



Specifications attached to the Invitation to Tender

**14.CPS.OP.060**

**MULTIPLE FRAMEWORK CONTRACTS (WITH  
REOPENING OF COMPETITION) FOR THE  
PROVISION OF RESEARCH, EVALUATION AND  
ANALYSIS RELATED SERVICES**

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## **Introduction to EDA**

Pursuant to Council Decision 2011/411/CFSP of 12 July 2011 defining the statute, seat and operational rules of the European Defence Agency and repealing Joint Action 2004/551/CFSP, the mission of the European Defence Agency (hereinafter “EDA” or “the Agency”) is "to support the Council and the Member States in their effort to improve the EU’s defence capabilities in the field of crisis management and to sustain the CSDP as it stands now and develops in the future.”

### Functions and tasks

The European Defence Agency, within the overall mission set out in the Agency’s constituent act, is ascribed four functions, covering:

- developing defence capabilities;
- promoting Defence Research and Technology (R&T);
- promoting armaments co-operation;
- creating a competitive European Defence Equipment Market (EDEM) and strengthening the European Defence, Technological and Industrial Base (EDTIB).

All these functions relate to improving Europe's defence performance, by promoting coherence. A more integrated approach to capability development will contribute to better-defined future requirements on which collaborations - in armaments or R&T or the operational domain - can be built. More collaboration will, in turn, provide opportunities for industrial restructuring and progress towards the continental-scale demand and market, which industry needs.

Further information can be found on the Agency’s web site at <http://www.eda.europa.eu>

## 1 Overview of this tender

### 1.1 Description of the contract

The services required by EDA are described in the terms of reference in part of the present tender specifications. This contract is going to be a Framework Contract.

### 1.2 Timetable

Summary timetable	Date	Comments
Launch date	12/09/2014	
Deadline for request of clarifications from EDA	20/10/2014	
Site visit or clarification meeting (if any)	Not applicable	
Last date on which clarifications are issued by EDA	23/10/2014	
<b>Deadline for submission of tenders</b>	<b>30/10/2014<sup>1</sup></b>	Tenders delivered by hand shall be submitted not later than <b>17:00h Brussels Local Time</b>
Opening session	31/10/2014 <sup>2</sup>	At 11:00h Brussels local time
Interviews	Not applicable	
Completion date for evaluation of tenders	November 2014	Estimate
Signature of contract(s)	December 2014	Estimate

### 1.3 Participation in the tender procedure

This procurement procedure is open to any natural or legal person wishing to bid for the assignment and established in any of the European Union Member States, countries under the Stabilization and Association Agreements (SAA) or countries under the EEA Agreement.

<sup>1</sup> The deadline for submission of tenders shall be considered to be the **date of receipt by the Agency of the tender**.

<sup>2</sup> Maximum one legal representative per participating tenderer may attend the opening session. Tenderers shall inform the Agency of their intention to attend, at least 5 days prior to the opening session.

Tenderers must not be in any of the exclusion criteria indicated in section 3.1 of these tender specifications and must have the legal capacity to allow them to participate in this tender procedure (see section 3.2.1).

Please note that any attempt by a tenderer to obtain confidential information, enter into unlawful agreements with competitors or influence the evaluation committee or the EDA during the process of examining, clarifying, evaluating and comparing tenders will lead to the rejection of his tender and may result in administrative penalties.

#### **1.4 Participation of consortia**

Consortia, may submit a tender on condition that it complies with the rules of competition.

A consortium may be a permanent, legally-established grouping or a grouping which has been constituted informally for a specific tender procedure.

Such grouping (or consortia) must specify the company or person heading the project (the leader) and must also submit a copy of the document authorising this company or person to submit a tender. All members of a consortium (i.e., the leader and all other members) are jointly and severally liable to the Contracting Authority.

In addition, each member of the consortium must provide the required evidence for the exclusion and selection criteria (see **Section 3** of these tender specifications). Concerning the selection criteria “economic and financial capacity” as well as “technical and professional capacity”, the evidence provided by each member of the consortium will be checked to ensure that the consortium as a whole fulfils the criteria.

The participation of an ineligible person will result in the automatic exclusion of that person.

#### **1.5 Sub-contracting**

**The tenderer must indicate clearly, which parts of the work will be sub-contracted and to what extent (proportion in %).**

Sub-contractors must satisfy the eligibility criteria applicable to the award of the contract. If the identity of the intended sub-contractor(s) is already known at the time of submitting the tender, all sub-contractors must provide the required evidence for the exclusion and selection criteria as detailed in **Section 3** of these tender specifications.

If the identity of the sub-contractor is not known at the time of submitting the tender, the tenderer who is awarded the contract will have to seek the EDA's prior written authorisation before entering into a sub-contract.

Where no sub-contractor is given, the work will be assumed to be carried out directly by the bidder.

## 1.6 Presentation of the tenders

The tenders must comply with the following conditions:

### 1.6.1 Tenders must be submitted in accordance with the double envelope system:

The outer envelope or parcel should be sealed with adhesive tape and signed across the seal and carry the following information:

- the reference number of the invitation to tender **14.CPS.OP.060**
- the project title “**MULTIPLE FRAMEWORK CONTRACTS (WITH REOPENING OF COMPETITION) FOR THE PROVISION OF RESEARCH, EVALUATION AND ANALYSIS RELATED SERVICES**”
- the name of the Tenderer
- the indication “***Tender - Not to be opened by the internal mail service***”
- the address for submission of tenders (*as indicated in the letter of invitation to tender*)
- the date of posting (*if applicable*) should be legible on the outer envelope.

The outer envelope must contain three inner envelopes, namely, Envelope A, B and C.

