

**ESPON 2013 Update of the Data Navigator,  
including Iceland and Liechtenstein  
(ESPON Data Navigator 2012)**

**TERMS OF REFERENCE  
Version 11 January 2012**

**Technical and Administrative  
Terms and Conditions**

Implementation Framework:

The ESPON 2013 Operational Programme

Adopted by European Commission

Decision C (2007) 5313 of 7 November 2007



The present document detailing both Technical and Administrative Terms and Conditions, including its annexes constitutes the dossier of the present call for tender. Its original copy is kept in the Contracting Authority's records and is the only version that is deemed authentic. The announcement of the call for tender is published at the ESPON Website ([www.espon.eu](http://www.espon.eu)) and the dossier is published at the national and European level via the Portail des Marches Publics of Luxembourg ([www.marches.public.lu/](http://www.marches.public.lu/)).

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## 1 PART I: TECHNICAL TERMS AND CONDITIONS

### 1.1 Background information

The ESPON 2013 Programme, the European Observation Network for Territorial Development and Cohesion, has been adopted by the European Commission on 7 November 2007. The Programme budget is part-financed at the level of 75 % by the European Regional Development Fund under Objective 3 for European Territorial Cooperation. The remaining part of the Programme budget is financed by the 31 countries participating, 27 EU Member States and 4 Partner States, Iceland, Lichtenstein, Norway and Switzerland.

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

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

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

The contract resulting from this call for tender, subject of these terms of reference is foreseen in the framework of Priority 3, Scientific platform and tools.

### 1.2 Objective of the contract

#### 1.2.1 Analytical tools development as priority

As it is stated in the ESPON 2013 Operational Programme, “(...) *in keeping the ESPON knowledge up to date a number of targeted actions updating indicators, maps and corresponding tools are previewed.*” In particular, “(...) *progress on the scientific platform shall continue by consolidating, maintaining and updating of existing tools, including core indicators, maps and scientific methods*”.

In fact the scientific platform and analytical tools represent a core element in the knowledge base of ESPON and for supporting the preparation of effective territorial policies. Tools for territorial analysis are necessary for the application and use of data for policy, strategy and planning formulation.

Tools development within ESPON 2013 shall be targeted to the use of policy makers and practitioners at all administrative levels (including cross-border and transnational groupings) and will enable the use of information and data by these particular groups of stakeholders (or participatory approach for the elaboration of policy, development strategies and plans). They will be made available via the ESPON website, and will also be at the disposal of the general public, including researchers and university students, thereby contributing to the formation and consolidation of a European research field on territorial development and cohesion.

### ***1.2.2 The ESPON Data Navigator***

In this frame, it is important continuously to maintain, develop and expand the existing scientific platform and analytical tools. One of these tools is the ESPON Data Navigator. The Data Navigator indeed has shown to be a useful tool for providing an European inventory and overview on relevant European statistics, covering the national and regional as well as European and transnational level in order to support the ESPON projects.

In the first version, ending in 2003, the Data Navigator was elaborated as a compilation of 19 inventories, one from each of the 15 Members States. Further one input covered the European and transnational level dealing with EU institutions and INTERREG Programmes, and three contributions deal with relevant data in the forthcoming EU members in Baltic and the CADSES area and finally one was covering the Mediterranean basin. In the second version of 2005, separate contributions of the acceding countries replaced the first inputs and a general update of the time series and availability has been carried out.

Based on a questionnaire (See Annex E), the Data Navigator provides unique information on the principal sources on relevant European statistics. It offers access to main statistical series, geographical data sets, maps and databases and territorially relevant data on different regional levels. It also contains metadata on nomenclatures, periodicity, projection, scale, scope and quality of data. In addition, full contact details and responsibilities and any access conditions, including costs and copyrights are listed.

The information covers the full range of thematic fields of interest within ESPON, in particular: territorial typologies, population, employment and labour market, wealth and production, enterprises and investments, transport, research and development, utilities, telecommunication, household oriented infrastructure, land use, environment, agriculture, social situation, housing, cultural sites, tourism, and public sector. Sub-themes related to each of these categories allow further investigation in more detail.

The Data Navigator is available at the ESPON website<sup>1</sup>.

### ***1.2.3 Update of the ESPON Data Navigator***

The ESPON Monitoring Committee has approved to carry out a service contract to update the ESPON Data Navigator of 2005, including also Iceland and Liechtenstein. The end result will be an updated handbook which supports the search for relevant territorial data and maps across Europe in an enlarged European Union and in particular ensuring the full coverage of the

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<sup>1</sup> [http://www.espon.eu/main/Menu\\_ScientificTools/ESPON2006Tools/datanavigator.html](http://www.espon.eu/main/Menu_ScientificTools/ESPON2006Tools/datanavigator.html)

countries participating in the ESPON 2013 Programme (EU 27 plus Norway, Switzerland, Iceland and Lichtenstein).

Moreover, the update of the Data Navigator should be compatible with the structure of the ESPON 2013 Database, considering the themes, subthemes and metadata model adopted, which is INSPIRE-compliant. Detailed information on the structure of the ESPON 2013 Database, including themes and subthemes is available in the respective technical report “A two-step approach to structure the ESPON 2013 DB by themes and sub-themes”, available on the ESPON Database website<sup>2</sup>.

Finally, the choice of data formats or software applications will have to take into account these requirements, and could include products developed under free licenses.

This service contract must be implemented in close cooperation with the ESPON Coordination Unit and the ESPON Database Project in order to ensure the full compatibility of the ESPON Scientific Platform and Tools.

