management procedures including, *inter alia*, Harvest Control Rules (HCRs).
- Advise on stock-size, catch and/or fishing effort levels while taking into account uncertainties and risk analysis. The modelling may concern either single stocks or mixed fisheries while considering interactions between fish stocks and fisheries, the

³³ Methot, R.D. and Wetzel, C.R. (2013). Stock Synthesis: A biological and statistical framework for fish stock assessment and fishery management. *Fisheries Research*, 142: 86-99. <https://doi.org/10.1016/j.fishres.2012.10.012> and Stock Synthesis annual: Methot, R. D., Jr., C. R. Wetzel, I. G. Taylor, and K. Doering. 2020. Stock Synthesis User Manual Version 3.30.15. U.S. Department of Commerce, NOAA Processed Report NMFS-NWFSC-PR-2020-05. <https://doi.org/10.25923/5wpn-qt71>

³⁴ Fournier, D. A., Hampton, J., and Sibert, J. R. (1998). MULTIFAN-CL: a length-based, age-structured model for fisheries stock assessment, with application to south pacific albacore, *Thunnus alalunga*. *Canadian Journal of Fisheries and Aquatic Sciences*, 55(9):2105--2116.

³⁵ De Oliveira J.A.A., Kell L.T., Punt A.E., Roel B.A., Butterworth D.S., (2008). Managing without best predictions: the management strategy evaluation framework, In: Payne A.I.L., Cotter J., Potter T. (Eds.) *Advances in fisheries science 50 years on from Beverton and Holt*. Oxford, Blackwell Publishing, pp. 104–134.

precautionary and the ecosystems-based approaches, and in consistency with the CFP objectives described in Article 2(2) of the CFP Regulation.

- The critical evaluation and recommendations of the data collection and scientific monitoring of relevant fisheries and other biological resources by taking into account the DCF and its Multi Annual Union Programme EUMAP, monitoring under the aegis of RFMOs/RFBs (such as observers programmes, Electronic Monitoring Systems (EMS), fishery independent surveys, ICCAT Atlantic-Wide Research Programme for Bluefin Tuna (GBYP), ICCAT Atlantic Ocean Tropical tuna Tagging Programme (AOTTP)), as well as existing ongoing coordination mechanisms between EU scientists as, for example, developed under the DCF Regional Coordination Group for Large Pelagic Stocks³⁶.
- Develop fishery independent surveys, including conception, design, feasibility and pilot surveys.
- The development of standards and/or quality framework for data collection, data validation and biological sampling within RFMOs and RFBs. Currently, there are no standards for certain scientific bodies and the design of sampling programmes and the quality of data submitted is dependent on each party.
- The development of data collection programmes for genetics, close kin mark recapture and other genomics methods to support novel approaches in stock assessment techniques, for the identification of stock structure, movements and mixing between stocks, biomass/abundance estimates, biodiversity monitoring, sex identification, ageing and issues related with traceability.
- The evaluation and assessment of sampling and observer programmes and their adaptation to increasing demands of data when moving to an ecosystem approach to fisheries management.
- The development of an ecosystem-based approach to fisheries management (EBFM) in the different tuna and non-tuna RFMOs, which may include:
 - Environmental and biological characterization of the ecosystem(s);
 - Identification of quantifiable ecosystem and climate indicators;
 - Assessing impacts of climate change on fisheries resources and the marine ecosystems supporting them;
 - Identifying appropriate options for integrating climate change considerations in fisheries management and analysing the implications and trade-offs resulting from the integration of environmental and climate considerations to fisheries management advise;
 - Identifying significant adverse impacts of fisheries on Vulnerable Marine Ecosystems (VMEs)³⁷ and the establishment of appropriate and effective mitigation measures such as move-on rules or alternative approaches;

³⁶ [RCG LP - Fisheries Regional Coordination Groups \(fisheries-rcg.eu\)](http://fisheries-rcg.eu)

³⁷ [Vulnerable Marine Ecosystems | Food and Agriculture Organization of the United Nations \(fao.org\)](http://www.fao.org)

- Assessing and mitigating the impact of unwanted by-catches of non-target species such as non-commercial or protected species (e.g. bony fishes, some sharks, sea birds, sea turtles, cetaceans, juveniles of certain species etc.), including in particular –but not limited to- fisheries using Fish Aggregation Devices (FADs) and longline as fishing gear;
- Multispecies interactions and environmental/climate change linked to stock fluctuations and changes in stock dynamics.

Implementation of any of these requests will involve a variety of tasks ranging from data collection programmes to modelling, stock assessment methods, statistical methods, studies in fish biology and ecology (of tunas, small pelagic and demersal species); analysis of fisheries socio-economics and market chain analysis, use and development of marine ecosystems descriptors and mapping tools, fisheries technology, geographic information systems (GIS); assessment of MSEs; analysis of governance systems; use of information and communication technologies; critical analysis of science related issues in RFMOs and advice on the scientific soundness of policy options; coordination and/or contribution to policy and stakeholders dialogues, etc.

Work package 2: Provision of fisheries scientific advice for stocks covered by SFPAs or targeted by SMEFF fisheries

The CFP, calling for '*coherence between the internal and external dimension of the CFP*' (Art. 3), requires that Sustainable Fisheries Partnership Agreements (SFPAs) with third countries ensure sustainable exploitation of fish resources based on transparency and best available scientific advice (Art. 31). Specifically, Union fishing vessels shall limit their catch to the available biological surplus as referred to in Article 62(2) and (3) of the United Nations Convention on the Law of the Sea (UNCLOS). The CFP Regulation (Article 31) specifically mentions that surplus should be "*identified, in a clear and transparent manner, on the basis of the best scientific advice*", and that for highly migratory fish stocks "*the determination of the resources available for access should take due account of scientific assessments conducted at the regional level*".

The EU has a long history of SFPAs with third countries in the Atlantic, Indian and Pacific Oceans, of essentially two types: agreements covering only highly migratory species (so called "tuna" agreements) and agreements covering demersal and/or small pelagic resources in addition to highly migratory species (so called "mixed" agreements). The estimation of surplus is mostly relevant for the "mixed" agreements and specifically for small pelagic and demersal resources. For highly migratory stocks the estimation of available fishing opportunities makes more sense at a regional level, as specified by the CFP.

In this context, specific service requests could be launched to cover, *inter alia*, the following:

- Stock assessments and provision of scientific advice on marine biological resources using a range of methodologies, including also ensemble modelling approaches, and with particular focus on data-limited methods (e.g. for data-poor stocks).
- The estimation of the surplus of resources exploited.
- The analysis of a range of management options (including spatial and/or seasonal closures, minimum conservation reference sizes, and fishing gear characteristics) with a view to reach, or maintain, the MSY exploitation rate on a progressively increasing rate, and towards discards free fisheries.

- To identify technical fisheries issues that conflict with sustainability criteria or with fishing practices, and to provide advice and recommendations, how the issues could be changed to improve the situation.
- Guidance and recommendations of data collection programmes, data analyses and data management approaches for stocks and fisheries.
- Monitoring approaches, including human observers, Electronic Monitoring Systems (EMS) and Geographic Information System (GIS) based tools to monitor effectively catches, including by-catches and fishing effort for relevant fisheries.
- The development of standards and/or quality framework for data collection, data validation and biological sampling within RFMOs, RFBs and SFPAs. Currently, there are no standards for certain scientific bodies and the design of sampling programmes and the quality of data submitted is dependent on each party.
- The development of data collection programmes for genetics, close kin mark recapture and other genomics methods to support novel approaches in stock assessment techniques.
- The evaluation and assessment of sampling and observer programmes and their adaptation to increasing demands of data when moving to an ecosystem approach to fisheries management.
- The evaluation of socio-economic implications of a range of management options.
- The implementation of ecosystem approaches to fisheries management, also in EU external waters, in collaboration with the relevant 3rd countries and RFBs.
- Exploring the feasibility MSE-based management procedures (either through assessment models and/or empirical indicators) where not already implemented in a relevant RFMO.
- Habitat and ecosystem characterisations and assessment of fisheries ecosystem impacts using risk-based approaches including impacts on non-target species, incidental bycatch of protected, endangered or threatened species (PET) and gear impacts on marine habitats, in particular VMEs.

Work Package 3: Scientific support to the European Commission in the context of RFMOs, RFBs, SFPAs, SMEFF fisheries, and other relevant international instruments

RFMO and other international Conventions foresee the setting-up of a scientific body for the delivery of scientific advice. Such Conventions determine their tasks, composition and functioning. Contracting Parties (CPs) are members of scientific bodies of RFMOs and may designate scientists for the meetings. Some RFMOs and RFBs have developed their own scientific capacity, within their Secretariat, and have become responsible for performing most of the related analysis to support the advice, while others rely on the scientific capacities of their respective members or have externalised part or all of the scientific work to external Scientific Service Providers.

The EU must always be represented in the plenaries of the scientific bodies of RFMOs and RFBs and other relevant international instruments, including CAO, to which it is a contracting party. However, European Commission's scientific experts can only attend a limited number

of priority meetings and thus relies on the participation by European scientists of Member States' competent authorities, research bodies and institutes for other meetings identified as priority for the EU. These experts are therefore tasked to represent the EU in close liaison with the European Commission and further to coordinate the regular participation of national scientists in intersessional scientific working groups on behalf of the EU delegation of scientists.

The framework contractor(s) may be requested to provide specific services to ensure:

- The coordination throughout the year of the EU delegation of scientists participating in scientific meetings of RFMO and RFB scientific bodies, advisory committees of relevant international instruments, or Joint Committee or Joint Scientific Committee meetings (JSCs) of SFPAs.
- In the case of SFPAs, the provision of “rapporteurs” to JSC meetings.
- The participation in relevant scientific, technical or management meetings of RFMOs, RFBs and SFPAs, and where necessary, represent the EU in these meetings.
- The provision of scientific advice and support to the European Commission before and during international meetings, negotiations and as necessary throughout the year. This requires the elaboration, analysis and interpretation of scientific advice from diverse sources, as well as good communication and presentation of scientific and technological issues to non- specialists.
- The identification and flagging of emerging issues and challenges faced by particular RFMOs/RFBs/SFPAs/MEAs.
- The provision of scientific advice for the definition of specific scientific work to strengthen, through targeted EU funding, the science basis of these organisations and follow up of related projects.
- The review of literature and data sources, together with expert judgement, about specific scientific topics for particular fishing areas; notably those not covered by any RFB, and for which the European Commission requires scientific advice.
- Ensure liaison with National Institutes/University teams/research teams on data gathering and data management issues.
- The assessment of the performance of EU Member States in the provision of data to the relevant RFMOs/RFBs, and the notification to the European Commission of important data submission failures.
- The organization of a yearly coordination meeting per RFMO, between representative groups of scientists participating in RFMOs scientific meetings to schedule and prepare the EU annual work plan for each RFMO, including issues related to coordination and participation to relevant RFMO meetings; as regards the RFB CECAF, the organisation of a yearly CECAF-SFPA coordination meeting between the relevant SFPA JSC scientists, relevant CECAF WG scientists and DG MARE.
- The organisation of cross cutting thematic meetings (scientists-managers), to raise awareness and discuss issues of common interest and horizontal nature, as well as contribute to better coordination and collaboration between EU scientists involved in

the work of different RFMOs. It can also include a science-management dialogue component of specific issues such as MSE and other relevant issues.

- The development of online collaborative platforms to facilitate the exchange between scientists and managers.
- *Ad-hoc* actions regarding the dissemination of relevant RFMOs, RFB, and SFPAs scientific and technical outcomes to stakeholders and development of effective communication and dissemination tools.

Work package 4: Scientific support to the European Commission in the early implementation phase of the BBNJ agreement

The BBNJ Agreement is focusing on four building blocks: areas-based management tools (ABMTs) including marine protected areas (MPA); Environmental Impact Assessments (EIAs); Marine genetic resources and the sharing of their benefits; and capacity building and transfer of marine technologies.