The content of each of these three envelopes must be as follows:

#### **Envelope A – Administrative documents**

- the **Tender Submission Form** found in **Annex VII**
- the duly filled in, signed and dated **Exclusion Criteria Declaration(s)** as requested in section 3.1 and using the standard template in **Annex IV**
- the duly filled in, signed and dated **Legal Entity Form(s)** as requested in section 3.2 and using the standard template in **Annex V**
- the duly filled in, signed and dated **Financial Identification Form<sup>3</sup>** using the template in **Annex VI**
- The **Economic & Financial Capacity** criteria documents as requested in section 3.2
- The **Technical & Professional Capacity** criteria documents as requested in section 3.2 - **One signed original and 4 (four) copies.**

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<sup>3</sup> in case of consortia, only **one** Financial Identification Form for the whole consortium shall be submitted, nominating the bank account into which payments are to be made under the contract in the event that the respective tender is successful

- **Duly authorised signature**, i.e. an official document (e.g. statutes, power of attorney, notary statement, etc.) proving that the person who signs on behalf of the tenderer is duly authorised to do so.
- In case of **consortia**, the consortium agreement or a duly signed and dated consortium statement by each of the consortium members specifying the company or person heading the project and authorised to submit a tender on behalf of the consortium.

#### **Envelope B – Technical proposal**

One signed original and 4 (four) copies of the technical proposal providing all information requested in point 4.2.

#### **Envelope C – Financial proposal**

One signed original of the financial proposal based on the format found in **Annex II**.

- 1.6.2** The original tender must be marked “**ORIGINAL**”, and the copies signed in the same way as the original and marked “**COPY**”.
- 1.6.3** Tenders should be drafted in one of the official languages of the European Union, **preferably** English. Requested documents not available in English should be accompanied by an English courtesy translation. The contract shall be entered into in English.

It is extremely important that tenders be presented in the correct format and include all documents necessary to enable the evaluation committee to assess them. Failure to respect these requirements will constitute a formal error and may result in the rejection of the tender.

#### **1.7 Period during which the tenders are binding**

Period of validity of the tenders, during which tenderers may not modify the terms of their tenders in any respect is 120 days after the deadline for the submission of tenders. In exceptional cases, before the period of validity expires, the EDA may ask tenderers to extend the period for a specific number of days, which may not exceed 40.

The selected tenderer must maintain its tender for a further 60 days from the date of notification that his tender has been recommended for the award of the contract. The further period of 60 days is added to the validity period irrespective of the date of notification.



## 1.8 Contacts between the EDA and tenderers

Contacts between the EDA and tenderers are prohibited throughout the procedure save in exceptional circumstances and under the following conditions only:

- Before the final date for submission of tenders:
  - At the request of the tenderer, the EDA may provide additional information solely for the purpose of clarifying the nature of the contract. Any request for additional information must be made in writing by **e-mail** at [procurement@eda.europa.eu](mailto:procurement@eda.europa.eu) or at the **Fax No.: +32 (0)2 504 29 75** and should indicate the reference number and the title of the tender.
  - Requests for additional information received after the deadline for request of clarifications from the EDA as specified in point 1.2 – *Timetable* will not be processed.
  - The EDA may, on its own initiative, inform interested parties of any error, inaccuracy, omission or any other clerical error in the text of the call for tender.
  - Any additional information including that referred to above will be published on the EDA's website. Please ensure that you visit regularly the site for updates.
- After the opening of tenders:
  - If, after the tenders have been opened, some clarification is required in connection with a tender, or if obvious clerical errors in the submitted tender must be corrected, the EDA may contact the tenderer, although such contact may not lead to any alternation of the terms of the submitted tender.

After the award decision, all tenderers will be informed of the outcome of this procedure by e-mail. It is the tenderer's responsibility to provide a valid e-mail address together with their contact details in their tender and to check their e-mail regularly.

## 1.9 Visits to EDA premises

No site visit/information meeting at EDA's premises is deemed necessary for this procedure.

## 1.10 Division into lots

This tender is not divided into lots. The tenderer must be in a position to be able to provide all the services requested.

### **1.11 Variants**

In the absence of any such indication in the terms of reference your tender should not deviate from the services requested.

### **1.12 New services**

In accordance with Article 31 of the Council decision 2007/643/CFSP of 18 September 2007 on the financial rules of the European defence Agency and on the procurement rules and rules on financial contributions from the operational budget of the European defence Agency, the EDA may have recourse to the negotiated procedure without prior publication of a contract notice for additional contracts involving services similar to those assigned to the party that was awarded this contract.

### **1.13 Security standards**

In the general implementation of its activities and for the processing of tendering procedures in particular, the EDA observes the Council's security rules set out in Council Decision 2013/488/EU of 12 September 2013 on the security rules for protecting EU classified information.

### **1.14 Contract provisions**

In drawing up your tender, you should bear in mind the provisions of the draft contract (see **Annex I** to the present tender specifications). In particular, the draft contract indicates the method and the conditions for payments to the contractor.

#### **Nota bene:**

Submission of a tender implies acceptance of all the terms and conditions set out in the invitation to tender, in the tender specifications and in the draft service contract and, where appropriate, waiver of the tenderer's own general or specific terms and conditions. It is binding on the tenderer to whom the contract is awarded for the duration of the contract.

## **2 Terms of Reference**

The Terms of Reference will become part of the contract that may be awarded as a result of the tender.

The European Defence Agency (hereinafter “the Agency”) is launching an invitation to tender for multiple framework service contracts (to be implemented through re-opening of competition) for the provision of Research, Evaluation and Analysis related services”.

The multiple framework contracts with reopening of competition will be concluded with a maximum of five (5) best ranked tenderers meeting the minimum quality requirement at the award criteria. Multiple framework contracts (with reopening of competition) - separate but identical framework contracts are concluded between the Agency and the selected tenderers, setting out the general contractual terms (legal, financial, technical, administrative, etc.) that apply during their period of validity and govern commercial relations between the Agency and the contractors. The award procedure for this multiple framework contracts is described in section 4 of these Tender Specifications. Following the conclusion of the framework contracts, the Agency may invite the selected contractors to submit a bid for a specific assignment. For each assignment a specific contract will be concluded, following the evaluation of the respective bids. More information about the award of specific contracts for carrying out an assignment can be found in sections 2.8 and 5.

