



Specifications attached to the Invitation to Tender

“Raw Materials for Defence Technologies”

Criticalities in the supply chain in the EU

14.ESI.OP.160

CONTENTS

INTRODUCTION TO EDA	4
1 OVERVIEW OF THIS TENDER	5
1.1 DESCRIPTION OF THE CONTRACT	5
TIMETABLE	5
1.2 PARTICIPATION IN THE TENDER PROCEDURE	5
1.3 PARTICIPATION OF CONSORTIA	6
1.4 SUB-CONTRACTING	6
1.5 PRESENTATION OF THE TENDERS.....	6
1.6 PERIOD DURING WHICH THE TENDERS ARE BINDING	8
1.7 CONTACTS BETWEEN THE EDA AND TENDERERS	8
1.8 VISITS TO EDA PREMISES	9
1.9 DIVISION INTO LOTS	9
1.10 VARIANTS	9
1.11 NEW SERVICES	9
1.12 SECURITY STANDARDS.....	9
1.13 CONTRACT PROVISIONS.....	10
2 TERMS OF REFERENCE	11
2.1 INTRODUCTION: BACKGROUND OF THE INVITATION TO TENDER	11
2.2 SCOPE OF THE CONTRACT	12
2.3 USE OF THE RESULTS.....	13
2.4 OUTLINE OF THE SERVICES REQUIRED.....	13
2.5 MANAGEMENT AND CONTRACTUAL DELIVERABLES	14
2.5.1 <i>Management</i>	14
2.5.2 <i>Meetings</i>	15
2.5.3 <i>Deliverables</i>	16
• D2.1: PROPOSAL FOR THE ASSESSMENT METHODOLOGY	16
• D2.2 WORKSHOP FOR VALIDATION OF DATA AND METHODOLOGY	16
• D 2.3: REPORT OF THE WORKSHOP	16
2.6 SPECIFIC SECURITY ISSUES	17
2.7 VOLUME OF THE CONTRACT.....	17
2.8 DURATION OF THE CONTRACT	17
2.9 PLACE OF DELIVERY/EXECUTION	17
2.10 TERMS OF PAYMENT	18
2.11 VARIANT SOLUTIONS	18
3 EXCLUSION AND SELECTION CRITERIA	19
3.1 EXCLUSION CRITERIA	19
3.2 SELECTION CRITERIA.....	20
3.2.1 <i>Legal capacity</i>	20
3.2.2 <i>Economic & Financial capacity</i>	20
3.2.3 <i>Technical and professional capacity</i>	21
4 AWARD OF THE CONTRACT	23
4.1 TECHNICAL EVALUATION	23
4.2 TECHNICAL PROPOSAL	24
4.3 TECHNICAL QUALITY THRESHOLD	25
4.4 FINANCIAL EVALUATION.....	25
4.5 FINANCIAL PROPOSAL.....	25
4.6 CHOICE OF THE SELECTED TENDER.....	25
ANNEX I - DRAFT CONTRACT	26

ANNEX II - MODEL FINANCIAL OFFER	27
ANNEX III - CURRICULUM VITAE.....	28
ANNEX IV - DECLARATION ON EXCLUSION CRITERIA.....	29
ANNEX V - LEGAL ENTITY FORM.....	30
ANNEX VI - FINANCIAL IDENTIFICATION FORM.....	31
ANNEX VII - TENDER SUBMISSION FORM.....	32
ANNEX VIII – ECONOMIC AND FINANCIAL CAPACITY	35
ANNEX IX.....	36

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 and strengthening the European Defence, Technological and Industrial Base.

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 2 of the present tender specifications.

Timetable

Summary timetable	Date	Comments
Launch date	30/10/2014	
Deadline for request of clarifications from EDA	04/12/2014	
Site visit or clarification meeting (if any)	Not applicable	
Last date on which clarifications are issued by EDA	10/12/2014, 17:00h, Brussels local time	
Deadline for submission of tenders	17/12/2014¹	Tenders delivered by hand shall be submitted not later than 17:00h Local Time
Opening session	18/12/2014 ²	At 10:00h Brussels local time
Interviews	Not applicable	
Completion date for evaluation of tenders	End of December 2014	Estimate
Signature of contract(s)	January 2015	Estimate

1.2 Participation in the tender procedure

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 The deadline for submission of tenders shall be considered to be the **date of receipt by the Agency of the tender**.

² 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.