The EU must always be represented in the plenaries of the scientific bodies of the BBNJ Agreement, to which it is a contracting party. However, European Commission's scientific experts can only attend a limited number of priority meetings and thus relies on the participation by European scientists of Member States' competent authorities, research bodies and institutes for other meetings identified as priority for the EU. These experts are therefore tasked to represent the EU in close liaison with the European Commission.

Specific service requests could be launched to cover:

- Mapping of areas identified as in need for protection / vulnerable marine ecosystems / biodiversity hot spots by other international frameworks, with possible science-based suggestions for ABMTs to be adopted, together with the assessment of the synergies between these international frameworks.
- Mapping of the different types of activities, plans and programs that could be conducted in areas beyond national jurisdictions in the future and for which screening, EIAs and/or Strategic Environmental Assessments might be needed, together with possible scenarios of where these activities, plans and programs could take place as well as how their potential impacts would need to be assessed, how these activities compete with fisheries for space or impact the productivity of stocks and marine ecosystems.
- Scientific and technical advice on the implementation of the light touch traceability of the use of marine genetic resources of areas beyond national jurisdiction, through the use of the BBNJ batch identifier.
- Mapping of developing countries' capacities needs in ocean science, based on existing needs assessments and capacity studies; advice on coordination among existing capacity development efforts to ascertain lessons learned, considering possible modalities for scaling up certain activities, and connecting ABNJ capacity development to EEZ capacity development.

- The provision of scientific advice and support to the European Commission before and during international meetings, negotiations and as necessary throughout the year. This requires the elaboration, analysis and interpretation of scientific advice from diverse sources, as well as good communication and presentation of scientific and technological issues to non- specialists.
- The identification and flagging of emerging issues and challenges faced by the BBNJ.
- The provision of scientific advice for the definition of specific scientific work to strengthen, through targeted EU funding, the science basis of the BBNJ and follow up of related projects.

General guidance on methodology:

Tenderers shall submit a technical offer (see *Section 4.2 "Content of the tender"* for the structure to be followed) for each of the three scenarios described below.

The scenarios have been drawn up solely for the purpose of the award process for this framework contract. They are fictitious and cannot, in any way, be regarded as an indication of the priorities and the exact nature of future assignments.

Scenario 1 Development of management procedures through a Management Strategy Evaluation (MSE) framework incorporating climate change considerations and liaison with stakeholders

The adoption of harvest strategies allows RFMOs to incorporate high-level management objectives into agreed operational procedures that include the management measures, timeframe, performance indicators, as well as the underlying data and analytical methods to assess stock status and apply harvest control rules (HCR) in line with management objectives. Management strategy evaluations (MSEs) are increasingly used in this process, to characterise sources of uncertainties inherent to stock and fisheries and to assess their impact on the HCR and its capacity to achieve management objectives.

The MSE process requires the close involvement of policy makers and stakeholder to define and endorse operational management objectives and to evaluate trade-offs using agreed performance metrics.

Objective:

Under this scenario, tenderers shall develop a Management Procedure and a full MSE framework. The stock(s) concerned shall be one of the main stock(s) under a specific tuna or non-tuna RFMO relevant for the EU fisheries, for which MPs/MSE has not been developed yet, to be selected and justified by the tender, and include a description of the fishery(ies), the biological characteristics and uncertainty in the dynamics of the fishery and stock. The specific management objectives to be met within the harvest strategy shall be aligned with the management objectives of the relevant RFMO. Where input from managers is sought in the development of a MSE framework, scientists provide a range of options that managers would have to decide upon. For the purpose of this scenario, the tenderer shall provide choices "on behalf of managers" that would need to be justified.

The MSE shall aim at including climate change considerations and at informing about the implications and potential trade offs of such approach. Relevant scenarios shall be incorporated into the relevant components of the MSE framework.

The framework contractor shall describe the consultation process of the MSE with stakeholders and policy makers within the existing advisory and management structure of the selected RFMO.

Output:

For this scenario, tenderers are requested to submit an offer to achieve the above objective, of 7 pages maximum (4 000 words) outlining:

- Description and justification of the stock and RFMO
- The necessary data and the data sources.
- The analysis to be performed and methodologies to be used.
- The associated uncertainties and the limitations of the proposed methods.
- The list of tasks and their description.
- The proposed approach to engage the concerned RFMO including using the existing advisory and consultative framework, the proposed process of stakeholder communication and interaction and with any other groups relevant to the RFMO.
- Respective roles of relevant stakeholders.
- Implications and trade-offs.
- The organisation of the work and of the team expertise, detailing the time dedicated to the assignment by each member of the team in the tasks described.

Scenario 2 Development of a monitoring programme to support the sustainable fisheries management of demersal resources for a new mixed SFPA

The EU concludes SFPAs with third countries to secure access for EU fleets to an appropriate share of surplus in their exclusive economic zones. In exchange, the EU provides financial contributions to support the sustainable fishery policy of the third country, including improved scientific research, monitoring and surveillance. These agreements aim to generate mutual benefits while enhancing fisheries governance. SFPAs require scientific evaluation demonstrating the sustainability of the planned fishing operations, including consistency with the provisions of Article 62 of UNCLOS, and fishing operations need to be accompanied by a research programme, including a scheme for data collection, organised by a scientific body and validated by a scientific institute in the flag Member State.

Objective:

Under this scenario, tenderers shall provide recommendation on a scientific monitoring and research programme for demersal fisheries under a mixed SFPA of their choice to provide the knowledge base to a.) advise on the available surplus and the possible fisheries management, harvesting the target stocks; b.) assess the fishing impacts on non-target stocks including incidental bycatch of protected, endangered or threatened (PET) species and on marine habitats. In the scenario the tenderer shall consider different data streams (official reporting, scientific data collection, remote electronic monitoring), their strength and gaps and how these will be used in the production of the scientific evaluations required for the SFPA.

Output:

For this scenario, tenderers shall submit an offer to achieve the above objective, of 7 pages maximum (4 000 words) outlining:

- Description and justification of the SFPAs and the relevant fisheries and stocks
- The necessary data and the data sources.
- The analysis to be performed and methodologies to be used.
- The associated uncertainties and the limitations of the proposed methods.
- The list of tasks, their description and a tentative timeline for their implementation.
- The proposed strategy to engage scientific institutions from third countries or other organisations, taking into account the current scientific advisory process and management framework;
- The organisation of the work and of the team expertise, detailing the time dedicated to the contract by each member of the team.

Scenario 3 Effectively support EU scientists to the EU delegations participating in the work of relevant RFMOs/SFPAs/MEAs.

Within RFMOs, contracting parties collectively set forth science-based binding measures such as input and/or output controls and limitations, technical measures and monitoring, control and surveillance provisions and tools to ensure the conservation of marine biological resources and the sustainable management of fisheries under the purview of these organisations. Represented by the European Commission, the EU plays a key role in the RFMOs to which it is a contracting party, by advocating sustainable fishing practices that do not undermine marine biodiversity and ecosystems, promoting a culture of compliance and supporting the development of scientific knowledge to underpin management decisions, in line with the external policy of the CFP. The European Union relies on scientists from EU national scientific bodies, to contribute to the scientific research and advisory processes within the scientific working groups and committees of the RFMOs. A specific contract might be supported to ensure the necessary critical mass and the efficient coordination of the scientific works across several teams of Member States as well as to directly support the EU delegation, led by the European Commission, in the preparation and evaluation of relevant RFMO meetings.

Objective:

Under this scenario, tenderers shall demonstrate how scientific expertise can be provided to effectively support the work of the EU delegation in one non-tuna RFMO of their choice, selected from the list in section 1.4.2) and the BBJN agreement throughout one or two full annual cycle of the selected organisation; the coordination of scientific work carried out by EU scientists; communication and liaison with the EU delegation led by the European Commission (DG MARE) and the provision of *ad hoc* scientific services and advice.

Output:

For this scenario, tenderers shall submit an offer to achieve the above objective, of 7 pages maximum (4 000 words) outlining:

- Description of the BBJN agreement and of the chosen RFMO including justification for the selected RFMOs
- The list of tasks and their description.
- The organisation of the work and of the team expertise, detailing the time dedicated to

- the contract by each member of the team.
- The definition of key tasks and the organisation of the work to ensure the effective participation and constructive contribution of EU scientists in annual work plan of the EU delegation
- A tentative calendar and a detailed work programme over a 2-year period covering the proposed tasks.
- The proposed strategy to engage with the selected RFMOs taking into account the current scientific advisory process and governance structure.

Scenario 4 – Scientific support to the European Commission in the early implementation phase of the BBNJ agreement

The BBNJ Agreement will ensure the conservation and sustainable use of marine biodiversity of areas beyond national jurisdiction through the adoption of area based management tools (ABMTs) including marine protected areas (MPA) and the development of Environmental Impact Assessments (EIAs) for activities undertaken thereof. It will also provide for the sharing of the benefits arising from the access to and the utilisation of Marine genetic resources; and for capacity building and transfer of marine technologies. Implementing such an agreement will require therefore wide scientific expertise to match requirements for services as outlined in WP4.

Objective:

Under this scenario, tenderers shall demonstrate how technical expertise can be provided to effectively support the work of the EU delegation in the negotiations and implementation of the BBNJ agreement throughout one full annual cycle; the coordination of scientific work carried out by EU scientists; communication and liaison with the EU delegation led by the European Commission (DG MARE) and the provision of *ad hoc* scientific services and advice. In the scenario the tenderer shall demonstrate scientific expertise in relation to geology and biology of high seas and deep seas ecosystems, as well as skills and capacity to collect data for building good scientific baseline, and understanding of the research pipeline when using genetic resources. An excellent understanding of the BBNJ context from the political point of view is fundamental.

Output:

For this scenario, tenderers shall submit an offer to achieve the above objective, of 7 pages maximum (4 000 words) outlining:

- Description and understanding of the BBNJ agreement.
- The list of tasks and their description.
- The organisation of the work and of the team expertise, detailing the time dedicated to the contract by each member of the team.
- A tentative calendar and a detailed work programme over a 2-year period covering the proposed tasks.
- The proposed approach to engage the parties concerned, the proposed process of stakeholder communication and interaction with any other groups relevant to the BBNJ.
- Respective roles of relevant stakeholders

- Implications and trade-offs.
- The organisation of the work and of the team expertise, detailing the time dedicated to the contract by each member of the team in the tasks described.

Recommendations for the tenderers:

Green Public Procurement and events

☞ In line with the Directive 2014/24/UE of the European Parliament and of the Council on public procurement, tenderers are expected to describe any action they envisage for environment and energy efficient solutions, incorporating these concerns into all aspects of service delivery and infrastructure management.

The services provided by the framework contractor(s) must contribute to the Commission's commitment to minimise the environmental impact of its everyday work and continuously improve its environmental performance by integrating environmental criteria into its procurement procedures and organisation of events.

Services need to fulfil a number of standards as to the ethical, social and environmentally friendly origin, production, delivery and distribution of the materials. The principles and strategies linked to the sustainable use of natural resources, waste prevention and recycling will be taken into account. Examples of proofs/labels: compliance with EMAS, ISO 14 001, EU Ecolabel, and other ISO type I label, equivalent labels and standards, etc. Further information and guidelines can be found in the [EMAS](#) dedicated web page.

Sustainable meetings and events

☞ Tenderers must apply the “[Guidelines on organising sustainable meetings and events at the Commission](#)”

The framework contractor(s) is/are encouraged to reduce the environmental impact of events or meetings by: choosing venues easily accessible by public transport, proposing accommodation options in certified environmentally friendly hotels, proposing travel itineraries using carbon-offsetting flights or trains (instead of flights), proposing green catering (prefer plant-based food, opt for seasonal and organic food and drinks, avoid food waste and single use plastic, and provide reusable cups/bottles/glasses/cutlery/plates), pay attention to the management of waste and place displays to communicate the sustainable arrangements that have been put in place.

The framework contractor(s) is/are encouraged to consider measures for the performance of the tasks under the contract, which increase the social impact of the contract. For instance, this could involve recurring to operators working on the professional integration of disadvantaged persons, women, and long-term unemployed people or considering accessibility for all solutions, facilitating the participation of people with disabilities.

1.4.3 Intellectual Property Rights

The intellectual property rights related to the services/studies are foreseen in Articles I.10 and II.13 of the draft framework contract.