### **2.1 Introduction: background of the invitation to tender**

The maintenance of a strong and competitive DTIB in Europe is fundamental to underpinning the Common Security and Defence Policy (CSDP). A robust European Defence Technological and Industrial Base (EDTIB) is a prerequisite to the European Defence Agency (EDA) achieving its mission: improving the EU’s defence capabilities.

In May 2007, Member States endorsed the strategy to create a stronger EDTIB, focused on meeting the real operational requirements of the Armed Forces of the future, able to rapidly exploit the most promising technologies and be more competitive, both in Europe and around the world. The EDTIB to which participating MS aspire, needs to be: capability-driven, competent and globally competitive.

Commitment to the development of such EDTIB was reaffirmed by the European Council in December 2013. It was stated that Europe needs a more integrated, sustainable, innovative and competitive European Defence Technological and Industrial Base (EDTIB) to develop and sustain defence capabilities. According to the Heads of States and Governments, the EDTIB should be strengthened to ensure operational effectiveness and security of supply, while remaining globally competitive and stimulating jobs, innovation and growth across the EU.

The same European Council also endorsed a number of projects such as RPAS (Remotely Piloted Air Systems), AAR (Air- to Air Refueling), Satellite Communications (SATCOM) and Cyber Defence.

One of the key elements of the work on strengthening EDTIB is solid, underlying analysis of defence industrial sector and its trends. Another important element is the preparation of timely impact assessments and building business cases for potential new EDA and European programs.

Given the current context, and the recent restructuring of the Agency which has stimulated the increase in demand for research and analysis services, EDA would like to increase its internal capacity to monitor, assess and evaluate key developments in the defence industrial sector and strengthen the rationale for EDA initiated projects.

To this end, EDA is launching "Multiple framework contracts (with reopening of competition) to provide research, evaluation and analysis related services". The purpose of this contract is to provide the Agency with the ability to quickly access reliable specialist information across a wide range of issues essential for time-critical, ongoing, robust analysis and decision making in a changing environment.

## **2.2 Scope of the contract**

The scope of this contract is to provide EDA with :

- on-call defence industrial evaluation and assessment services, and
- high quality deliverables to feed into its ongoing defence analysis work.

Specific services to be provided to the Agency include analysis on the trends and predicting dynamics of both the EDTIB and EDEM.

Indicative (non-exhaustive list) of potential requested services:

- Defence industrial and market analysis, including, but not limited to:
  - Research and analysis associated with the prioritised actions of the Capability Development Plan (CDP);
  - Research and analysis in support of the European Council Conclusions linked to strengthening Europe's defence industry
  - Complementing existing analysis and evaluation on prioritised co-operative programmes (Cyber defence, SATCOM, AAR, and RPAS) in support of the general objective of strengthening the EDTIB; and,

- Economic and industrial analysis of new projects or programmes.
- Identifying major trends and developments of defence industrial sector in Europe and third countries. Evaluating and assessing the impact of such developments;
- Identifying critical and fragile industrial niches, interdependencies in the supply chain;
- Anticipating mergers of defence related companies and consolidation opportunities; providing analysis on their impact; Analysing and evaluating the activities of major defence industrial stakeholders in Europe; and,
- Collecting data, doing desk research on the above mentioned topics and areas.

Depending on the needs of the Agency for the above mentioned type of services, assignments under the multiple framework contracts will be implemented by specific contracts (after re-opening of competitions as described in section 2.8, 5 and Annex I) .

### **2.3 Use of the Services**

The outputs of the framework contracts will be utilised to supplement internal EDA analysis and/or, as such, as external expertise.

### **2.4 Outline of the services required**

Activity areas will be clearly defined at the reopening of competition (see indicative non-exhaustive list) of areas of interest is provided in section 2.2).

### **2.5 Forms of required research, analysis and evaluation related services**

Services may be requested in various different formats, some of which are outlined below:

#### **2.5.1 Short Briefings**

Short written briefing notes may to be requested on a wide range of subjects indicated in a section 2.2. The main body of the briefing (not including annexes), in principle, should not exceed ten pages and would be requested with a deadline of two to four weeks. Contacts with industrial stakeholders, EU and Members States officials, academia, think- tanks may be required for this type of briefing. This task can also include detailed preparation for a workshop organised by the EDA, e.g. providing drafts and introductory papers. A visit to EDA premises, assisting in preparation of a presentation, giving the actual presentation and discussion on the particular topic could be a part of this requirement.

#### **2.5.2 Medium Briefings**

Similar concept as for Short Briefings (see 2.5.1.), with more detailed research and analysis on a particular topic (see potential wide range of subjects mentioned in a section 2.2). The main body

of the briefing (not including annexes), in principle, should not exceed 20 pages and would be requested with a deadline of four to eight weeks. A visit to EDA premises, assisting in preparation of a presentation, giving the actual presentation and discussion on the particular topic could be a part of this medium briefing requirement.

### **2.5.3 Short Studies**

More in-depth requirement than Medium Briefing (see 2.5.2) involving research, analysis and/or evaluation on the wide range of potential topics mentioned in the section 2.2. The number of pages of these studies (main body, not including annexes) should not exceed 50 pages. Contacts with industrial stakeholders, EU and Members State officials, academia, think-tanks may be required for this kind of study. The deadline would be identified in the specific tender, but should not exceed four months, unless the topic/task reasonably requires a longer time for completion. In this case, the deadline will be agreed between the Agency and contractor. A visit to EDA premises, assisting in preparation of a presentation, giving the actual presentation and discussion on the particular topic could be a part of this requirement.

### **2.5.4 Short Studies with Workshops**

In addition to the short study as per 2.5.3. above, the contractor will be asked to hold a workshop with relevant stakeholders (maximum 15 persons) on the topic of the research. Such workshops should be organized in principle in Brussels. The output of this workshop will form an integral part of the study. Responsibility and the costs of organising such a workshop will lie entirely on a contractor. The deadline for this study would be identified in the specific tender, but should not exceed five months, unless the topic/task reasonably requires greater time for completion. In this case, the deadline will be agreed between the Agency and contractor. A visit to EDA premises, assisting in preparation of a presentation, giving the actual presentation and discussion on the particular topic could be a part of this requirement..