1.3 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).

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

1.4 Sub-contracting

The tenderer must indicate clearly, which parts of the work will be sub-contracted.

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.

1.5 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.ESI.OP.160**
- the project title “**Criticalities in the supply of raw materials for defence technologies in the EU**”
- 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 0 and using the standard template in **Annex V**
- the duly filled in, signed and dated **Financial Identification Form³** using the template in **Annex VI**
- The **Economic & Financial Capacity** criteria documents as requested in section 0
- The **Technical & Professional Capacity** criteria documents as requested in section 0 - **One signed original and 3 (three) copies.**
- **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

³ 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

One signed original and 3 (three) 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.

1.6 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.

1.7 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:

A. 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 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.

B. 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.

1.8 Visits to EDA premises

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

1.9 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.

1.10 Variants

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

1.11 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.

1.12 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 23 September 2013 on the security rules for protecting EU classified information.

1.13 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.

2 Terms of Reference

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

2.1 Introduction: background of the invitation to tender

EDA wants to establish a comprehensive view on the supply chain of raw materials and potential shortages in the future for military technologies, and equipment to be able to make recommendations to mitigate, reduce or eliminate reliance on outside (non-EU) suppliers. Mapping the supply chain criticalities has been done for ammunitions, for electronic components and to a certain extent for the defence aerospace sector - all key sectors as they affect the operational capabilities of the Armed Forces in Europe, but should be done for all technologies and focus on the raw materials in particular.

Guaranteed access to raw materials and security of supply is important for all industries in Europe, but has a particular importance for the defence sector as it affects security and operational autonomy. Disruptions in the supply of raw materials for defence technologies has the potential to jeopardize defence capabilities, including the effect of the industry's ability to develop and support defence technologies and equipment. Unlike other sectors, the volume of materials used will be much smaller, but the strategic importance of unrestricted access may be different for defence.

Critical raw materials and technologies is a topic of international concern, and in Europe increasing efforts are being made to ensure security of supply. In order to make informed decision, this study needs to contribute to making an inventory of raw materials needed for defence technologies in the EU and identifying where potential risks are.

Raw materials used in defence applications and equipment are mostly similar to the ones used in civil applications. For example, Copper, Tungsten and Molybdenum are needed for ammunitions as a material for ballast, fragments generators and shape charges, nozzle throats and jet vanes (jet engine components). Rare Earths that are most used in defence industry are Dysprosium, Erbium, Europium, Gadolinium, Neodymium, Yttrium and Praseodymium. They are indispensable for ammunitions, aerospace, military surveillance systems, and military motors for catalytic converters, permanent magnets, battery cells, nuclear batteries, lasers and X-ray tubes. Gallium is highly needed for electronic components, integrated circuits, printed circuit boards (PCBs) and high power switching. Titanium in a high pure grade is of importance to many aerospace applications for fixed-wing aircrafts and helicopters; missile systems; naval vessels.

Not all MoDs in the Member States in the EU have the capacity to develop a strategy and a policy to consider the supply risks of metals and minerals, and yet the impact of shortages

will affect all EU countries. A picture for the EU as a whole and recommendations for mitigation strategies for the entire EU could be more effective, something which was confirmed in two workshops on the topic, with the national contacts in the MoD that deal with raw materials and with defence industry. Reports of the workshops should be used as background for this study.

2.2 Scope of the contract

Raw materials are vital. Without access to them, European defence industry will be hampered in its efforts to produce a range of products with cutting-edge features, and will have to adapt or manage dependence on a number of sources outside the EU. In order to mitigate against any such dependence, an EU strategy should be put in place together with a set of policy actions.

For some materials the risk of supply disruption is real, such as Rare Earths Elements (REE). The production of REE (mining as well as refining and manufacturing) is heavily geographical concentrated. To a large extent, Europe lacks these resources, on a commercial viable basis. Also, recycling of REE on a commercial scale is not highly developed in Europe. In the case of REE, China is a single source market and supplies more than 90% of the world market.

Reliable and stable supplies are essential for manufacturers to continue to develop and invest in defence technologies. The purpose of the proposed study is to support EDA in assessing criticality of raw materials for defence technologies. Europe's high dependence on imports of these materials means that key high-tech defence applications are facing bottlenecks -now and in the future- in their supply chain and thereby raising the need for developing policies and strategies to mitigate the risks.