Parts of results pre-existing the contract

If the results are not fully created for the purpose of the framework contract this should be clearly pointed out in the tender. Information should be provided about the scope of pre-existing materials, their source and when and how the rights to these materials have been or will be acquired.

Plagiarism in the tender

In the tender all quotations or information originating from other sources and to which third parties may claim rights have to be clearly marked (such as: source publication including date and place, creator, number, full title etc.) in a way allowing easy identification.

1.4.4. Confidentiality and Data Protection

Confidentiality is required of all persons working or collaborating directly or indirectly in the performance of tasks following this call for tender, as they might come into contact with confidential information during the course of their work (see Article II.8 of the draft framework contract). Any breach of confidentiality will be treated as professional misconduct and could lead to the termination of the contract as set out in Article II.18 of the draft framework contract.

Specific requirements relating to personal data and the protection thereof are set out in the draft service contract. The contractor is equally responsible for ensuring the application of this obligation in respect of any of his/her direct or indirect sub-contractors.

The framework contractor will ensure compliance with the applicable data protection rules at national and EU levels, including:

- the Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data ⁽³⁸⁾ and
- Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) ⁽³⁹⁾.

During the framework contract implementation, the framework contractor must comply with the *Contracting authority's* personal data protection procedures, including models of data protection notice (e.g. for the website, event, survey, etc.) provided by the *Contracting authority*, and with the general and specific contractual clauses I.9.2 and II.9.2, when processing personal data of stakeholders on behalf of *Contracting authority*.

⁽³⁸⁾ <https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1543484984668&uri=CELEX:32018R1725>

⁽³⁹⁾ <https://eur-lex.europa.eu/eli/reg/2016/679/oj>

The framework contractor will cooperate with the *Contracting authority* in ensuring that personal data is handled lawfully and if required not without explicit prior consent of the subjects involved (e.g. beneficiaries and their subcontractors).

In addition, the framework contractor will ensure that personal data is processed and accessible only within the territory of the European Union and the European Economic Area and will not leave that territory. Access to data may be given on a need to know basis only to authorised persons established in a country which has been recognised by the European Commission as providing adequate protection to personal data.

All websites, platforms, digital applications and online registration forms containing personal data must be hosted within the European Union and abide by the same legal obligations on personal data protection as provided in Article I.9.2 of the draft framework contract.

1.4.5. Performance and quality requirements

The contracting authority will monitor the level of quality over the duration of the framework contract by a variety of means, including but not limited to seeking opinions by its own or external experts, users' panels, independent punctual or structural quality assessments, on the spot visits and interviews, including at the framework contractors' premises, close collaboration and follow-ups with the participating entities. Specific quality indicators will be announced at the level of the request(s) for services (see Section 5.2).

1.4.6. Deliverables

The framework contractor must provide the required deliverables, reports and documents in accordance with the conditions of the specific contract.

When requested in the request for services, the deliverables, reports and document will accompany the requests for payments.

Each report or document will be submitted in electronic format compatible with Microsoft Office (Word, Excel) or equivalent in English.

The framework contractor must ensure that all reports under the specific contract are drafted in professional/high-quality English using a clear, concise, understandable, user-friendly language.

Materials and deliverables for publication (online and/or printed) will be of the highest linguistic quality and will have been edited and proofread by a native speaker (English) or equivalent. All reports should be consistent in style (headings, margins, citations, bibliography, etc.).

It will remain framework contractor's responsibility to ensure a properly application of quotation and the verification of improper re-use of existing material.

1.4.6.1 Intermediate outputs and deliverables

Intermediate outputs and deliverables (inception, progress, interim reports) will be indicated at the time of requesting specific services and detailed with each terms of reference.

Final outputs and deliverables

Final outputs and deliverables will be specified at the time of requesting specific services and detailed with each terms of reference.

1.4.6.2 Final report

Save where the specific contracts provide otherwise, the framework contractor must report, in English on the services provided in executing the specific contract. The final report will describe all the work carried out and the results achieved. This report will present an overview of the execution of the specific contract and deliver the scientific advice and/or other services and deliverables as requested under the terms of reference.

The report shall include an Executive Summary (of max. 6 pages) in English and French using non-technical language for the general public.

Save where the specific contracts provide otherwise in the terms of reference, a draft final report should be submitted to the contracting authority 30 calendar days before the end of the specific contract.

The final report must be submitted to the contracting authority at the end of the specific contract with a request for payment of the balance.

1.4.7. Meetings

Meetings between the Contracting authority and the framework contractor will be indicated at the time of requesting specific services and detailed within each specific contract.

1.4.8. Indicative timetable

Indicative timetable will be indicated at the time of requesting specific services and detailed within each terms of reference.

1.4.9. Content, structure and graphic requirements of publishable deliverables

When applicable according to each specific contract, the framework contractor must deliver the study and other deliverables as indicated below.

Study final report

The final study report must include:

- 1) an abstract of no more than 200 words, in English, including:
 - key words to facilitate electronic information retrieval;
 - specific identifiers which must be incorporated on the cover page provided by the Contracting Authority;

- the following disclaimer:

“This document has been prepared for the European Climate, Infrastructure and Environment Executive Agency (CINEA); however, it reflects the view of the authors and the European Commission or the European Climate, Infrastructure and Environment Executive Agency (CINEA) are not liable for any consequence stemming from the reuse of this publication.”

- 2) a publishable executive summary of maximum 6 pages, in English and French, including:

- specific identifiers which must be incorporated on the cover page provided by the Contracting Authority;

- the following disclaimer:

“This document has been prepared for the European Climate, Infrastructure and Environment Executive Agency (CINEA); however, it reflects the view of the authors and the European Commission or the European Climate, Infrastructure and Environment Executive Agency (CINEA) are not liable for any consequence stemming from the reuse of this publication.”

Requirements for publication on Internet

The Commission is committed to making online information as accessible as possible to the largest possible number of users including those with visual, auditory, cognitive or physical disabilities, and those not having the latest technologies. The Commission supports the Web Content Accessibility Guidelines 2.0 of the W3C.

For the publishable versions of the study, abstract and executive summary, and other deliverable as specified in the terms of reference, the framework contractor must respect the W3C guidelines for accessible pdf documents as provided at: <http://www.w3.org/WAI/>.

For full details on the Commission policy on accessibility for information providers, see: https://european-union.europa.eu/accessibility-statement_en

Graphic requirements

The framework contractor must deliver the study and all publishable deliverables in full compliance with the corporate visual identity of the European Commission, by applying the graphic rules set out in the European Commission's Visual Identity Manual, including its logo. The graphic rules, the Manual and further information are available at:

http://ec.europa.eu/dgs/communication/services/visual_identity/index_en.htm

A simple Word template will be provided to the contractor after contract signature. The contractor must fill in the cover page in accordance with the instructions provided in the template. The use of templates for studies is exclusive to European Commission's contractors. No template will be provided to tenderers while preparing their tenders.

1.5. Place of performance: where will the contract be performed?

The services will be performed at the following locations:

- the framework contractor's premises
- other location(s) indicated at the time of requesting the services, such as Brussels for meetings.

1.6. Nature of the contract: how will the contract be implemented?

The procedure will result in the conclusion of a multiple framework contract in cascade with maximum three contractors.

A framework contract (FWC) establishes a mechanism for future repetitive purchases by the contracting authority to be awarded in the form of specific contracts⁴⁰. The signature of a framework contract does not impose an obligation on the contracting authority to conclude specific contracts with a framework contractor.

The multiple framework contracts will be concluded in the form of separate but identical contracts with three contractors at most, provided that there are enough tenderers whose tenders are retained after the evaluation.

For the award of multiple framework contracts in cascade the tenders deemed admissible as a result of the evaluation will be ranked in order to establish a list of contractors and a sequence in which they will be offered specific contracts during the implementation of the framework contracts. The modalities of implementation of the framework contract in cascade are set out in the draft contract.

Tenderers need to take full account of the full set of procurement documents, including the provisions of the draft contract as the latter will define and govern the contractual relationship(s) to be established between the contracting authority and the successful tenderer(s). Special attention is to be paid to the provisions specifying the rights and obligations of the contractor, in particular those on payments, performance of the contract, confidentiality, and checks and audits.

⚠ Please be aware that if a tenderer to whom the contract is awarded (any of the group members in case of a joint tender) has established debt(s) owed to the Union, the European Atomic Energy Community or an executive agency when the latter implements the Union budget, such debt(s) may be offset, in line with Articles 101(1) and 102 of [Regulation \(EU, Euratom\) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union \(Financial Regulation\)](#)⁽⁴¹⁾ and the conditions set out in the draft contract, against any payment due under the contract. The contracting authority will verify the existence of overdue debts of the successful tenderer(s) (any of the group members in case of a joint tender), and, if any such debt is found, will inform the tenderer (the group leader in case of a joint tender who will then have the

⁴⁰ Any reference to specific contracts applies also to order forms (a simplified form of specific contract).

⁽⁴¹⁾ Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012 (OJ L 193 of 30.07.2018, p.1).

obligation to inform all other group members before signing the contract) that the debt(s) may be offset against any payment under due the contract.

1.7. Volume and value of the contract: how much do we plan to buy?

An indicative estimate of the volumes to be ordered over the whole duration of the multiple framework contract is given in the financial model in *Annex 6*. These volumes are estimates only and there is no commitment as to the exact quantities to be ordered. The actual volumes will depend on the quantities, which the contracting authority will order through specific contracts. In any case, the *framework contract ceiling*, i.e. the maximum amount to be spent under the multiple framework contract, shall not be exceeded.

The *framework contract ceiling* is indicated in Section II.2.6 of the contract notice and below:

The estimated amount for the execution of all the tasks referred in this call for tenders including all charges and expenses is EUR 4.8 million.

In case of renewal, the estimated maximum amount for the execution of all tasks referred in this call for tenders including all charges and expenses for the additional period is EUR 1.5 million.

1.8. Duration of the contract: how long do we plan to use the contract?

The framework contracts resulting from this call for tenders will be concluded for at most 36 months. The details of the initial contract duration and possible renewals are set out in the draft contract.

The framework contract may be renewed for 12 additional months depending on the future needs and on the budget availability.

The execution of the tasks shall not start before the framework contract has been signed.

The parties must sign any specific contract before the framework contract expires. The framework contract continues to apply to such specific contracts after its expiry. The services relating to such specific contracts must be performed no later than 12 months after the expiry of the framework contract.

1.9. Electronic exchange system: can exchanges under the contract be automated?

For all exchanges with the framework contractor(s) during the implementation of the framework contract resulting from this call for tenders as well as for future possible subsequent proceedings, including, but not limited to, for the purposes of EDES ([European Union's Early Detection and Exclusion System](#)), the contracting authority may use an electronic exchange system meeting the requirements of Article 148 of the Financial Regulation. At the request of the contracting authority, the use of such a system shall become mandatory for the framework contractor(s) at no additional cost for the contracting authority. Details on specifications, access, terms and conditions of use will be provided in advance.

- ✓ [Commission Decision \(EU, Euratom\) 2015/444](#) of 13 March 2015 on the security rules for protecting EU classified information, its subsequent versions, its implementing rules (as adapted from time to time) and the corresponding security standards, guidelines and notices;]

2. GENERAL INFORMATION ON TENDERING

2.1. Legal basis: what are the rules?

This call for tenders is governed by the provisions of the Financial Regulation.

The contracting authority has chosen to award the framework contract(s) resulting from this call for tenders through an open procedure pursuant to Article 164(1) (a) of the Financial Regulation. In an open procedure any interested economic operator (any natural or legal person who offers to supply products, provide services or execute works) may submit a tender.

The call for tenders is based on [Commission Implementing Decision on the financing of the European Maritime, Fisheries and Aquaculture Fund and the adoption of the work programme for 2022 and 2023 \(C\(2022\) 371 final, ANNEX\)](#) Entities subject to restrictive measures and rules on access to procurement: who may submit a tender?