### **2.5.5 Medium Studies**

More in-depth requirement than Medium Briefings (see 2.5.2) involving research, analysis and/or evaluation on the wide range of potential topics mentioned in the section 2.2. The number of pages of these studies (main body, not including annexes) should not exceed 100 pages. Contacts with industrial stakeholders, EU and Members State officials, academia, think-tanks may be required for this kind of study. The deadline would be identified in the specific tender, but should not exceed nine months, unless the topic/task reasonably requires a longer time for completion. In this case, the deadline will be agreed between the Agency and contractor. A visit to EDA premises, assisting in preparation of a presentation, giving the actual presentation and discussion on the particular topic could be a part of this requirement.

### **Pricing and tendering**

For each of the above defined services (2.5.1-2.5.4) the tenderer is requested to submit the following maximum prices as part of the tender (please see Annex II). This should also include travel expenses.

### **2.6 Management Plan, Consultation Strategy and Contractual Deliverables**

For each specific contract the contractor shall nominate a project manager. Where the specific contract is performed by a single expert, the expert shall act as project manager. The project manager shall be responsible for the overall management of the assignment and timely completion of the activities including ensuring the required level of quality and prompt delivery of reports. Information on the required deliverables, as well supplementary elements such as Management plan and Consultation strategy, will be included in the tender specifications which will be sent to the successful tenderers at the stage of reopening of competition.

### **Language**

The working language under this framework contract and the documentation to be provided shall be English. Therefore, tenderers must give evidence in their bids regarding proficiency in English (see section 3.2.3).

### **2.7 Specific Security Issues**

None

### **2.8 Description of the Contract**

The contract to be signed with the successful tenderers will be a framework contract. A framework contract is a legal agreement between two parties - in this case, the EDA and the Contractor. It acts as the basis for possible future purchase of services by the Agency. The framework contract contains, inter alia, a description of the scope of services that can be purchased by EDA, methodology, timing and maximum fees to be respected by the Contractor. It is a contract of a limited duration (one year renewable up to 3 times i.e. maximum four years) but with no fixed value, only an indicative total value. The framework contract itself is not an order for services or supplies and does not constitute a financial commitment. Services shall be requested under "specific contracts" or "order forms" (draft template provided in the annexes of the draft framework contract) linked to particular activities, over a given period.

#### **2.8.1 Implementation of the multiple framework contract with re-opening of competition**

Each time the Agency will need one of the Research, Analysis and Evaluation related services (mentioned in the section 2.5) all contractors concerned will be invited by email only to submit an offer for these services described in the invitation.

Within five working days, the contractors should express in writing (at least by email to [procurement@eda.europa.eu](mailto:procurement@eda.europa.eu)), their availability to carry out the services required. Unless otherwise specified by the Agency, within ten calendar days after the date of sending the request for services, the contractors shall provide the Agency with a written offer for the tasks required.

The Agency may allow a shorter or longer period for the submission of the offers in the request for services depending on the complexity and urgency of the required services.

The offer shall detail at least the methodology, the management plan and consultation strategy when applicable, the deliverables, the services to be provided, the composition of the team, the duration of work, the reporting process and the total price on the basis of the offered price (see Annex II) not exceeding the maximum price fixed in the framework contract.

The offers received will be evaluated by the Agency and the bidders will be ranked on the basis of the best value for money (see section 5 below). A specific contract will be then awarded to the best ranked bidder. Within 7 days of a specific contract being sent by the Agency to the contractor to whom the specific contract has been awarded, the Agency shall receive it back, duly signed and dated. The period allowed for the execution of the task shall start to run on the date the contractor signs the specific contract, unless a different date is indicated therein.

In the event of the agency has to reject twice a same report on grounds of a lack of quality, the Agency may terminate the specific contract by a written notification. Such a termination shall be without prejudice to any other remedies or consequences available to the Agency under the Contract or at law.

The award of the specific contract will be conditioned by the availability of sufficient funds.

**NB: No legal or financial commitment exists on behalf of either party until the specific contract is signed by both parties.**

## **2.9 Volume of the contract**

The maximum indicative amount of the multiple framework contract over a maximum duration of four years is EUR 1,000,000. Specific contracts will not be signed once the budget is exhausted.

## **2.10 Duration of the contract**

Each framework contract shall be concluded for one year, with the possibility of renewal for three extra periods of one year (i.e. for a maximum of four years).

## **2.11 Place of delivery/execution**

Deliverables concerning reports shall be delivered at EDA premises in Brussels, Belgium.



## **2.12 Payment Formalities**

Requests for payment under specific contracts shall be presented according to the conditions stipulated in article I.5 of the draft contract (Annex I to these tender specifications).

### 3 Exclusion and selection criteria

#### 3.1 Exclusion criteria

Participation to this tender is only open to tenderers who are not in one of the situations listed below:

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

In addition to the above, contracts may not be awarded to tenderers who, during the procurement procedure:

- are subject to a conflict of interest;
- are guilty of misrepresentation in supplying the information required by the contracting authority as a condition of participation in the contract procedure or fail to supply this information.

#### **Means of proof required**

Tenderers, **including all consortium members and all sub-contractors where applicable**, shall provide a declaration on their honour (see model in **Annex IV**), duly signed and dated, stating that they are not in one of the situations referred to above.

***Nota bene:***

The tenderer to whom the contract is to be awarded shall provide, within 15 days following notification of award and preceding the signature of the contract, the following documentary proofs to confirm the declaration referred to above:

- For points a), b) and e) a recent extract from the judicial record or, failing that, an equivalent document recently issued by a judicial or administrative authority in the country of origin or provenance showing that those requirements are satisfied.
- For point d) a recent certificate issued by the competent authority of the State concerned.

Where the document or certificate referred to above is not issued in the country concerned, it may be replaced by a sworn or, failing that, a solemn statement made by the interested party before a judicial or administrative authority, a notary or a qualified professional body in his country of origin or provenance.