Defence will have most likely a number of special features when assessing criticality of the raw materials used. Most of the materials are likely the same as the ones used for civil technologies. However, the quantities used will be much lower and the purity grades used, probably much higher. This needs to be quantified and described for the defence industry in Europe. Where for the civil technologies, the supply risk is calculated against economic importance, for defence purposes the economic importance is less relevant. Instead the strategic importance is a more suitable parameter and this should be thoroughly evaluated. Setting out these defence-specific issues is important.

To reduce European dependence on non-European sources, EDA wants to advise on policies such as developing alternative technologies, recycling or re-use and even opening or re-opening of mines or finding alternative sources. In order to do that, EDA needs to have a comprehensive understanding of the security of the defence supply chain in the EU, which requires understanding detailed knowledge of the sources and types of components and materials found in our weapon systems. To that end, the contractor write a comprehensive report on the use of raw materials in the defence industry. By collecting data from defence

companies and from geological surveys, the contractor should make calculations on the quantities used and identify for which materials the supply may be at risk.

2.3 Use of the Results

The data and assessment of the data will help EDA and industry to work together to make recommendations on reducing vulnerabilities to shortages of supply of materials. The final report will contribute to EDA's Security of Supply work strand and provide input to the specific element of raw materials in the EU-wide security of Supply Regime. The final report will be unclassified, but could contain a classified annex with a list and a description of technologies and subsystems containing critical raw materials. Also the datasets obtained from industry will be classified, but the conclusions of the assessment of the data will be used in policy documents.

2.4 Outline of the services required

- (a) Work package 1: Collect data and information on raw materials used in defence technologies. Data should come from European companies or companies based in the EU, covering the whole supply chain. The data should be quantifiable in order to calculate relative use of the raw materials compared to the sectors. Data should be collected by means of a survey to industry and should be obtained from commercial database sources (the contract allows for the purchase of data sets).

The data must be collected from defence companies. As these data are expected to be commercial-confidential, a mechanism should be put in place to securely handle the sensitive information in the sense that data can be related to technologies but not to individual companies.

Some quantitative uncertainty assessment and screening of the collected data should be undertaken and transparently explained.

The data should be presented in factsheets per raw material. The data should relate to the extraction of the raw materials but also to all the processing and refinement. Special focus should go to the rare earths elements.

- (b) Work Package 2: Develop a methodology to enable the criticality assessment of the data and information on raw materials that is collected and justify the choice of methodology. Not only the source of the raw material should be considered but the whole supply chain which usually covers 5 to 7 levels. Transformation industries have to assure high purity and quality materials and it is important that risks in losing the knowledge about those processes are identified as well. Organise a workshop with representatives from industry and the Ministries of Defence to validate the obtained datasets and the chosen methodology, and take corrective action if necessary.

- (c) Work Package 3: Assess the criticality of each material identified under point (a) on the basis of a sound methodological approach (b). The assessment should be done in order to be able to make claims of the potential consequences (or cost) of supply shortage in terms of strategic and operational impact. The assessment of criticality has to be comprehensive, including not only at source of extraction but in the entire supply chain, with a special focus on the raw materials processing industry.
- (d) Work Package 4: Compare the results of the assessment with the list of critical materials of the European Commission's Report on Critical Raw Materials for the EU, of May 2014 that identified a list of 20 materials that are critical. Draw conclusions on defence-specific issues, with special consideration of strategic importance, the purity grades, and the difference in quantities used by defence companies compared to civil industries.
- (e) Work Package 5: Propose recommendations to mitigate the identified supply chain vulnerabilities.

2.5 Management and Contractual Deliverables

2.5.1 Management

The Contractor shall appoint a Contract Manager who will be the single point of contact with the EDA and will be responsible for the execution of the study. The Contract Manager shall ensure the overall management of the study and an appropriate reporting all along the study execution, including:

- Coordination with EDA and its representatives;
- Preparation of reports/deliverables and high-level presentations;
- Preparation of meetings.

Dates to be proposed by the tenderer for the meetings and deliverables shall be expressed in terms of:

- T0 (date of kick-off meeting) +[x] months

An initial Management Plan shall be provided along with the tender for evaluation.

The Management Plan shall include among others:

- Provide evidence that the contractor endorses responsibility for the general objectives of the study, demonstrates a good understanding of the subject matter and the scope of the study and that will produce the required results.
- Propose any potential relevant adaptation in the logic of the study to improve its results.