Tenderers must ensure that no involved entities (see Section 2.4) nor any subcontractors, including those which do not need to be identified in the tender (see Section 2.4.2), are subject to [EU restrictive measures](#) adopted under Article 29 of the Treaty on the European Union (TEU) or Article 215 of the Treaty on the Functioning of the EU (TFEU) ⁽⁴²⁾, consisting of a prohibition to make available or transfer funds or economic resources or to provide financing or financial assistance to them directly or indirectly, or of an asset freeze. The prohibition applies throughout the whole performance of the contract.

⚠ Following the Council Implementing Decision (EU) 2022/2506, as of 16th December 2022, no legal commitments can be signed with Hungarian public interest trusts established under Hungarian Act IX of 2021 or any entity they maintain. This applies to all contractual level commitments, including subcontractors.

Participation in this call for tenders is open on equal terms to all natural and legal persons coming within the scope of the [Treaties](#), as well as to international organisations.

It is also open to all natural and legal persons established in a third country provided that it has a special agreement with the European Union in the field of public procurement on the conditions laid down in that agreement ⁽⁴³⁾.

The Agreement on Government Procurement ⁽⁴⁴⁾ concluded within the World Trade Organisation **does not apply**. Therefore, the participation to this call for tenders is not open to natural and legal persons established in the countries that have ratified this Agreement.

⁽⁴²⁾ Please note that the EU Official Journal contains the official list and, in case of conflict, its content prevails over that of the [EU Sanctions Map](#).

⁽⁴³⁾ Third countries with a special agreement in the field of public procurement that have been given access to procurement procedures of the Union institutions, agencies and bodies regardless of the value of the purchase are: (under the Stabilisation and Association Agreements (SAA)) North Macedonia, Albania, Montenegro, Serbia, Bosnia and Herzegovina and Kosovo; (under the EEA Agreement) Iceland, Norway and Liechtenstein; (under the Association Agreement (AA)) Georgia, Moldova and Ukraine.

⁽⁴⁴⁾ https://www.wto.org/english/tratop_e/gp_gpa_e.htm.

The rules on access to procurement apply also to subcontractors and entities on whose capacity tenderers rely to fulfil the technical and professional capacity selection criteria, i.e. only economic operators with access to procurement may be subcontractors or entities on whose technical and professional capacity tenderers rely.

To enable the contracting authority to verify the access, each tenderer must indicate its country of establishment (in case of a joint tender – the country of establishment of each group member) and must present the supporting evidence normally acceptable under the law of that country. The same document(s) could be used to prove the country/-ies of establishment and the delegation(s) of the authorisation to sign, as described in Section 4.3.

2.2. Registration in the Participant Register: why register?

Any economic operator willing to participate in this call for tenders must be registered in the [Participant Register](#) - an online register of organisations and natural persons (participants) participating in calls for tenders or proposals of the European Commission and other EU institutions/bodies.

On registering each participant obtains a Participant Identification Code (PIC, 9-digit number), which acts as its unique identifier in the Participant Register. A participant needs to register only once – the information provided can be further updated or re-used by the participant in other calls for tenders or calls for proposals of the European Commission and other EU institutions/bodies.

📌 Each participant needs to ensure that its SME status in the Participant Register is registered and kept up to date.

At any moment during the procurement procedure, the Research Executive Agency Validation Services (hereafter *the EU Validation Services*) may contact the participant and ask for supporting documents on legal existence and status [and financial capacity]. The requests will be made through the register's messaging system to the e-mail address of the participant's contact person indicated in the register. It is the responsibility of the participant to provide a valid e-mail address and to check it regularly. The documents that may be requested by *the EU Validation Services* are listed in the [EU Grants and Tenders Rules on Legal Entity Validation, LEAR appointment and Financial Capacity assessment](#).

📌 Please note that a request for supporting documents by the *EU Validation Services* in no way implies that the tenderer has been successful.

2.3. Ways to submit a tender: how can economic operators organise themselves to submit a tender?

Economic operators can submit a tender either as a sole economic operator (sole tenderer) or as a group of economic operators (joint tender)⁴⁵. In either case subcontracting is permitted.

⁴⁵ Each economic operator participating in the joint tender is referred to as “group member”.

Tenders must be drawn and submitted in complete independence and autonomously from the other tenders. A declaration in this regard by each tenderer (in case of a joint tender, by each of its members) shall be requested.

A natural or legal person cannot participate at the same time and within the same procedure either as member of two or more groups of economic operators or as a sole tenderer and member of another group of economic operators. In such case, all tenders in which that person has participated, either as sole tenderer or as member of a group of economic operators, will be rejected.

Economic operators linked by a relationship of control or of association (e.g. belonging to the same economic/corporate group) are allowed to submit different and separate tenders provided that each tenderer is able to demonstrate that its tender was drawn independently and autonomously.

A natural or legal person may act as subcontractor for several tenderers as long as the tenders are drawn and submitted in complete independence and autonomously from each other. However, cross subcontracting among tenderers is forbidden, more precisely an entity “A” may participate as tenderer (either as sole tenderer or as member of a group of economic operators) and as subcontractor to another tenderer “B” within the same procurement procedure. However, in this case it is forbidden that tenderer “B” (or any of its participating members in case of a group of economic operators) is at the same time subcontractor for tenderer “A” (or for the group of economic operators in which “A” participates) within the same procurement procedure. In this case, both tenders A and B shall be rejected.

In order to fulfil the selection criteria set out in Section 3.2 the tenderer can rely on the capacities of subcontractors (see Section 2.4.2) or other entities that are not subcontractors (see Section 2.4.3).

An “**involved entity**” is any economic operator involved in the tender. This includes the following four categories of economic operators:

- sole tenderer,
- group members (including group leader),
- identified subcontractors (see Section 2.4.2), and
- other entities (that are not subcontractors) on whose capacity the tenderer relies to fulfil the selection criteria.

The role of each entity involved in a tender must be clearly specified in the eSubmission application: i) sole tenderer, ii) group leader (in case of a joint tender), iii) group member (in case of a joint tender), or iv) subcontractor ⁽⁴⁶⁾.

For an entity on whose capacities the tenderer relies to fulfil the selection criteria (that is not a subcontractor), this role is defined in the commitment letter (*Annex 5.2*)

2.3.4. *Joint tenders*

A joint tender is a situation where a tender is submitted by a group (with or without legal form) of economic operators regardless of the link they have between them in the group. The group as a whole is considered a tenderer ⁽⁴⁷⁾.

⁽⁴⁶⁾ Only identified subcontractors (see Section 2.4.2) must be specified in the eSubmission application.

All group members assume joint and several liability towards the contracting authority for the performance of the contract as a whole.

Group members must appoint from among themselves a group leader (the group leader) as a single point of contact authorised to act on their behalf in connection with the submission of the tender and all relevant questions, clarification requests, notifications, etc., that may be received during the evaluation, award and until the contract signature. All group members (including the group leader) must sign an Agreement/Power of attorney drawn up in the model attached in *Annex 3*.

The joint tender must clearly indicate the role and tasks of each group member, including those of the group leader who will act as the contracting authority's contact point for the contract's administrative or financial aspects and operational management. The group leader will have full authority to bind the group and each of its members during contract execution.

If the joint tender is successful, the contracting authority shall sign the contract with the group leader, authorised by the other members to sign the contract also on their behalf via the Agreement/Power of attorney drawn up in the model attached in *Annex 3*.

Changes in the composition of the group during the procurement procedure (after the deadline for submission of tenders and before contract signature) shall lead to rejection of the tender, with the exception of the following case(s):

- case of a merger or takeover of a group member (universal succession), provided that the following cumulative conditions are fulfilled:
 - the new entity is not subject to restrictive measures, has access to procurement (see Section 2.2) and is not in an exclusion situation (see Section 3.1),
 - all the tasks assigned to the former entity are taken over by the new entity member of the group,
 - the group meets the selection criteria (see Section 3.2),
 - the change must not make the tender non-compliant with the procurement documents,
 - the terms of the originally submitted tender are not altered substantially and the evaluation of award criteria of the originally submitted tender are not modified,
 - the new entity undertakes to replace the former entity for the implementation of the contract, in case of an award.
- case where a group member is subject to restrictive measures or does not have access to procurement (see Section 2.2) or is in an exclusion situation (see Section 3.1), provided the following cumulative conditions are fulfilled:
 - none of the remaining group members is subject to restrictive measures (see Section 2.2),
 - all the remaining group members have access to procurement (see Section 2.2),

⁽⁴⁷⁾ References to *tenderer* or *tenderers* in this document shall be understood as covering both sole tenderers and groups of economic operators submitting a joint tender.

- the remaining group members meet the selection criteria (see Section 3.2),
- the change must not make the tender non-compliant with the procurement documents,
- the terms of the originally submitted tender are not altered substantially and the evaluation of award criteria of the originally submitted tender are not modified,
- the continuation of the participation of the remaining group members in the procurement procedure does not put the other tenderers in a competitive disadvantage,
- the remaining group members undertake to implement the contract, in case of an award, without the excluded group member.

The replacement of the group member not having access to procurement or in a situation of exclusion is not allowed.

2.3.5. *Subcontracting*

Subcontracting is the situation where the contractor enters into legal commitments with other economic operators, which will perform part of the contract on its behalf. The contractor retains full liability towards the contracting authority for performance of the contract as a whole.

The following shall not be considered subcontracting:

- a) Use of workers posted to the contractor by another company owned by the same group and established in a Member State (“intra-group posting” as defined by Article 1, 3, (b) of [Directive 96/71/EC concerning the posting of workers in the framework of the provision of services](#)).
- b) Use of workers hired out to the contractor by a temporary employment undertaking or placement agency established in a Member State (“hiring out of workers” as defined by Article 1, 3, (c) of [Directive 96/71/EC concerning the posting of workers in the framework of the provision of services](#)).
- c) Use of workers temporarily transferred to the contractor from an undertaking established outside the territory of a Member State and that belongs to the same group (“intra-corporate transfer” as defined by Article 3, (b) of [Directive 2014/66/EU on the conditions of entry and residence of third-country nationals in the framework of an intra-corporate transfer](#)).
- d) Use of staff without employment contract (“self-employed persons working for the contractor”), without the tasks of the self-employed persons being particular well-defined parts of the contract.
- e) Use of suppliers and/or transporters by the contractor, in order to perform the contract at the place of performance, unless the economic activities of the suppliers and/or the transporting services are within the subject of this call for tenders (see Section 1.4).
- f) Performance of part of the contract by members of an EEIG (European Economic Interest Grouping), when the EEIG is itself a contractor or a group member.

The persons mentioned in points a), b), c) and d) above will be considered as “personnel” of the contractor as defined in the contract.

All contractual tasks may be subcontracted unless the procurement documents expressly reserve the execution of certain critical tasks to the sole tenderer itself, or in case of a joint tender, to a group member.

By filling in the form available in *Annex 4* (List of identified subcontractors), tenderers are required to:

i. give an indication of the proportion of the contract that they intend to subcontract, as well as to identify and describe briefly the envisaged contractual roles/tasks of subcontractors meeting any of these conditions (hereafter referred to as *identified subcontractors*):

- subcontractors on whose capacities the tenderer relies upon to fulfil the selection criteria as described under Section 3.2;
- subcontractors whose intended individual share of the contract, known at the time of submission, is above 20 %.

Any such subcontractor must provide the tenderer with a commitment letter drawn up in the model attached in *Annex 5.1* and signed by its authorised representative.

☞ Each tenderer shall identify *such* subcontractors and provide the commitment letters with its tender. The information must be true and correct at the time of submitting the tender. Any changes or additions regarding the envisaged subcontractors after the deadline for submission of tenders must be justified to the contracting authority.

The above rules apply also where the economic operators, which will perform part of the contract on behalf of a successful tenderer, belong to the same economic/corporate group as the sole tenderer or a member of the group submitting the joint tender.

ii. list all other subcontractors who do not meet any of the conditions above and *do not need to be identified*. Those subcontractors are **not** requested to provide a commitment letter.