### **3.2 Selection criteria**

The tenderers must submit evidence of their legal, economic, financial, technical and professional capacity to perform the contract.

#### **3.2.1 Legal capacity**

**Requirement**

The tenderers, **including all consortium members and all sub-contractors where applicable**, are asked to prove that they are authorised to perform the contract under their national law as evidenced by inclusion in a trade or professional register, or a sworn declaration or certificate, membership of a specific organisation, express authorisation or entry in the VAT register.

**Evidence required**

Each tenderer, **including every consortium member and every sub-contractor where applicable**, shall provide a duly filled in and signed **Legal Entity Form** (see **Annex V**) accompanied by the documents requested therein.

#### **3.2.2 Economic & Financial capacity**

**Requirement**

The tenderer, **including every consortium member where applicable**, must be in a stable financial position and have the economic and financial capacity to perform the contract.

**Evidence required**

Proof of economic and financial capacity shall be furnished by the tenderer, including every consortium member, as follows:

Where publication of the Balance sheet is required under the law of the country where the economic operator is established, the tenderer shall complete and include in the offer a financial statement form (Annex VIII) to these tender specifications.

Please observe the following aspects in completing this financial statement (Annex VIII):

- It should be certified by means of a signature of the chief accounting officer of the tendering organisation.
- EDA has the right during the tendering process and before awarding the contract to request further evidence on the tenderer's compliance with the economic & financial capacity requirement, in which case balance sheets and profit & loss accounts for the past financial years may be requested.
- In the case of a consortium submitting an offer, the financial statement should be included in the offer for all consortium partners.
- In the case of a physical person the financial statement should be included in the offer for where only the lines 16 and 17 need to be filled in and the financial statement can be signed by the physical person only.

If, for some exceptional reason which the EDA considers justified, the tenderer is unable to provide the information requested by the contracting authority, he may prove his economic and financial capacity by any other means which the EDA considers appropriate. EDA reserves the right to ask sub-contractors to prove their financial capacity should their share of work is substantial.

### **3.2.3 Technical and professional capacity**

#### **Requirement(s)**

To successfully conduct the contract the tenderer shall have:

1. Minimum 3 years of experience and knowledge on similar activities (Defence industry and market related research, analysis and evaluation services) as indicated in those specifications;
2. Staff with minimum 3 years of experience in the field of the contract requirements;
3. Past and present research experience which ensure good geographical coverage at the EU level or European wide network of experts
4. Good understanding of the defence and security sector and more specifically of the European Defence Technological and Industrial Base;
5. A team of experts who will have proficiency in English.

### **Evidence required**

The following documents or information must be presented as evidence of compliance with the technical and professional capacity:

- CVs according to template attached to this invitation to tender (Annex III) of the senior and junior experts to be involved in this contract;
- Additional information, if available, that proves expertise or evidence of professional capacity, such as e.g. recommendation letters, prizes won, certificates etc;
- List of past studies, reports, executive summaries contracts, consulting services provided on issues related to the EDTIB and the financial amount involved of similar contracts in the past 3 years;
- Technical proposal for a hypothetical scenario (see annex IX).
- Any other evidence the company might find necessary to prove professional capacity.

**The technical and professional capacity will be assessed in relation to the combined capacities of all the Consortium members [leader and member(s)] and the subcontractor(s), if any, as a whole.**

#### **4 Award of the framework contract**

Only the tenders meeting the requirements of the exclusion and selection criteria will be evaluated in terms of quality and (potentially) price.

The contract shall be awarded to maximum five best ranked tenderers submitting the admissible tenders offering the best-value-for-money (best quality-price ratio).

##### **4.1 Technical evaluation**

The quality of technical offers reaching this stage will be evaluated in accordance with the award criteria and the associated weighting as detailed in the evaluation grid below.

No	QUALITY CRITERIA	DETAILS OF THE QUALITY CRITERIA	Max points
1	<b>General management and methodology - Consistency of the technical proposal</b>	<ul style="list-style-type: none"> <li>- Tenderer's capacity to endorse responsibility for the general objectives of the contract, demonstrate a good understanding of the subject matter and the scope of the contract and produce the required results.</li> <li>- A detailed work programme for hypothetical scenario, methodology and reporting structure that explain how the various deliverables of the study are to be accomplished;</li> <li>- A detailed plan on how the contractor intends to identify and exploit sources of information related to the hypothetical scenario, coupled with a plan on how the contractor intends to present the information/outputs/results obtained.</li> </ul>	<b>60</b>
2	<b>Tenderer's organisation - Proposed Project Team</b>	<ul style="list-style-type: none"> <li>- Internal structure/organisation of the team in charge for the contract, support from the contractor (or companies in case of consortium).</li> <li>- Management of the internal resources, i.e. organization of the project team, work share between the companies (if required), and project team members.</li> </ul>	<b>40</b>
	<b>TOTAL</b>		<b>100</b>

### Interviews

Tender evaluation is not expected to include any interviews.

#### 4.2 Technical proposal

The assessment of technical quality will be based on the ability to meet the purpose of the contract as described in the terms of reference. In addition, to that purpose a hypothetical scenario for the specific requirement shall be used (see Annex IX). Tenderers shall also submit a technical proposal to respond to this specific requirement.

To this end, the technical proposal shall contain the following information to allow the Evaluation Committee to assess the tender according to the quality criteria mentioned above. The Evaluation Committee reserves the right not to attribute points when insufficient evidence is provided.

The information in the technical proposal must be consistent with the terms of reference and it shall have at least, the following:

- Detailed management plan and when applicable consultation strategy of internal/external resources (including for hypothetical bid), way to collect/analyse information and distribution of work per activity;
- Detailed analysis on how the contractor intend to anticipate the short response time/ad-hoc requests, including use of internal/external resources and way to collect/analyse information;
- A description of key roles and responsibilities of the key experts involved (whose CVs are required under section 3.2.3). This is valid for hypothetical bid as well;
- Indicate clearly all consortium members/ subcontractors (where applicable) and their specific roles and responsibilities/proportion of work. This is valid for hypothetical bid as well.
- Demonstration of availability, efficiency, flexibility and ability to respond on very short notice in similar past assignments, and assurance of proposed experts' availability and flexibility by any proof that the tenderer considers as suitable;
- Other information in order to assess the criteria established in section 4.1.