- Present the work break down structure related to the tasks required and its compliance level with the functional and technical specification.
- Explain the organisation, methods and means intended to be used in the study.
- Provide an analysis of the structure and the preparation/organisation of the planned meetings/workshops during the study which will safeguard the quality of the expected results.
- Provide detailed risk management issues and methods.
- Explain the reporting structure and tools offered (for the reports and intermediate periods between the reports: beginning of the project, core effort, and ending of the project): work progress, achievements, remaining work and expected remaining spending, risks and difficulties, ways to reduce and manage risk levels and report on corresponding actions, updates proposed to the project structure and schedule, etc.
- Explain the monitoring structure proposed to ensure appropriate decisions and outputs in due time, including interaction with EDA and its representatives for work orientation matters.

The Management Plan shall be presented with the tender; however, it will be finalised and delivered by the selected contractor two weeks after the kick off meeting, having implemented all issues/comments raised by the Agency during the kick-of meeting. The Management Plan will be updated also as required by the Agency during the duration of the study.

2.5.2 Meetings

All meetings listed below will be contractual deliverables. The contractor will prepare the work needed regarding the content of the event (i.e presentations, working papers, etc.).

It is envisaged that during the contract execution a minimum of 3 technical meetings will take place as described below:

- Kick-off meeting to be held at EDA premises (within maximum 3 weeks from contract signature). The contractor is expected to deliver the Minutes of the meeting, gathering the relevant information discussed during the Kick-Off meeting, within two weeks from the date of the meeting.
- Progress meeting to be held approximately at T0+7 months in Brussels.
- Final meeting to be held at T0+11,5 months in Brussels.
- Teleconference with EDA staff, at least once per month

- One meeting to organise the workshop

2.5.3 Deliverables

All documents listed below will be contractual deliverables:

WP1

- D0.1: Final Management Plan
- D1.1: Survey for collection of data
- D1.2 Data sets (obtained in survey and purchased)
- D 1.3 Fact sheet per raw material with quantifiable data
- D1.4 First report with aggregated data and methodology

WP2

- D2.1: Proposal for the assessment methodology
- D2.2 Workshop for validation of data and methodology
- D 2.3: Report of the workshop

WP3

- D3.1: Briefing on the assessment of criticalities
- D3.2: Report on assessment of raw materials and identified criticalities

WP4 and WP5

- D4.1 Final Report. Document covering the study globally, including the comparison with the EU list, conclusions and recommendations
- D4.2: Executive Summary. Publishable document identifying the key conclusions and recommendations of the study.

The reports and all deliverables shall be submitted to the EDA for approval. These are to be submitted to the EDA Project Officer identified in the contract who is responsible for approving them.

The EDA will be entitled to ask for clarification of the elements and conclusions of the study and the contractor must provide such clarification in writing within two weeks. This revision procedure can be repeated as long as the final content is consistent with the EDA expectations. Clarification that is sought and provided is to be incorporated into the Final report. Acceptance certificate will be issued only after the approval by EDA of the deliverables.

Deliverable/Meeting	Content	Delivery date	WP
Kick-Off Meeting	Presentation of Contractor's approach through draft Management Plan	T0	WP0
D 0.1	Final Management Plan in line with the conclusions of the Kick-Off Meeting	Between T0 and T0+2 weeks	WP1 WP2
D 1.1	Survey for collection of data	T0+3,5 months	WP1
D 1.2	Data sets (obtained in survey and purchased)		
D 1.3	Fact sheet per raw material with quantifiable data	T0+6,5 months	
D 1.4	First report with aggregated data and methodology		
D 2.1	Workshop for validation of data and methodology		WP2
D 2.2	Report of the workshop		
D 3.1	Briefing on assessment of criticalities		WP3
D 3.2	Interim Report on assessment of raw materials and identified criticalities		
Progress Meeting	Presentation of the progress of the project and of interim report	T0+7 months	
D 4.1	Final Report		WP 4 + 5
D 4.2	Executive Summary		
Final Meeting	Presentation of the work carried out in all work packages	T0+11,5 months	

All documentation shall be provided in English.

The reports/deliverables are to be delivered electronically to the EDA Project Officer. Once all deliverables are approved by the EDA, all presentations and reports shall be delivered on CD-ROM in 4 copies, and in 2 paper copies.