Changes concerning subcontractors identified in the tender (withdrawal/replacement of a subcontractor, additional subcontracting) during the procurement procedure (after the submission deadline and before contract signature) require the prior written approval of the contracting authority subject to the following verifications:

- any new subcontractor is not subject to restrictive measures, has access to procurement if the rules on access to procurement apply also to subcontractors (see Section 2.2) and is not in an exclusion situation (see Section 3.1),
- the tenderer still fulfils the selection criteria and the new subcontractor fulfils the selection criteria applicable to it individually, if any;
- the terms of the originally submitted tender are not altered substantially, i.e. all the tasks assigned to the former subcontractor are taken over by another involved entity, the change does not make the tender non-compliant with the tender specifications, and the evaluation of award criteria of the originally submitted tender is not modified.

Subcontracting to subcontractors identified in a tender that was accepted by the contracting authority and resulted in a signed contract, is considered authorised.

2.3.6. Entities (not subcontractors) on whose capacities the tenderer relies to fulfil the selection criteria

In order to fulfil the selection criteria a tenderer may also rely on the capacities of other entities (that are not subcontractors), regardless of the legal nature of the links it has with them. It must in that case prove that it will have at its disposal the resources necessary for the performance of the contract by producing a commitment letter in the model attached in **Annex 5.2**, signed by the authorised representative of such an entity, and the supporting evidence that those other entities have the respective resources ⁽⁴⁸⁾.

☞ The above rules apply also where the economic operators on whose capacities the tenderer relies to fulfil the selection criteria (that are not subcontractors) belong to the same economic/corporate group as the sole tenderer or a member of the group submitting the joint tender.

2.3.7. Rules common to subcontractors and entities (not subcontractors) on whose capacities the tenderer relies to fulfil the selection criteria

If a successful tenderer intends to rely on another entity to meet the minimum levels of economic and financial capacity, the contracting authority may require the entity to sign the contract or, alternatively, to provide a joint and several first-call financial guarantee for the performance of the contract.

With regard to technical and professional selection criteria, a tenderer may only rely on the capacities of other entities where the latter will perform the works or services for which these capacities are required, i.e. the latter will either assume the role of subcontractors or will fall within the exceptions listed in Section 2.4.2 and will then assume the role of entities (not subcontractors) on whose capacities the tenderer relies to fulfil the selection criteria.

☞ Relying on the capacities of other entities is only necessary when the capacity of the tenderer is not sufficient to fulfil the required minimum levels of capacity. Abstract commitments that other entities will put resources at the disposal of the tenderer will be disregarded.

⁽⁴⁸⁾ This does not apply to subcontractors on whose capacity the tenderer relies to fulfil the selection criteria – for these the documentation required for subcontractors must be provided.

3. EVALUATION AND AWARD

The evaluation of the tenders that comply with the submission conditions will consist of the following elements:

- Check if the tenderer is not subject to restrictive measures and has access to procurement (see Section 2.2);
- Verification of administrative compliance (if the tender is drawn up in one of the official EU languages and the required documents signed by duly authorised representative(s) of the tenderer);
- Verification of non-exclusion of tenderers on the basis of the exclusion criteria;
- Selection of tenderers on the basis of selection criteria;
- Verification of compliance with the minimum requirements specified in the procurement documents;
- Evaluation of tenders on the basis of the award criteria.

The contracting authority will evaluate the abovementioned elements in the order that it considers to be the most appropriate.

If the evaluation of one or more elements demonstrates that there are grounds for rejection, the tender will be rejected and will not be subjected to further full evaluation. The unsuccessful tenderers will be informed of the ground for rejection without being given feedback on the non-assessed content of their tenders. Only tenderers for whom the verification of all elements did not reveal grounds for rejection can be awarded the framework contract(s) resulting from this call for tenders.

The evaluation will be based on the information and evidence contained in the tenders and, if applicable, on additional information and evidence provided at the request of the contracting authority during the procedure. If any of the declarations or information provided proves to be false, the contracting authority may impose administrative sanctions (exclusion or financial penalties) on the entity providing the false declarations/information.

For the purposes of the evaluation related to exclusion and selection criteria the contracting authority may also refer to publicly available information, in particular evidence that it can access on a national database free of charge.

3.1. Exclusion criteria

The objective of the exclusion criteria is to assess whether the tenderer is in any of the exclusion situations listed in Article 136(1) of the Financial Regulation.

Tenderers found to be in an exclusion situation will be rejected.

As evidence of non-exclusion, each tenderer⁽⁴⁹⁾ needs to submit with its tender a **Declaration on Honour**⁽⁵⁰⁾ in the model available in **Annex 2**.⁽⁵¹⁾ The declaration must be signed by an authorised representative of the entity providing the declaration. Where the declaration has been signed by hand, the original does not need to be submitted to the contracting authority, but the latter reserves the right to request it from the tenderer at any time during the record-keeping period specified in Section 4.3.

The initial verification of non-exclusion of tenderers will be done on the basis of the submitted declarations and consultation of the [European Union's Early Detection and Exclusion System](#).

At any time during the procurement procedure⁽⁵²⁾, the contracting authority may request the documents mentioned in the Declaration on Honour as supporting evidence on non-exclusion (the documentary evidence). It may also request information on natural or legal persons that are members of the administrative, management or supervisory body or that have powers of representation, decision or control, including legal and natural persons within the ownership and control structure and beneficial owners, and appropriate evidence that none of those persons are in one of the exclusion situations referred to in Section A point (1) (c) to (f) of the Declaration on Honour.

All tenderers are invited **to prepare in advance the documentary evidence**, since they may be requested to provide such evidence within a short deadline. In any event, the tenderer(s) proposed by the evaluation committee for the award of the framework contract(s) will be requested to provide such evidence.

☞ If the tenderer does not provide valid documentary evidence within the deadlines set by the contracting authority, the latter reserves the right to reject the tender. In any event, in case a tenderer proposed for the award of the contract fails to comply with the above evidence requirement, its tender will be rejected, unless the tenderer can justify the failure on the grounds of material impossibility to provide such evidence.

Annex 1 specifies which of the involved entities participating in a tender need to provide the Declaration on Honour and, when requested by the contracting authority, the supporting evidence.

⁽⁴⁹⁾ See Annex 1 which of the involved entities participating in a tender need to provide the Declaration on Honour.

⁽⁵⁰⁾ The European Single Procurement Document (ESPD) may not be used yet in European Commission's calls for tenders.

⁽⁵¹⁾ Unless the same declaration has already been submitted for the purposes of another award procedure of the European Commission, the situation has not changed, and the time elapsed since the issuing date of the declaration does not exceed one year.

⁽⁵²⁾ The obligation to provide the supporting evidence will be waived in the following situations:

- if the same documents have already been provided in a previous award procedure of the European Commission, have been issued no more than one year before the date of their request by the contracting authority and are still valid at that date;
- if such evidence can be accessed by the contracting authority on a national database free of charge, in which case the economic operator shall provide the contracting authority with the internet address of the database and, if needed, the necessary identification data to retrieve the document;
- if there is a material impossibility to provide such evidence.

Please note that a request for evidence in no way implies that the tenderer has been successful.

3.2. Selection criteria

The objective of the selection criteria is to assess whether the tenderer has the legal, regulatory, economic, financial, technical and professional capacity to perform the contract.

The selection criteria for this call for tenders, including the minimum levels of capacity, the basis for assessment and the evidence required, are specified in the following subsections.

Tenders submitted by tenderers not meeting the minimum levels of capacity will be rejected.

When submitting its tender each tenderer shall declare on honour that it fulfils the selection criteria for this call for tenders. The model Declaration on Honour available in *Annex 2* shall be used.

The initial assessment of whether a tenderer fulfils the selection criteria will be done on the basis of the submitted declaration(s).

The subsections below specify which selection criteria evidence must be provided with the tender or may be requested later, at any time during the procurement procedure, within a deadline given by the contracting authority ⁽⁵³⁾.

The evidence must be provided in accordance with the applicable basis for assessment of each criterion: in case of a consolidated assessment – only by the involved entities who contribute to the fulfilment of the criterion, and in case of individual assessment – by each entity to whom the criterion applies individually.

In case not all selection criteria evidence is requested with the tender, all tenderers are **invited to prepare in advance the documentary evidence**, since they may be requested to provide such evidence within a short deadline. In any event, the tenderer(s) proposed by the evaluation committee for the award of the contract(s) will be requested to provide such evidence.

👉 If the tenderer does not provide valid documentary evidence within the deadlines set by the contracting authority, the contracting authority reserves the right to reject the tender. In any event, in case a tenderer proposed for the award of the contract fails to comply with the above evidence requirement, its tender will be rejected, unless there is a ground for a waiver.
Please note that a request for evidence in no way implies that the tenderer has been successful.

⁽⁵³⁾ The obligation to provide the supporting evidence will be waived in the following situations:

- if the same documents have already been provided in a previous award procedure of the European Commission and are still up-to-date;
- if such evidence can be accessed by the contracting authority on a national database free of charge, in which case the economic operator shall provide the contracting authority with the internet address of the database and, if needed, the necessary identification data to retrieve the document.

3.2.4. Legal and regulatory capacity

Tenderers can be natural or legal persons. Tenderers are not obliged to take a specific legal form in order to submit their tenders.

Where tenderers submit a tender through an entity, which lacks legal personality (e.g., a branch), the compliance with the exclusion criteria, selection criteria, the rules on access to procurement as well as the absence of restrictive measures shall be assessed at the level of the tenderers.

Tenderers do not need to prove specific legal and regulatory capacity to perform the contract.

Involved entities (see Section 2.4) and all subcontractors, including those which do not need to be identified in the tender (see Section 2.4.2), must not be subject to [EU restrictive measures](#) adopted under Article 29 of the Treaty on the European Union (TEU) or Article 215 of the Treaty on the Functioning of the EU (TFEU) ⁽⁵⁴⁾ that constitute a legal impediment to perform the contract. This requirement will be assessed by reference to the EU restrictive measures in force. Therefore, the tenderer is not required to submit any evidence of not being subject to EU restrictive measures.

3.2.5. Economic and financial capacity

Tenderers must comply with the following selection criteria in order to prove that they have the necessary economic and financial capacity to perform the contract.

Criterion F1	
Minimum level of capacity	Average yearly turnover of the last two financial years above EUR 500 000.
Basis for assessment	This criterion applies to the tenderer as a whole, i.e. a consolidated assessment of the combined capacities of all involved entities will be carried out. (sole tenderer or leader and members of the group, subcontractors and other entities (that are not subcontractors)) on whose capacity the tenderer relies to fulfil the selection criteria.)
Evidence	Copy of the profit and loss accounts and balance sheets for the last two years for which accounts have been closed from each concerned involved entity, or, failing that, appropriate statements from banks. The most recent year must have been closed within the last 18 months.

👉 The evidence of economic and financial capacity does not need to be provided with the tender but may be requested by the contracting authority or the *EU Validation Services* at any time during the procedure.

⁽⁵⁴⁾ Please note that the EU Official Journal contains the official list and, in case of conflict, its content prevails over that of the [EU Sanctions Map](#).

3.2.6. Technical and professional capacity

☞ With regard to technical and professional selection criteria, a tenderer may only rely on the capacities of other entities where the latter will perform the works or services for which these capacities are required. The entity on whose capacity the tenderer relies will either assume the role of a subcontractor or fall within the exceptions listed in Section 2.4.2.

Tenderers must comply with the following selection criteria in order to prove that they have the necessary technical and professional capacity to perform the contract.

Tenders must provide in their tender the table in Annex 2.1 of these tender specifications, exhaustively completed with all the necessary information.

T. Criteria relating to tenderers:

Criterion T1	
The tenderer must prove experience in the field of scientific advice for fisheries management for tuna and tuna like species, and small pelagic and demersal species in the context of the international dimension and external EU fisheries policy.	
Minimum level of capacity	At least 3 similar (in scope and complexity) projects completed in the last 7 years preceding the tender submission deadline, with a minimum value for each of them EUR 100 000.
Basis for assessment	This criterion applies to the tenderer as a whole, i.e. the consolidated assessment of combined capacities of all involved entities will be carried out. (sole tenderer or leader and members of the group, subcontractors)
Evidence	<p>A list of projects meeting the minimum level of capacity. The list shall include details of their title and main activities, start and end date, total project amount, role of implementing entity (leader, partner, subcontractor, etc.) and amount invoiced. In case of projects still on-going only the portion completed during the reference period will be taken into consideration.</p> <p>As supporting documents for each project reference the <i>Contracting authority</i> may request statements issued by the clients and take contact with them.</p>

Criterion T2	
The tenderer must prove experience in the field of development and/or management of fisheries scientific monitoring programmes and trials at sea.	