In addition to the above the tenderer must provide any relevant information concerning sub-contracting as requested in **section 1.5**.

#### **4.3 Technical quality threshold**

Only tenders scoring 70 points or more (of a maximum of 100) points against the technical award criteria will have their financial proposal evaluated.

#### **4.4 Financial evaluation**

The evaluation will be made on the basis of the price offered in the model financial offer (Annex II) and based on the following formula:

**Financial Score for “offer X” = (cheapest bid price received/price of “offer X”) \* 100**

Where a maximum budget is mentioned in these tender specifications, any tenderer submitting a financial proposal exceeding this budget will be rejected.

#### **4.5 Financial proposal**

- The financial proposal shall be presented in the format provided in Annex II. Noncompliance with the format or instructions set out in Annex II may lead to rejection of a tender.

- Prices must be quoted in EURO and include all expenses necessary to perform the contract.
- Prices shall be fixed and not subject to revision for the entire duration of the framework contract.
- Prices must be quoted free of all duties, taxes (such as VAT) and other charges, as EDA is exempt from such charges under Articles 3 and 4 of the Protocol on the privileges and immunities of the European Communities.
- Costs incurred in preparing and submitting tenders are borne by the tenderer and shall not be reimbursed.

#### **4.6 Choice of the selected tender**

The most economically advantageous tender is established by weighing technical quality against price on an **70/30** basis.

The consolidated score for each candidate shall be calculated as follows:

Consolidated score= Technical Score\*0,7+Financial Score\*0,3

The framework contracts will be awarded to the best ranked offers.

The number of awarded tenderers shall be **maximum five**.

If only one technically compliant offer is received the tender procedure will be cancelled.

Framework contracts will not be awarded to tenderers who, during the procurement procedure are guilty of misrepresentation in supplying the information required by the contracting authority as a condition of participation in the contract procedure or fail to supply this information.

### **5 Award of specific contracts**

Once the framework contracts have been signed, the Agency may, when the need arises, send an invitation to the selected contractors to submit offers for carrying out Defence industry and market related research, analysis and evaluations services in compliance with point 2.8.1

The specific contract will be awarded according to the criteria given below, on the basis of the most economically advantageous tender (quality/price ratio). Only bids that have reached a total score of a minimum of 70% will be taken into consideration for awarding the contract. Bids above the available budget for the specific contract (where the maximum budget is specified) or bids offering rate(s) which exceed the price ceilings defined in the framework contract shall be rejected.



**a) Technical award criteria** in their order of importance as weighted by percentage:

No	QUALITY CRITERIA	DETAILS OF THE QUALITY CRITERIA	Max points
1	<b>Understanding</b>	-Ability to endorse responsibility for the general objectives of the contract, demonstrate a good understanding of the subject matter and the scope of the contract and produce the required results;  -Definition and description of the tasks and how these tasks will be achieved;	<b>40</b>
2	<b>Methodology</b>	-A detailed work programme, methodology and reporting structure that explain how the various deliverables of the study are to be accomplished;  -A detailed plan on how the contractor intends to identify and exploit sources of information related to the study, coupled with a plan on how the contractor intends to present the information/outputs/results obtained.	<b>40</b>
3	<b>Project management and resources</b>	-Internal structure/organisation of the team in charge for the contract, support from the contractor (or companies in case of consortium);  -Management of the internal resources, i.e. organization of the project team, work share between the companies (if need be), and project team members; proportion of tasks executed by more senior staff *  -Timing, sequence and duration of proposed activities, identification of tasks and milestones in the execution of the contract, description of the project management including risk management.	<b>20</b>
	<b>TOTAL</b>		<b>100</b>

**\* tenderer shall indicate the percentage of man day allocated on the total duration of the specific project by category of staff as here below:**

Level of expertise in the field of the specific contract	Percentage of total man days
Senior expert with more than 15 year experience	
Expert with more than 10 year experience	
Expert with more than 5 year experience	
Junior expert with more than 3 year experience,	
<b>Total</b>	<b>100%</b>

**b) Price:**

Total price for services requested (2.5.1. Short Briefings, 2.5.2 Medium Briefings, 2.5.3 Short Studies or/and 2.5.4 Short Studies with workshops) shall be offered at the reopening of competition for each specific contract. The offered price must not exceed the maximum price fixed in the framework contract.

The specific contract will be awarded to the tender offering the best value for money established by weighing technical quality against price on a 70/30 basis.

Specific contracts will not be awarded to contractors who are guilty of misrepresentation in supplying the information required by the contracting authority as a condition of participation in the contract procedure or fail to supply this information.

For the implementation of the specific contracts, changes or additions to the team initially proposed must be notified to the Agency in writing. The Agency shall have the right to object to any changes of members of the team from those initially proposed. In case that the original expert or team is no longer available, the Agency will have the right to cancel the specific contract.

**ANNEX I - DRAFT CONTRACT**  
**(attached as a separate document)**

**ANNEX II - MODEL FINANCIAL OFFER**

Prices should be all-inclusive; the Agency will not pay expenses for any additional costs incurred from the execution of the contract.

<b>Name of Tenderer:</b>	
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Tenderers are requested to provide in the table below a maximum price per application. Incomplete submission of the financial offer or any alteration of the present form may result in the rejection of the tender.