2.6 Specific Security Issues

This contract will be CONFIDENTIEL EU/EU CONFIDENTIAL

2.7 Volume of the contract

The maximum contract value is 200.000 EUR (VAT excluded). Any offer exceeding 200.000 EUR will be rejected.

Interim payment shall be made.

2.8 Duration of the contract

Estimated contract implementation period: 12 months.

2.9 Place of delivery/execution

The contractor shall execute the contract at its premises. Deliverables shall be delivered at EDA premises in Brussels, Belgium. All meetings shall normally be held at EDA premises, unless otherwise indicated in this document or agreed between the two parties.

2.10 Terms of Payment

Pre-financing

No pre-financing payment will be made for the implementation of the ensuing service contract.

Interim Payment

An interim payment of 30% of the total contract value shall be made following the delivery and acceptance of the interim report D.3.2.

Payment of the Balance

Under the conditions set out in the draft contract annexed hereto, payment of the balance equal to 70% of the total amount shall be made following the delivery of final report and all deliverables accepted.

2.11 Variant solutions

Not applicable.

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:

- A multinational team with experience of working in different EU countries with at least 2 projects delivered EU-wide in the last three years
- Experience in survey techniques, data collection, statistical analyses and drafting reports and recommendations
- Knowledge on defence, defence industry and raw materials - having at least 3 projects delivered in any of these fields during the last 5 years and include

- experts - part of the team delivering the service - that have experience in the above fields
- A good understanding of the key issues in supply chain of raw materials and knowledge of the Raw Materials Initiative of the European Commission
- A network of contacts in defence companies and access to data, or knowledge about sources where data on raw materials can be obtained or purchased.

In order to handle classified information in the frame of the present contract:

- The contractor must be in the possession of a Facility Security Clearance (FSC) at the appropriate level, up to Confidential UE/EU confidential.
- The Contractor's personnel who have a need to know must be in the possession of a Personal Security Clearance at the appropriate level, up to Confidential UE/EU confidential;
- The same obligation to hold the above mentioned clearances is applicable to consortium members, Co-contractors or any other individual which, in the frame of the contract **are to handle** classified information.

Evidence required

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

- A list of minimum 3 relevant services and/or projects (such as contracts, studies, etc.) performed by the tenderer corresponding in terms of scope and complexity to the services of the present call for tenders with a list of publications, and meeting the technical and professional capacity requirements, showing the experience listed above;
- A list of CVs of the project team members (the team delivering the service), clearly showing the knowledge and experience required above. The use of Europass CV template found in Annex III is strongly recommended.
- A description of the external sources or network that the contractor will use to collect and/or buy the data needed for the study.

EDA, as Contracting Authority, shall receive, by the deadline for tendering, the below required evidence issued by the National Security Authority (NSA)/ Designated Security Authority (DSA) or any other competent security authority of the EU Member State in which the potential contractor or subcontractor concerned is registered:

- Proof of Personal Security clearance(s) of all personnel who have a need to know, who will be granted access to EUCI information up to Confidential UE/EU confidential
- Proof of a Facility Security Clearance(s) for facilities where information classified Confidential UE/EU confidential will be handled or/and stored (Confirmation to be addressed by NSA/DSA or abovementioned equivalents to EDA Security)

The tenderers and potential subcontractors are requested to fill out the form found in Annex IX to these Tender Specifications and submit it together with their tender.

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 contract

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

The contract shall be awarded to the tenderer submitting the tender offering the best value for money (best quality-price ratio).

4.1 Technical evaluation

The quality of each technical offer will be evaluated in accordance with the award criteria and the associated weighting as detailed in the evaluation grid below.

No	CRITERIA	Max points
1	<p>Quality and Suitability of the proposed Statement of Work:</p> <ul style="list-style-type: none"> - Identification, full coverage and rationale of the important items and key issues - Adequacy to the proposed Work Breakdown Structure - Collection of data from commercial sources and from industry - Development of a methodology and to assess criticality - Benchmark the outcome of the assessment with results of the EU's Raw Materials list - Meet the technical requirements and scope of the study - Readability and clarity of the Technical Offer 	50
2	<p>Work Organisation:</p> <ul style="list-style-type: none"> - Internal structure/organisation of the team (roles, responsibilities and interactions). - Balance of the team (multinational, cross-disciplinary) - Division of labour between the team members (leader, experts, etc.) and the proportion of time each will dedicate to the study, review cycles of the output, quality reviews of the deliverables - In case of a consortium, the work share between consortium entities should also be provided - Estimated man hours devoted to each WP and assigned experts 	30
3	<p>General Management and Methodology:</p> <ul style="list-style-type: none"> - Compliance of the Project Management Plan with the subject, scope and services required for the study - Description of the methodology suggested to fulfil the objectives of the study - Coordination with EDA 	20

	- Risk management tools for capturing technical, financial and planning risks	
	TOTAL	100

Interviews

The Evaluation Committee does not expect to conduct any interviews.