Minimum level of capacity	At least 2 similar (in scope and complexity) projects completed in the last 7 years preceding the tender submission deadline, with a minimum value for each of them EUR 100 000.
Basis for assessment	This criterion applies to the tenderer as a whole, i.e. the consolidated assessment of combined capacities of all involved entities will be carried out. (sole tenderer or leader and members of the group, subcontractors)
Evidence	<p>A list of projects meeting the minimum level of capacity. The list shall include details of their title and main activities, start and end date, total project amount, role of implementing entity (leader, partner, subcontractor, etc.) and amount invoiced. In case of projects still on-going only the portion completed during the reference period will be taken into consideration.</p> <p>As supporting documents for each project reference the <i>Contracting authority</i> may request statements issued by the clients and take contact with them.</p>

Criterion T3	
The tenderer must prove experience in the field of fisheries and ecosystem data sourcing, processing, modelling and analysis.	
Minimum level of capacity	At least 2 similar (in scope and complexity) projects completed in the last 7 years preceding the tender submission deadline, with a minimum value for each of them EUR 70 000.
Basis for assessment	This criterion applies to the tenderer as a whole, i.e. the consolidated assessment of combined capacities of all involved entities will be carried out. (sole tenderer or leader and members of the group, subcontractors)
Evidence	<p>A list of projects meeting the minimum level of capacity. The list shall include details of their title and main activities, start and end date, total project amount, role of implementing entity (leader, partner, subcontractor, etc.) and amount invoiced. In case of projects still on-going only the portion completed during the reference period will be taken into consideration.</p> <p>As supporting documents for each project reference the <i>Contracting authority</i> may request statements issued by the clients and take contact with them.</p>

Criterion T4

The tenderer must prove experience in the field of assessing the impact of fisheries activities on marine biological resources and ecosystems.

Minimum level of capacity	At least 2 similar (in scope and complexity) projects completed in the last 7 years preceding the tender submission deadline, with a minimum value for each of them EUR 70 000.
Basis for assessment	This criterion applies to the tenderer as a whole, i.e. the consolidated assessment of combined capacities of all involved entities will be carried out. (sole tenderer or leader and members of the group, subcontractors)
Evidence	<p>A list of projects meeting the minimum level of capacity. The list shall include details of their title and main activities, start and end date, total project amount, role of implementing entity (leader, partner, subcontractor, etc.) and amount invoiced. In case of projects still on-going only the portion completed during the reference period will be taken into consideration.</p> <p>As supporting documents for each project reference the <i>Contracting authority</i> may request statements issued by the clients and take contact with them.</p>

Criterion T5

The tenderer must prove experience in the field of international project management and scientific event organisations.

Minimum level of capacity	At least 2 similar (in scope and complexity) projects and events completed in the last 7 years preceding the tender submission deadline, with a minimum value for each of them EUR 50 000.
Basis for assessment	This criterion applies to the tenderer as a whole, i.e. the consolidated assessment of combined capacities of all involved entities will be carried out. (sole tenderer or leader and members of the group, subcontractors)
Evidence	<p>A list of projects and events meeting the minimum level of capacity. The list shall include details of their title and main activities, start and end date, total project amount, role of implementing entity (leader, partner, subcontractor, etc.) and amount invoiced. In case of projects still on-going only the portion completed during the reference period will be taken</p>

	<p>into consideration.</p> <p>As supporting documents for each project reference the <i>Contracting authority</i> may request statements issued by the clients and take contact with them.</p>
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Criterion T6	
The tenderer must prove experience in the field of socio-economic analysis for fisheries.	
Minimum level of capacity	At least 2 similar (in scope and complexity) projects completed in the last 7 years preceding the tender submission deadline, with a minimum value for each of them EUR 50 000.
Basis for assessment	This criterion applies to the tenderer as a whole, i.e. the consolidated assessment of combined capacities of all involved entities will be carried out. (sole tenderer or leader and members of the group, subcontractors)
Evidence	<p>A list of projects meeting the minimum level of capacity. The list shall include details of their title and main activities, start and end date, total project amount, role of implementing entity (leader, partner, subcontractor, etc.) and amount invoiced. In case of projects still on-going only the portion completed during the reference period will be taken into consideration.</p> <p>As supporting documents for each project reference the <i>Contracting authority</i> may request statements issued by the clients and take contact with them.</p>

Criterion T7	
The tenderer must prove experience in the field of international stakeholder outreach and engagement (particularly in the context of RFMOs and SFPAs).	
Minimum level of capacity	At least 2 similar (in scope and complexity) projects completed in the last 7 years preceding the tender submission deadline, with a minimum value for each of them EUR 50 000 demonstrating communication and engagement with regional/international stakeholders.
Basis for assessment	This criterion applies to the tenderer as a whole, i.e. the consolidated assessment of combined capacities of all involved entities will be carried out. (sole tenderer or leader and members of the group, subcontractors)
Evidence	A list of projects meeting the minimum level of capacity.

	<p>The list shall include details of their title and main activities, start and end date, total project amount, role of implementing entity (leader, partner, subcontractor, etc.) and amount invoiced. In case of projects still on-going only the portion completed during the reference period will be taken into consideration.</p> <p>As supporting documents for each project reference the <i>Contracting authority</i> may request statements issued by the clients and take contact with them.</p>
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Criterion T8	
<p>The tenderer must prove experience working with different EU, national and international authorities in charge of management of fisheries.</p>	
Minimum level of capacity	<p>At least 3 similar (in scope and complexity) projects completed in the last 10 years preceding the tender submission deadline, proving cooperation with at least 1 authority of each kind, with a minimum value for each of them EUR 50 000.</p>
Basis for assessment	<p>This criterion applies to the tenderer as a whole, i.e. the consolidated assessment of combined capacities of all involved entities will be carried out. (sole tenderer or leader and members of the group, subcontractors)</p>
Evidence	<p>A list of projects meeting the minimum level of capacity. The list shall include details of their title and main activities, start and end date, total project amount, role of implementing entity (leader, partner, subcontractor, etc.) and amount invoiced. In case of projects still on-going only the portion completed during the reference period will be taken into consideration.</p> <p>As supporting documents for each project reference the <i>Contracting authority</i> may request statements issued by the clients and take contact with them.</p>

Criterion T9	
<p>The tenderer must demonstrate disposal of or access to stock and fisheries data as well as access to technical infrastructure necessary to undertake the defined tasks under this FWC and its specific contracts (e.g. computer hardware capable of performing statistical and mathematical modelling, requiring intense computational capacity such as the one necessary for Management Strategy Evaluation.)</p>	

Minimum level of capacity	Availability or access to technical infrastructure (e.g. computer hardware) to perform statistical and mathematical modelling requiring intense computational capacity such as the one necessary for Management Strategy Evaluation (MSE) or similar Ecosystem Approach to Fisheries planning and implementation tools.
Basis for assessment	This criterion applies to the tenderer as a whole, i.e. the consolidated assessment of combined capacities of all involved entities will be carried out. (sole tenderer or leader and members of the group, subcontractors)
Evidence	The tenderer must provide a description of available facilities, databases developed and their potential use for the purposes of this framework contract, with particular emphasis on the computational capacity.

P. Criteria relating to the team delivering the service:

Tenderers must comply with the following selection criteria in order to prove that they have the necessary professional capacity to perform the contract.

The team delivering the service should include, as a minimum, the following profiles.

Evidence will consist in CVs of the team responsible to deliver the service. Each CV should indicate the intended function in the delivery of the service.

Criterion P1	
Project manager	
Minimum level of capacity	At least 5 years' experience in project management, including overseeing project delivery, quality control of delivered service, client orientation and conflict resolution experience in project of a similar size (at least EUR 500 000) and international coverage (at least 2 RFMOs/SFPAs SPAs or 2 non-EU countries with whom the EU shares fishing interests) with experience in management of teams of at least 6 people.
Basis for assessment	This criterion applies to the tenderer as a whole, i.e. the consolidated assessment of combined capacities of all involved entities will be carried out. (sole tenderer or leader and members of the group, subcontractors)
Evidence	CV with a list of relevant projects managed.
Criterion P2	

Fisheries and ecosystem scientists	
Minimum level of capacity	<p>At least 5 members of the team shall have a higher education degree relevant for the objectives of the FWC (including fields such as: marine biology, fisheries science, fisheries management, marine science, environmental science, oceanography, mathematics, statistics, fisheries modelling or related), and at least 3 years of professional experience in marine fisheries and ecosystem research. The team as a whole shall demonstrate experience in the following fields:</p> <ul style="list-style-type: none"> • Management Strategy Evaluation • Stock assessment for data limited stocks and using highly structured models (such as MULTIFAN CL and SS3) • Fisheries models ensemble • Data collection in the context of RFMOs and SFPAs • Ecosystem approach to fisheries management
Basis for assessment	This criterion applies to the tenderer as a whole, i.e. the consolidated assessment of combined capacities of all involved entities will be carried out. (sole tenderer or leader and members of the group, subcontractors)
Evidence	CV with relevant information on higher educational degree and professional experience or publications.
Criterion P3	
Fisheries economist	
Minimum level of capacity	At least one (1) member of the team shall have a higher education degree in Economics or related field and at least four (4) years of professional experience in the field of fisheries socioeconomics.
Basis for assessment	This criterion applies to the tenderer as a whole, i.e. the consolidated assessment of combined capacities of all involved entities will be carried out. (sole tenderer or leader and members of the group, subcontractors)
Evidence	CV with relevant information on higher educational degree and professional experience or publications
Criterion P4	
Scientific/technical Expert supporting international negotiations with a focus on the BBNJ negotiations and treaty	
Minimum level of capacity	At least one member of the team shall have at least 2

	years of professional experience providing scientific and/or technical advice to international negotiations with a focus on the BBNJ political process and negotiations.
Basis for assessment	This criterion applies to the tenderer as a whole, i.e. the consolidated assessment of combined capacities of all involved entities will be carried out. (sole tenderer or leader and members of the group, subcontractors)
Evidence	CV with relevant information on higher educational degree and professional experience or publications
Criterion P5	
Fisheries management advisors	
Minimum level of capacity	At least two (2) members of the team shall have proven experience of at least three (5) years in providing advice to decision-makers and stakeholders audiences on management strategies and options for management measures, relating to the EU common fisheries policy for decision-makers and stakeholder audiences.
Basis for assessment	This criterion applies to the tenderer as a whole, i.e. the consolidated assessment of combined capacities of all involved entities will be carried out. (sole tenderer or leader and members of the group, subcontractors)
Evidence	CV with a list of relevant audiences advised.
Criterion P6	
Language	
Minimum level of capacity	At least half of the members of the team should be proficient users level C2 (Common European Framework of Reference for Languages ⁵⁵) in English and at least two of the members of the team should be proficient user level C2 in French.
Basis for assessment	This criterion applies to the tenderer as a whole, i.e. the consolidated assessment of combined capacities of all involved entities will be carried out. (sole tenderer or leader and members of the group, subcontractors)
Evidence	CV and a language certificate, mother tongue or references to publications delivered in English and French to the required level in the last three years.

⁵⁵ Common European Framework of Reference for Languages: Learning, teaching, assessment (CEFR); www.coe.int/lang-CEFR

☞ All of the above-specified evidence of technical and professional capacity must be provided with the tender.

☞ The supporting documents of technical capacity may be requested by the *Contracting authority* at any time during the procedure.

☞ Involved entities (see Section 2.4) and all subcontractors, including those which do not need to be identified in the tender (see Section 2.4.2), must not be subject to professional conflicting interests which may negatively affect the contract performance. Where the contracting authority has established such conflicting interests, it may conclude that the tenderer or an involved entity does not possess the required professional capacity to perform the contract to an appropriate quality standard.