<b>Services described under 2.5.</b>			
<b>Identification and support of projects</b>			
Type of services required	Maximum price per service in EURO (without VAT) (a)	Coefficient (b)	Weighted Maximum price per service in EURO (without VAT) (c)=(a)x(b)
2.5.1. Short Briefings (max. 10 pages, deadline 2-4 weeks)		X3	(1)
2.5.2 Medium Briefings (max. 20 pages, deadline 4-8 weeks)		X2	(2)
2.5.3 Short Studies (max. 50 pages, deadline up to 4 months)		X1	(3)
2.5.4 Short Studies with workshops (max. 50 pages, deadline up to 5 months)		X1	(4)
2.5.5 Medium Studies with workshops (max. 100 pages, deadline up to 9 months)		X1	(5)
Bid price for evaluation propose in point 4.4.= (1)+(2)+(3)+(4)+ (5)			
In all the above cases the price offered will be all inclusive without VAT (includes among other things, travel & subsistence expenses of experts,...)			

<b>Name:</b> (of the Tenderer or authorised representative)	<b>Signature:</b>	<b>Date:</b>

**Note:**

- The tenderer's financial offer must consist of **a single rate (fixed, not a range<sup>4</sup>)**. The above amounts must not be broken down further. The offered price shall serve as a ceiling for the price (per application or per man day for each category of expert) in future quotations under specific contracts (after re-opening of competition).
- The price must be quoted in EURO and include all expenses necessary to perform the contract.
- Price shall be fixed and not subject to revision for the entire duration of the Contract.
- Price must be quoted free of all duties, taxes (such as VAT) and other charges, as EDA is exempt from such charges.

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<sup>4</sup> In case a price range is indicated in the financial offer, the upper limit only shall be taken into consideration for the financial evaluation

### **ANNEX III - CURRICULUM VITAE**

To be downloaded from the following URL address:

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

#### ANNEX IV - DECLARATION ON EXCLUSION CRITERIA

**(To be completed and signed by each Consortium member and by each Sub-contractor, where applicable)**

The undersigned:

Name of the individual/company/organisation:

Legal address:

Registration number/ID Card No.:

VAT number:

Declares on oath that the individual/company/organisation mentioned above is not in any of the situations mentioned below:

- a) they are bankrupt or being wound up, are having their affairs administered by the courts, have entered into an arrangement with creditors, have suspended business activities, are the subject of proceedings concerning those matters, or are in any analogous situation arising from a similar procedure provided for in national legislation or regulations;
- b) they have been convicted of an offence concerning their professional conduct by a judgement which has the force of *res judicata*;
- c) they have been guilty of grave professional misconduct proven by any means which the EDA can justify;
- d) they have not fulfilled obligations relating to the payment of social security contributions or the payment of taxes in accordance with the legal provisions of the country in which they are established or with those of the country of the contracting authority or those of the country where the contract is to be performed;
- e) they have been the subject of a judgement which has the force of *res judicata* for fraud, corruption, involvement in a criminal organisation or any other illegal activity detrimental to the Communities' financial interests;
- f) following another procurement procedure or grant award procedure financed by the European Union or the Agency's general budget, they have been declared to be in serious breach of contract for failure to comply with their contractual obligations.
- g) they are subject to a conflict of interest;
- h) they are guilty of misrepresentation in supplying the information required by the contracting authority as a condition of participation in the contract procedure or fail to supply this information

Full name:

Date & Signature:

## **ANNEX V - LEGAL ENTITY FORM**

To be downloaded from the following URL address:  
[http://ec.europa.eu/budget/info\\_contract/legal\\_entities\\_en.htm](http://ec.europa.eu/budget/info_contract/legal_entities_en.htm)



**ANNEX VI - FINANCIAL IDENTIFICATION FORM**

**(attached as a separate document)**

**ANNEX VII - TENDER SUBMISSION FORM**

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**14.CPS.OP.060**

**MULTIPLE FRAMEWORK CONTRACTS (WITH REOPENING OF COMPETITION)  
FOR THE PROVISION OF RESEARCH, EVALUATION AND ANALYSIS RELATED  
SERVICES**

**One signed original** of this tender submission form must be supplied.

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**1. SUBMITTED by (i.e. the identity of the Tenderer)**

	<b>Name(s) of legal entity or entities submitting this tender</b>	<b>Nationality<sup>5</sup></b>
<b>Leader</b>		
<b>Member 2</b>		
<b>Etc ... <sup>6</sup></b>		

**2. SUBCONTRACTORS (if applicable)**

	<b>Name(s) of the legal entity or entities identified as sub-contractor(s)</b>	<b>Nationality</b>
<b>Sub-contractor 1</b>		
<b>Etc ... <sup>7</sup></b>		

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<sup>5</sup> Country in which the legal entity is registered

<sup>6</sup> If this tender is being submitted by an individual legal entity, the name of the legal entity should be entered as "Leader" (and all other lines should be deleted)

<sup>7</sup> Add / delete additional lines for sub-contractors as appropriate

**3. CONTACT PERSON for this tender (to act as focal point for all communication which may take place between the EDA and the Tenderer)**

<b>Name and position</b>	
<b>Organisation</b>	
<b>Address</b>	
<b>Telephone</b>	
<b>Fax</b>	
<b>e-mail</b>	

**4. STATEMENT**

I, the undersigned, being the authorised signatory of the above Tenderer (including all consortium members, in the case of a consortium), hereby declare that we have examined and accept without reserve or restriction the entire contents of the tender specifications for the tender procedure referred to above.

We are fully aware that, in the case of a consortium, the composition of the consortium cannot be modified in the course of the tender procedure except with the prior written authorisation of the EDA. We are also aware that the consortium members would have joint and several liability towards the EDA concerning participation in both the above procedure and any contract awarded to us as a result of it.