4.2 Technical proposal

The Tenderers shall present evidence that they are capable to deliver a high quality of support and written deliverables. Tenderers shall also include in their tender all detailed information and documentation to allow the Evaluation Committee to assess all the quality criteria mentioned above. The Evaluation Committee reserves the right not to attribute points when insufficient evidence is provided.

To do so, tenderers shall include in their bids, an executive summary listing the key points developed in the proposal with reference to the appropriate sections in the proposal and the addressed criteria.

Tenderers should also include in their bids:

- a) A detailed Programme Management Plan: describing tasks, milestones, interdependencies and the associated schedule
- b) A description of the reference methodologies and approaches proposed to be applied for the conduct of the study
- c) Indicate clearly all consortium members and their specific roles & responsibilities/ proportion of work. The respective consortium partner should be clearly specified for each part or task.
- d) A description of the roles and responsibilities of the experts involved in delivering the service (whose CV's are required under section 3.2.3)
- e) A description of the sources of the data (collected data, or purchased data)
- f) Other information in order to assess the criteria established in 4.1

4.3 Technical quality threshold

Only tenders scoring 70 points or more (of a maximum of 100) points against the technical award criteria and a minimum of 50% per 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 should be presented in the format found in **Annex II**.
- Prices must be quoted in **EURO** and include all expenses necessary to perform the contract.
- The price quoted is fixed and is subject to **NO revision**.
- Prices must be quoted free of all duties, taxes and other charges (including VAT) as the EDA is exempt from such charges under Article 3 of the Protocol on the Privileges and Immunities of the European Union.
- 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 a **70/30** basis.

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

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

ANNEX I - DRAFT CONTRACT

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.

Financial proposals exceeding the amount indicated in Section 2.7 shall be excluded outright.

Name of Tenderer:	
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TOTAL COST OF ASSIGNMENT, INCLUDING ALL ASSOCIATED EXPENSES AND EXCLUDING VAT :	€
--	----------

Name: (of the Tenderer or authorised representative)	Signature:	Date:
--	-------------------	--------------

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

ANNEX VI - FINANCIAL IDENTIFICATION FORM

To be downloaded from the following URL address:

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

ANNEX VII - TENDER SUBMISSION FORM

14.ESI.OP.160

“Raw Materials for Defence Technologies”

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

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

	Name(s) of legal entity or entities submitting this tender	Nationality⁴
Leader		
Member 2		
Etc ... ⁵		

2. SUBCONTRACTORS (if applicable)

	Name(s) of the legal entity or entities identified as sub-contractor(s)	Nationality
Sub-contractor 1		
Etc ... ⁶		

⁴ Country in which the legal entity is registered

⁵ 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)

⁶ 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)

Name and position	
Organisation	
Address	
Telephone	
Fax	
e-mail	

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:

ENVELOPE A - ADMINISTRATIVE DATA: (one signed original, three copies and one electronic copy on CD rom or USB key)	
▪ This Tender Submission Form	<input type="checkbox"/>
▪ The duly filled in, signed and dated Exclusion Criteria Declaration(s) 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 Legal Entity Form (<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 Financial Identification Form (<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"/>
▪ Documents proving the economic and financial status (as requested in point 3.2.2 of the Tender Specifications) of every legal entity identified under point 1 and point 2 of this tender submission form	<input type="checkbox"/>
▪ Documents proving our technical and professional capacity (as requested in point 3.2.3 of the Tender Specifications) - One signed original and three copies	<input type="checkbox"/>
▪ Duly authorised signature , 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 consortium agreement/ 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, as requested in point 1.4 of the tender specifications	<input type="checkbox"/>
ENVELOPE B - TECHNICAL PROPOSAL (one signed original, three copies and one electronic copy on CD rom or USB key and providing all information requested in point 4.2 of these specifications).	<input type="checkbox"/>
ENVELOPE C - FINANCIAL PROPOSAL (one signed original using the template in Annex II), which is submitted in a separate, sealed envelope.	<input type="checkbox"/>