The presence of conflicting interests shall be examined during the evaluation phase based on the statements made through the Declarations on Honour and, where applicable, the commitment letters (*Annex 5.1 and Annex 5.2*).

The presence of conflicting interests shall be examined also on the basis of the following information: demonstrate conflict of interest with the EU priorities and external dimension of the CFP or during the implementation of studies under the FWC.

When evaluating the tenders submitted in the present procedure for the award of framework contract(s), the contracting authority may consider the risk of professional conflicting interests with reference to the nature and subject of the specific contracts under the framework contract(s).

Further details and obligations concerning professional conflicting interests are set out in the draft framework contract.

3.3. Compliance with the conditions for participation and minimum requirements specified in the procurement documents

By submitting a tender a tenderer commits to perform the contract in full compliance with the terms and conditions of the procurement documents for this call for tenders. Particular attention is drawn to the minimum requirements specified in Section 1.4 of these specifications and to the fact that tenders must comply with applicable data protection, environmental, social and labour law obligations established by Union law, national legislation, collective agreements or the international environmental, social and labour conventions listed in Annex X to Directive 2014/24/EU.

The minimum requirements shall be observed throughout the entire duration of the contract. Compliance with these requirements is mandatory and cannot be subject to any assumptions, limitations, conditions, or reservations on the part of a tenderer.

Tenderers must declare when submitting their tenders in eSubmission whether their tenders comply with the minimum requirements specified in the procurement documents.

⚠ Tenders that are not compliant with the applicable minimum requirements shall be rejected.

3.4. Award criteria

The objective of the award criteria is to evaluate the tenders with a view to choosing the most economically advantageous tender.

Tenders will be evaluated on the basis of the following award criteria and their weighting:

1. Price: 30%

The price considered for evaluation will be the total price of the tender,

quoted under "A. Total price of the contract" (as per *Annex 6 - Financial offer*) covering all the requirements set out in the Tender specifications.

2. Quality: 70%

The quality of the tender will be evaluated based on the following criteria:

Quality award Criterion	Explanation of the criterion's scope	Maximum number of points per criterion (out of 100)	Minimum points to be obtained (at least 50% per criterion and 60% in total)
1. Understanding of the policy context	<p>This criterion will assess how the technical offer demonstrates the tenderer's understanding of the key issues, trend and challenges in the scientific advice for the external dimension of the Common Fisheries Policy.</p> <p>Furthermore, it will assess to which extent the tenderer is aware of the current context and the general aim of scientific advice for fisheries management, the technical developments and challenges as well as the EU policy.</p> <p>In addition, it will also look at whether the tenderer links adequately the scenarios</p>	20 points	10 points

	described in Section 1.4.2 to this background. The assessment will be based on both the description of the context and on the scenarios.		
2. Quality of the tender for the four scenarios	This criterion will assess the quality and innovation of the proposed methodology for the implementation of the services under the three scenarios and how the tenderer proposes to organise the work and resources in the framework of the three scenarios described in the Section 1.4.2. The points will be allocated as follows:	40 points	20 points
	Scenario 1. Development of management procedures through a Management Strategy Evaluation (MSE) framework incorporating climate change considerations and liaison with stakeholders	10 points	5 points
	Scenario 2. Development of a monitoring programme to support the sustainable fisheries management of demersal resources for a new mixed SFPAs.	10 points	5 points
	Scenario 3. Effectively support EU scientists to the EU delegations participating in the work of relevant RFMOs.	10 points	5 points
	Scenario 4. Scientific support to the European Commission in the early implementation phase of the BBNJ agreement.	10 points	5 points

3. Working method and organisation for the performance of specific contracts	<p>This criterion will assess the quality control system proposed by the tender, concerning the technical quality of the deliverables, the language quality check, in particular of final reports, the validation of study findings and continuity of the service in case of absence of specific members of the team.</p> <p>The quality system must be detailed in the tender and specific to the tasks described in the work packages of Section 1.4.2. A generic quality system will result in a low score.</p>	40 points	20 points
	<p><u>Organisational structure</u> to be set up for the distribution of responsibilities and management of tasks required to perform the services covered by this FWC and the resulting specific contracts. The criterion will also evaluate how the daily work will be organised and how will be the collaborations with the Contracting authority. In the case of a joint tender or a tender involving sub-contractors, this criterion will assess the method proposed for the coordination of members of the group and/or subcontractors and the division of tasks.</p>	20 points	10 points
	<p><u>Quality control method</u> (e.g. managerial, scientific qualities, language quality check, (editing/writing) for assuring that the services and deliverables are provided within the deadlines set.</p>	10 points	5 points

	<u>Risk management</u> to deal with potential risks, problems and difficulties such as lack or unreliability of data, unavailability of stakeholders (when involving them is required) or travel restrictions.	10 points	5 points
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The result of the technical evaluation is the sum of the points obtained based on the evaluation of each criterion (maximum 100 points).

Only those tenders that score:

- at least 50 % for each criterion and
 - at least 60 % of the total points will be considered for the award of the contract.
- Tenders not reaching the minimum quality threshold will not be further assessed. Their financial tenders will therefore not be considered for determining the cheapest reference price.

3.5. Award (ranking of tenders)

Tenders shall be ranked according to the best price-quality ratio in accordance with the formula below:

score for tender X	=	cheapest reference price	* 100	*	price weighting (30 %)	+	total quality score for all award criteria of tender X	*	quality weighting (70%)
		reference price of tender X							

Should the outcome of the formula lead to two or more tenders with the same result, the tenderer who has been awarded the highest marks for quality will be deemed to be the most economically advantageous tender. This approach will continue to be applied to each of the award criteria in the descending order listed in below until a most economically advantageous tender can be determined:

1. Criterion 2. Quality of the tender for the four scenarios,
2. Criterion 3. Working method and organisation for the performance of specific contract
3. Criterion 1. Understanding of the policy context

☞ The multiple framework contracts in cascade shall be awarded to the first three ranked tenders, which comply with the minimum requirements specified in the procurement documents and are submitted by tenderers not subject to restrictive measures, having access to procurement, not in an exclusion situation and fulfilling the selection criteria. The ranking will determine the sequence in which the contractors will be offered specific contracts during the implementation of the framework contracts.

If there is only one ranked tenderer, the contracting authority may decide to cancel the procurement procedure or sign a single framework contract instead.

Detection of abnormally low tenders

Tenderers must be aware of Point 23 of Annex I to the Financial Regulation on abnormally low tenders and of the possibility for rejection of the tender based on it.

4. FORM AND CONTENT OF THE TENDER

4.1. Form of the tender: how to submit the tender?

Tenders are to be submitted via the eSubmission application according to the instructions laid down in the Invitation letter and the eSubmission Quick Guide available at the link below:

https://wikis.ec.europa.eu/display/FTPportal/Open+procedures_EN

👉 Make sure you prepare and submit your tender in eSubmission early enough to ensure it is received within the deadline indicated under Section IV.2.2 of the contract notice and/or on TED eTendering.

4.2. Content of the tender: what documents to submit with the tender?

The documents to be submitted with the tender in eSubmission are listed in *Annex 1*.

The following requirements apply to the technical and financial tender to be uploaded in eSubmission:

- *Technical tender.*

The technical tender must provide all the information needed to assess the compliance with Section 1.4 of these specifications and the award criteria. Tenders deviating from the minimum requirements or not covering all the requirements may be rejected on the basis of non-compliance and not evaluated further.

The technical offer should include at least the following sections:

- Description of the policy context:

Tenderers are requested to provide an overview of their understanding of the key issues, trends and challenges in scientific advice for the support of the common fisheries policy. This should enable the Contracting Authority to evaluate the tenders with respect to award criterion 1 in Section 3.4.

- Work Package Scenarios:

Tenderers are asked to make a specific technical offer for each of the scenarios presented under Section 1.4.2. The technical offer for each scenario must:

- Describe in detail the approach, the stages and the working methods including specific tasks or sub-tasks that the tenderer intends to use to carry out all of the work requested in the scenarios, specifying which parts will be subcontracted (if applicable);
- For each stage, specify the composition of the project team and the assigned roles of the staff which are intended to be put into place, specifying the number of units (person/day) per category of staff;
- Propose a calendar, setting out the time considered necessary for each stage and taking into account the time needed for interacting with the Contracting authority and the various steps of the validation process.

The scenarios have been drawn up solely for the purposes of the award process for this contract. They are entirely fictitious and cannot, in any way, be regarded as an indication of the priorities and the exact nature of future assignments.

The technical proposals for each scenario must enable the Contracting authority to evaluate the tenders with respect to award criteria 1 and 2 of Section 3.4, and to check that the technical description has been correctly interpreted by the tenderer.

- Working method and organisation for the performance of specific contracts

Tenderers should provide a comprehensive plan showing how they intend to develop and organise the work in carrying out the specific contracts in practice. This should enable the Contracting authority to evaluate the tenders with respect to award criterion 3 in Section 3.4.

Tenderers must demonstrate in this plan, as well as in the scenarios, how they intend to ensure a timely and adequate response to specific requests, and how they intend to mobilise the necessary information and expertise and the relevant scientists or scientific teams across different regions within given timeframes.

To avoid delays and punctual unavailability of team members due to the workload of the scientific community, special attention shall be given to the proposed percentage of the time that the different team experts are going to devote to the project and to the proposal of the team members under full-time commitment.

- Quality assurance and quality control, risk assessment and mitigation measures

Tenderers should provide information about the way they intend to ensure the quality of the deliverables, the language quality check, in particular of final reports, the validation of study findings and continuity of the service in case of absence of specific members of the team.

The tender should identify critical steps and possible risks that could limit the successful delivery of the requested services. The quality system must be detailed in the tender and specific to the tasks described in the work packages of Section 1.4.2. A generic quality system will result in a low score. This should enable the Contracting authority to evaluate the tenders with respect to award criterion 3 in Section 3.4.

For the appraisal, the tender shall include a clear and detailed description of the organisation, resources and methodology proposed. Tenderers shall provide a practical and detailed description of the resources and services proposed to achieve the objectives and results set out in Section 1.4 above. Tenderers should also identify critical steps and possible risks that could limit the successful delivery of the requested services. The quality system must be detailed in the tender and specific to the tasks described in the work packages of Section 1.4.2. A generic quality system will result in a low score.

The tender should provide details on the allocation of time and human resources and the rationale behind the choice of this allocation. Details should be provided as part of the technical offer, i.e. the allocation should be indicated for each of the 4 work packages and should specify the role, the names and the estimated number of days/units for each member of the team. This is not a request for a budget, as the budget should be only part of the financial offer.

- *Financial tender.*

A complete financial tender, including the breakdown of the price, needs to be submitted. For this purpose, the Financial Model in *Annex 6* shall be used.

Annex 6 “Price and breakdown of costs” consists of 2 tables:

- Table A for the unit prices ("A - Cost categories"). The unit prices quoted by the tenderers in Table A will be the binding applicable rates under the framework contract, if awarded.
- Table B with a hypothesis of volume ("B - Volume hypothesis") will be used for the financial evaluation of the tenders). Tenderers must apply the unit prices as quoted in Table A, without modification, to the volumes indicated in Table B, so as to get to the “Total price used for the assessment of the financial offer”.

The volumes specified in Table B are for evaluation purposes only, and do not represent any indication or commitment from the Contracting authorities, as to the actual volume of services which could be ordered under specific contracts

It is the responsibility of each tenderer to ensure that the total amount of the tender inserted in the relevant field “Total amount” corresponds to the amount indicated in the uploaded financial tender (Total price used for the assessment of the financial offer). In case of discrepancies, only the amount indicated in the financial tender will be taken into account.

The financial tender shall be:

- expressed in euros. Tenderers from countries outside the euro zone have to quote their prices in euro. The price quoted may not be revised in line with exchange rate movements. It is for the tenderer to bear the risks or the benefits deriving from any variation.
- quoted free of all duties, taxes and other charges, i.e. also free of VAT.

The quoted price must be a fixed amount which includes all charges (except travel and subsistence for experts). Travel and subsistence expenses will be refunded separately.