Our tender is subject to acceptance within the validity period stipulated in point 1.7 of the Tender Specifications and is made up of the following documents:

<b>ENVELOPE A - ADMINISTRATIVE DATA:</b>	
▪ This <b>Tender Submission Form</b>	<input type="checkbox"/>
▪ The duly filled in, signed and dated <b>Exclusion Criteria Declaration(s)</b> by every legal entity identified under point 1 and point 2 of this Tender Submission Form	<input type="checkbox"/>
▪ The duly filled in, signed and dated <b>Legal Entity Form</b> ( <i>using the standard template referred to in Annex V to the Tender Specifications</i> ) and the supporting documents requested therein, by every legal entity identified under point 1 and point 2 of this tender submission form	<input type="checkbox"/>
▪ The duly filled in, signed and dated <b>Financial Identification Form</b> ( <i>using the standard template in Annex VI to the Tender Specifications</i> ) to nominate the bank account into which payments would be made in the event that our tender is successful	<input type="checkbox"/>
▪ <b>Documents proving the economic and financial status</b> (as requested in point <b>3.2.2</b> of the Tender Specifications) of every legal entity identified under point 1 and point 2 of this tender submission form	<input type="checkbox"/>
▪ <b>Documents proving our technical and professional capacity</b> (as requested in point <b>3.2.3</b> of the Tender Specifications) - One signed original and four copies	<input type="checkbox"/>
▪ <b>Duly authorised signature</b> , i.e. an official document ( <i>statutes, power of attorney, notary statement, etc.</i> ) proving that the person who signs on behalf of the Tenderer is duly authorised to do so	<input type="checkbox"/>
▪ Our <b>consortium agreement/</b> duly signed and dated <b>consortium statement</b> by each of the consortium members specifying the company or person heading the project and authorised to submit a tender on behalf of the, as requested in point 1.4 of the tender specifications	<input type="checkbox"/>
<b>ENVELOPE B - TECHNICAL PROPOSAL</b> (one signed original and four copies and providing all information requested in point 4.2 of these specifications).	<input type="checkbox"/>
<b>ENVELOPE C - FINANCIAL PROPOSAL</b> (one signed original using the template in Annex II), <b>which is submitted in a separate, sealed envelope.</b>	<input type="checkbox"/>

Signed on behalf of the Tenderer

<b>Name</b>	
<b>Signature</b>	
<b>Date</b>	

**ANNEX VIII – ECONOMIC AND FINANCIAL CAPACITY**

*(Please fill in the excel file uploaded together with the tender documents)*

## **Annex IX- Hypothetical scenario for the short study with a workshop**

### **9.1 General requirements**

As explained in sections 4.2. and 5. of the Tender Specifications, the Agency will assess the merit of each tender against the qualitative evaluation criteria listed under section 5. To that end, the EDA has drafted "scenario" for which tenderers are to submit a proposal. There must be one distinct proposal for this scenario. The proposal shall be composed of a technical proposal which will be assessed against the qualitative award criteria (see section 4.1) together with other provided evidences. Financial proposal for hypothetical tender is not requested and will not be used in the evaluation. However, it must be noted that tenderer for this hypothetical technical proposal should not allocate more financial resources than the indicated maximum ceiling (see Annex II, short study with a workshop).

In the drafting of their proposals, tenderers are requested to bear in mind all the qualitative award criteria listed under 5 which will be used to assess the strengths and weaknesses of each proposal.

The Agency expects the proposals, corresponding to the scenario, to be complete, clearly presented and to demonstrate (see qualitative award criteria, in section 5) a) the following features:

- Demonstrate a good understanding of the subject matter and the scope of the contract and produce the required results;
- Definition and description of the tasks and how these tasks will be achieved;
- A detailed work programme, methodology and reporting structure that explain how the various deliverables of the study are to be accomplished;
- A detailed plan on how the contractor intends to identify and exploit sources of information related to the study, coupled with a plan on how the contractor intends to present the information/outputs/results obtained.
- Internal structure/organisation of the team in charge for the contract, support from the contractor (or companies in case of consortium);
- Management of the internal resources, i.e. organization of the project team, work share between the companies (if need be), and project team members;
- Timing, sequence and duration of proposed activities, identification of tasks and milestones in the execution of the contract, description of the project management including risk management.

The Tenderer shall make his own assumptions on the total allocation of resources (within the boundaries of indicated workload given at the end of the description of each scenario) and the specific profiles required to perform the scenario.

In addition to his assumptions on the workforce, the Tenderer shall also provide an outline of his internal and external organisation and his interaction with the Agency.

**9.2. Hypothetical Scenario: Obstacles to Consolidation of the Naval sector of EDTIB-short study with a workshop (see 2.5.4 for the requirements of this bid).**

The European Defence Industry is largely marked by fragmentation and duplication. This does not allow to achieve economies of scale, optimise the use of R&D funding and achieve greater competitiveness on the world market. Currently, Naval DTIB in Europe is characterized by national shipbuilding champions (DCNS in France, TKMS in Germany, Fincantieri in Italy, etc.). At the same time systems integrators role in Naval industry increased significantly. In majority of cases national alliances still prevail.

Description of the requirement:

The purpose of this hypothetical study is to identify the obstacles which are impeding consolidation of the naval sector in Europe and suggest recommendations for actions which could help to overcome them.

While performing this study contractor will be requested to:

- Identify main naval industrial stakeholders and their main suppliers (at least tier 2);
- Identify main shareholders of these stakeholders and their suppliers and how this affect companies' activities;
- Investigate financial situation of these stakeholders, their backlog of orders and potential future orders;
- Examine new upcoming programmes in Naval sector and analyse potential cooperation between companies or member states;
- Identify and examine potential obstacles to consolidation from different stakeholders perspective (Naval industry, Member states);
- Providing economic and impact assessment of possible consolidation by identifying some scenarios;
- Provide recommendations for ameliorating the situation and overcoming barriers for consolidation.

**A draft Management Plan** on the planning and methodology to be used to execute the hypothetical contract, including the main expected challenges, should be included in the tender. It shall be an integral part of this hypothetical bid.

**The Consultation Strategy** shall also be an integral part of this hypothetical bid. It shall contain an explanation of how the Contractor intends to identify access and exploit sources of information relating to the study objectives and how the EDA's Member States and other stakeholders, institutions, organisations, experts will be consulted, shall be provided.

**Please note that this hypothetical scenario and submitted technical proposals will be used only for evaluation of bids and selection of five best ranked tenderers for the multiple framework contracts. It will not be used for launching a full-fledged study.**