Signed on behalf of the Tenderer

Name	
Signature	
Date	

ANNEX VIII – ECONOMIC AND FINANCIAL CAPACITY

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

Information on financial capacity of the tenderer			
The numbers in the below cells must be indicated in ABSOLUTE VALUES (i.e. as full amounts and not in			
The exchange rate to be used for the conversion of the amounts should be the monthly accounting rate of the			
Tenderer name:			
Begin and end of the financial year (eg: 1/1/n - 31/12/n):			
Asset	2013	2012	2011
Long term assets (assets convertible in cash in > than 1 year)	€ 0	€ 0	€ 0
Short term assets (current assets convertible in cash in =< than 1 year)	€ 0	€ 0	€ 0
Total assets (TOTAL ASSETS SHOULD EQUAL TOTAL LIABILITIES)	€ 0	€ 0	€ 0
Liabilities	2013	2012	2011
Own capital (Equity)	€ 0	€ 0	€ 0
Long term debts (to be repaid in > than 1 year)	€ 0	€ 0	€ 0
Short term debts (to be repaid in =< than 1 year)	€ 0	€ 0	€ 0
Total liabilities (TOTAL LIABILITIES SHOULD EQUAL TOTAL ASSETS)	€ 0	€ 0	€ 0
Profit and loss account data	2013	2012	2011
Turnover (sales revenue realized from the day-to-day operations of the entity)	€ 0	€ 0	€ 0
Turnover in the filed of the call for tenders	€ 0	€ 0	€ 0
Depreciation & amortisation	€ 0	€ 0	€ 0
EBITDA (Earnings before interest, taxes, amortisation, depreciation)	€ 0	€ 0	€ 0
Net profit (Earnings after interest, taxes, amortisation, depreciation)	€ 0	€ 0	€ 0
Main indicators	2013	2012	2011
Operational profit margin (EBITDA/turnover)			
Return on Equity: Rentability of own capital (net profit/own capital)			
Net working capital (current assets - current liabilities)			
Current ratio (current assets/current liabilities)			
Debt ratio - indebttness (debts/total liabilities)			
Declaration by the Chief Accounting Officer of the tenderer:			
From my position of the Chief Accounting Officer of the tenderer,			
1. I confirm that the information presented in this simplified financial statement are correct and are taken from the official financial statements either finally approved, or from the preliminary financial statements in case these are not yet finally approved (applicable only to the last year statements).			
2. I confirm that I am aware that, in the case we are successful tenderer, EDA, before signing the contract, may ask and verify the official financial statements for the last 3 years.			
3. I confirm that I have been informed that, under the Procurement rules of the EDA (Council Decision No 2007/643/CFSP of 18 September 2007), tenderers found guilty of false declarations may be subject to administrative and financial penalties in accordance with the conditions laid down in that Decision. In particular, I am aware that the information from this simplified financial statement must be in compliance with the official financial statements which EDA may verify before signing the contract.			
Name of Chief Accounting Officer of the tenderer:			
Date:			
Signature:			

Annex IX

**INFORMATION SHEET FOR POTENTIAL CONTRACTOR(S) / SUBCONTRACTOR(S)*
TENDER PROCEDURE N°. -----**

I, (name of the legal entity submitting this tender), the undersigned, declare the below information I provide for this tender is true and complete.

REQUEST

I. Facility particulars

1. Full facility name :
.....
2. Full facility physical address :
.....
3. Mailing address (if different from 2) :
.....
4. Zip code / city / country :
.....
- 5 Security officer
Name :
Phone # :
Fax # :
e-mail :

II. Security requirements **

- Holds or is in condition to hold a FSC before the awarding date of the contract**
 At level Secret-UE / EU Secret
 Confidentiel UE / EU Confidential
- With safeguarding of classified documents :
 yes,
 At level Secret-UE / EU Secret
 Confidentiel UE / EU Confidential
 no.
- Does not need a FSC since it will not be provided with or granted access to classified information at level Confidential UE / EU Confidential or above**
- Complies with the Security requirements to handle Restreint UE/EU Restricted information at its premises.**
- Will not be provided with classified information at Restreint UE/EU Restricted level.**

REMARKS :

.....

SIGNATURE ON BEHALF OF THE TENDERER

Name : Date :

* Please use one form per contractor/subcontractor;
 ** Please tick the appropriate box(es)