All costs related to the **framework contractors' management obligations**, including attendance of virtual or in person meetings with the *Contracting authority*, **must be borne exclusively by the framework contractors** and be included in the financial tender. The *Contracting authority* will not reimburse any expenses incurred by the *framework contractors* in relation to these obligations.

☞ The European Union Institutions are exempt from such charges in the EU under Articles 3 and 4 of the Protocol on the Privileges and Immunities of the European Union of 8 April 1965 annexed to the Treaty on the Functioning of the European Union. Exemption is granted to the Commission by the governments of the Member States, either through refunds upon presentation of documentary evidence or by direct exemption.

In case of doubt about the applicable VAT system, it is the tenderer's responsibility to contact its national authorities to clarify the way in which the European Union is exempt from VAT.

4.3. Signature policy: how can documents be signed?

Where a document needs to be signed, the signature must be either hand-written or, preferably, a qualified electronic signature (QES) as defined in [Regulation \(EU\) No 910/2014 on electronic identification and trust services for electronic transactions in the internal market \(the eIDAS Regulation\)](#).

Tenderers are strongly encouraged to sign with a QES ⁽⁵⁶⁾ all documents requiring a signature and only exceptionally to sign such documents by hand as hand-written signatures lead to an additional administrative burden for both the tenderer and the contracting authority. The originals of any hand-signed documents (other than the contract) do not need to be submitted to the contracting authority but the tenderer must keep them for a period of five years starting from the notification of the outcome of the procedure or, where the tenderer has been awarded a contract resulting from this call for tenders and the contract has been signed, the payment of the balance.

All documents must be signed by the signatories (when they are individuals) or by their duly authorised representatives.

For the following documents, when signed by representatives, tenderers must provide evidence for the delegation of the authorisation to sign:

- The Declaration on Honour of the tenderer (in case of a joint tender – the Declarations on Honour of all group members) *Annex 2*;
- (in the case of a joint tender) the Agreement/Power(s) of attorney drawn up using the model attached in *Annex 3*.

The delegation of the authorisation to sign on behalf of the signatories (including, in the case of proxy(-ies), the chain of authorisations) must be evidenced by appropriate written evidence (copy of the notice of appointment of the persons authorised to represent the legal entity in signing contracts (together or alone), or a copy of the publication of such appointment if the legislation which applies to signatory requires such publication or a power of attorney). A document that the contracting authority can access on a national database free of charge does not need to be submitted if the contracting authority is provided with the exact internet link and, if applicable, the necessary identification data to retrieve the document.

4.4. Confidentiality of tenders: what information and under what conditions can be disclosed?

Once the contracting authority has opened a tender, it becomes its property and shall be treated confidentially, subject to the following:

⁽⁵⁶⁾ See [here](#) how to apply a QES on a document exchanged with a European institution, body or agency.

- For the purposes of evaluating the tender and, if applicable, implementing the contract, performing audits, benchmarking, etc., the contracting authority is entitled to make available (any part of) the tender to its staff and the staff of other Union institutions, bodies and agencies, as well to other persons and entities working for the contracting authority or cooperating with it, including contractors or subcontractors and their staff, provided that they are bound by an obligation of confidentiality.
- After the signature of the award decision, tenderers whose tenders were received in accordance with the submission modalities, who are not subject to restrictive measures, have access to procurement, who are not found to be in an exclusion situation referred to in Article 136(1) of the FR, who are not rejected under Article 141 of the FR, whose tenders are not found to be incompliant with the procurement documents, and who make a request in writing, will be notified of the name of the tenderer to whom the contract is awarded, the characteristics and relative advantages of the successful tender and its total financial tender amount. The contracting authority may decide to withhold certain information that it assesses as being confidential, in particular where its release would prejudice the legitimate commercial interests of economic operators or might distort fair competition between them. Such information may include, without being limited to, confidential aspects of tenders such as unit prices included in the financial tender, technical or trade secrets ⁽⁵⁷⁾.
- The contracting authority may disclose the submitted tender in the context of a request for public access to documents, or in other cases where the applicable law requires its disclosure. Unless there is an overriding public interest in disclosure ⁽⁵⁸⁾, the contracting authority may refuse to provide full access to the submitted tender, redacting the parts (if any) that contain confidential information, the disclosure of which would undermine the protection of commercial interests of the tenderer, including intellectual property.

☞ The contracting authority will disregard general statements that the whole tender or substantial parts of it contain confidential information. Tenderers need to mark clearly the information they consider confidential and explain why it may not be disclosed. The contracting authority reserves the right to make its own assessment of the confidential nature of any information contained in the tender.

⁽⁵⁷⁾ For the definition of trade secrets please see Article 2 (1) of [Directive \(EU\) 2016/943 on the protection of undisclosed know-how and business information \(trade secrets\) against their unlawful acquisition, use and disclosure](#).

⁽⁵⁸⁾ See Article 4 (2) of the [Regulation \(EC\) No 1049/2001 regarding public access to European Parliament, Council and Commission documents](#).

5. FUNCTIONING OF THE FRAMEWORK CONTRACT

5.1. Cascade procedure

The Contracting authority will rank the successful tenderers in descending order with a view to establishing the list of three framework contractors and the sequence in which they will be requested to provide services. The FWC will be activated by means of signature of individual specific contracts.

Request for services

After signature of the framework contract, the Contracting authority will request services by sending to the framework contractor at the top of the ranking list a request for services by email.

The request for services will set out the specific terms of reference for the assignment, including the estimated value (in terms of maximum amount), starting date and duration of the assignment, taking into account the deadlines for submission of the specific tender and the time required by the framework contractor to set up a team to perform the requested services.

The framework contractor must submit a detailed specific tender explaining how the requested tasks/services will be performed (to be drawn up according to the requirements of this tender specifications, on the basis of the FWC price list (Table A - Cost categories) included as Annex II to the signed framework contract (see Section 4.2).

Counting from the date when the e-mail with the request for services was sent, the framework contractor must confirm its intention to accept the service request within a maximum of 5 calendar days, by e-mail, unless the Contracting authority has established a different deadline in the request for services.

If the framework contractor does not accept the service request, it must state the reasons for why it cannot accept it.

If the framework contractor accepts the service request, it must submit its detailed specific offer within a maximum of 20 calendar days from the date when the e-mail with the request for services was sent, unless the Contracting authority has established a different deadline in the specific request for services.

Should the framework contractor not accept the service request, be unavailable or should it fail to observe the deadline to confirm its intention to submit or finds itself in a situation of conflicting interests that may negatively affect the performance of the specific contract, the Contracting authority shall be entitled to send the request for services to the framework contractor ranked next on the ranking list. (see Art. 1.4.3 of the draft Framework contract)

If the request for service contains a substantial error or otherwise makes it impossible to receive a compliant offer, the Contracting authority may decide to withdraw the request for service and relaunch the whole cascade procedure with a corrected request for offer. When doing so, the Contracting authority shall ensure that it does not alter fair competition and equal treatment.

Submission of a specific tender

The framework contractor must provide its offer for the tasks/services requested, including: a) an outline of the method proposed; b) a work plan; c) the CVs of the team of experts proposed; d) the total price for rendering the services requested on the basis of the FWC price list (Table A - Cost categories) included as Annex II to the signed framework contract. In each specific offer sent in reply to a request for services, the framework contractor will indicate the single point of contact for the specific contract. The Contracting authority will be the framework contractor's single point of contact for specific contract conclusion and implementation, including payment(s).

Evaluation of the specific tender

The Contracting authority will have up to 15 calendar days to evaluate and accept or reject the offer. The contracting authority may proceed with the opening and the assessment of the contractor's reply, immediately after its receipt, without having to wait for the expiration of the reply time limit specified in the *request for services*.

If the specific tender does not fulfil entirely the requirements of the request for services, the Contracting authority will inform the framework contractor and may allow an additional period for the submission of a revised offer. If the revised offer still does not correspond to the request for service, the Contracting authority may reject the offer. In such case the framework contractor will be considered as incapable to respond and the Contracting authority shall be entitled to request the service to the framework contractor ranked next on the cascade.

Signature of a specific contract

Acceptance of the specific tender will lead to signature of the specific contract in line with the procedure described in Article I.4.3 of the draft framework contract. No standstill period is applicable for specific contracts based on a framework contract.

Invoicing and terms of payment

Depending on the duration and on the price of the work to be performed, payments under amount of each specific contract will be made in accordance with one of the following options that shall be indicated when requesting each specific service contract:

Option 1: One single payment

As defined in the specific contract, one single payment might apply to specific contracts of less than 12 months duration.

Option 2: More than one payment (two or three):

This applies to specific contracts of 12 months or more, and may include:

- one or two interim payment(s), depending on the duration and/or the total amount of the specific contract, each of a maximum of 30% of the total amount of the relevant specific contract;
- a balance payment of the total amount of the relevant specific contract.

Invoicing and payment are based on the services actually provided. They must be sent as soon as possible and in any case at the latest 60 days after the performance of the service for which a specific contract has been signed.

5.2. Evaluation of services provided

Services provided under specific contracts will be evaluated systematically by the Contracting authority as satisfactory or non-satisfactory.

Quality will be monitored very closely throughout the implementation of the framework contract. Wherever needed, the results of the various monitoring activities will be reflected into punctual or structural recommendations, redress and remediation plans or changes in the framework contractor(s)' working methods with direct impact on quality, reductions in payments or complete refusal of some or all of the deliverables.

Whenever needed, the framework contractor(s) may be required to update their quality assurance plan to reflect the necessary changes. Structural and consistent quality and quality assurance issues will be pursued beyond the current framework contract in order to protect the financial interests of the European Union.

The Contracting authority will monitor the level of quality over the duration of the multiple framework contract by a variety of means, including but not limited to seeking opinions by its own or external experts, users' panels, independent punctual or structural quality assessments, on the spot visits and interviews, including at the contractors' premises, regular surveys covering the satisfaction of the Contracting authority' representatives or staff with the quality of the services delivered by the framework contractor(s) and the performance of the framework contractor(s).

If the framework contractor fails to provide the service in accordance with the framework contract or a specific contract or in accordance with the expected quality levels (for example quality of analysis, number of reports/studies/surveys delivered, quality of feedback collected from stakeholders/surveys/interviews, etc.), the Contracting authority may reduce or recover payments proportionally to the seriousness of the unperformed obligations or low-quality delivery (see Article II.15 and II.16 of the draft framework contract).

APPENDIX: LIST OF REFERENCES

<i>Award criteria</i>	See Section 3.4
<i>Contracting authority</i>	See Section 1.1
<i>Entities on whose capacities the tenderer relies to fulfil the selection criteria</i>	See Section 2.4.3
<i>EU Validation services</i>	See Section 2.3 EU Grants and Tenders Rules on Legal Entity Validation, LEAR appointment and Financial Capacity assessment
<i>Exclusion criteria</i>	See Section 3.1
<i>Financial Regulation</i>	Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union
<i>Framework contract</i>	See Section 1.6
<i>Framework contract ceiling</i>	See Section 1.6
<i>Group leader</i>	See Section 2.4.1
<i>Group member</i>	See Section 2.4.1
<i>Identified subcontractors</i>	See Section 2.4.2
<i>Involved entities</i>	See Section 2.4
<i>Joint tender</i>	See Section 2.4.1
<i>Participating entities</i>	See Section 1.1
<i>Participant Register</i>	See Section 2.3 https://ec.europa.eu/info/funding-tenders/opportunities/portal/screen/how-to-participate/participant-register
<i>Selection criteria</i>	See Section 3.2
<i>Sole tenderer</i>	See Section 2.4
<i>Subcontracting/subcontractor</i>	See Section 2.4.2
<i>Treaties</i>	The EU Treaties: https://europa.eu/european-union/law/treaties_en

ANNEXES

Annex 1 - List of documents to be submitted with the tender or during the procedure

Annex 2 - Declaration on honour on exclusion and selection criteria

Annex 2.1 – Technical and professional capacity

Annex 3 – Agreement/Power of attorney

Annex 4 – List of subcontractors

Annex 5.1 - Commitment letter by an identified subcontractor

Annex 5.2 - Commitment letter by an entity on whose capacities is being relied

Annex 6 - Financial offer form

Draft framework contract and annexes