### **1.3 Tasks related to the contract**

The tasks of updating the ESPON Data Navigator shall comprehend the following:

- Survey based on a revised questionnaire for the 31 national data inventories (full coverage of the countries participating in the ESPON 2013 Programme: EU 27, Norway, Switzerland, Iceland and Liechtenstein);
- An update of the existing inventories for the countries participating in the ESPON 2013 Programme;
- Compilation of new inventories for Iceland, Liechtenstein and the EU Accession and Candidate countries (Croatia, FYR Macedonia);
- An update of the existing inventories for other EU Candidate countries (Turkey, Montenegro) and other Balkan countries: Albania, Bosnia and Serbia;
- An update of the downloadable version of the Data Navigator (.xls file, version 12 September 2005);
- An interactive version of the Data Navigator - ESPON Data Navigator Application.

The sections here below detail more precisely the tasks related to this contract.

#### ***1.3.1 Survey based on a revised questionnaire for the 31 national data inventories (full coverage of the countries participating in the ESPON 2013 Programme: EU 27, Norway, Switzerland, Iceland and Liechtenstein);***

In order to ensure comparable information and make aggregation to European wide scale feasible, all inventories will be based on the questionnaire. Each inventory shall consider the items and revise the current version of the questionnaire, which includes the variables in the current version of the Data Navigator on how to access to territorially relevant data included as Annex E. The identification of principal datasets and data sources relevant for territorial development and included in the questionnaire is based on the main datasets available at European level (principally through Eurostat). In addition, variables and indicators envisaged as

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<sup>2</sup> <http://database.espon.eu/reports>

constituting core elements, in terms of data and maps, within the different ESPON ongoing projects (to be undertaken by the Transnational Project Groups) are to be included as well.

The questionnaires and inventories requested shall include the themes and subthemes covered by the structure of the ESPON Database. In addition, the questionnaires should consider and propose an operational correlation to the topics covered in the previous versions of the ESPON Data Navigator (See Annex E).

- Agriculture
- Communication Technology
- Cultural Sites
- Employment and Labour Market
- Enterprises and Investments
- Environment
- Household oriented infrastructure
- Housing
- Land Use
- Population
- Public Sector
- Research and Development
- Social Situation
- Spatial Typologies
- Telecommunication and Information Society
- Tourism
- Transport
- Utilities
- Wealth and Production

As a guideline for the information of availability of data, the reference scale for the work will be NUTS 2 and NUTS 3. In particular cases, data will relate to other geographical levels (e.g. LAU 1) or grids.

The information collected on available datasets and data sources shall include the following:

- Sources of main statistical series, geographic datasets and databases, including web-hosted providers;
- Metadata: nomenclatures, periodicity, projection, pertinence, scale, scope, quality, generalisation, gaps and anomalies, compatibility and harmonisation issues. The metadata developed by the ESPON Database Project, which is INSPIRE compliant, should also be taken into consideration in this service contract;
- Contact person, organisations and their responsibilities: full contact details;
- Conditions for delivery, including costs and copyright.

### ***1.3.2 Update of existing inventories for the countries participating in the ESPON 2013 Programme***

The inventories produced during 2003 and 2005 covering the EU members States, plus Norway and Switzerland shall be updated following the new questionnaire proposed in order to provide an accurate and reliable overview on European statistics, covering the national and regional as well as European level of all countries participating in the ESPON 2013 Programme.

In particular the inventory shall follow the questionnaire mentioned under point 1.3.1), cover the above listed themes and ensure coherence with the work developed in the previous phase. The methodology chosen for the development of this task shall avoid the duplication of the information already collected in the previous phase of the Data Navigator and in particular be aimed at updating, validating and completing the current inventories.

### ***1.3.3 Compilation of new inventories for Iceland, Liechtenstein and the EU Accession and Candidate countries (Croatia, FYR Macedonia);***

Based on the updated questionnaire mentioned under Point 1.3.1), new inventories should be produced for Iceland, Liechtenstein as Partner States of the ESPON 2013 Programme and the EU Accession/Candidate Countries (Croatia, Former Yugoslav Republic of Macedonia,) as they do not exist in the current version of the ESPON Data Navigator.

Update of existing inventories for the for other EU Candidate countries (Turkey, Montenegro) and other Balkan countries: Albania, Bosnia and Serbia In order to cover the Balkan countries, in particular all the EU Candidate countries, which are also part of the analysis of some ESPON projects under Priority 1, the existing inventories for Turkey, Montenegro, Albania, Bosnia, and Serbia should be updated according to the new questionnaire mentioned under Point 1.3.1)

It is important to refer that the naming, codes and protocol order of the countries at their regions should respect the adopted European rules and agreements available<sup>3</sup>.

In addition, the decision taken by the ESPON Monitoring Committee in relation to the naming and representation of Cyprus (to be provided by the ESPON Coordination Unit to the contracted service provider) should also be followed.

In the absence of EU information on this topic, the protocol adopted by the UN and ISO standards<sup>4</sup> should be considered. In case of doubt the ESPON Coordination Unit should be informed and consulted on this process.

### ***1.3.4 Update of downloadable version of the Data Navigator***

Following the finalisation of tasks 1.3.1 to 1.3.4 of this service contract, the downloadable version of the Data Navigator shall be updated. In particular the excel file available on the ESPON website<sup>5</sup> shall be replaced by an updated excel file extended with the information collected through the new inventories for each of the countries participating in the ESPON Programme.

The structure of the file gathering the information for the different inventories shall include the following aspects:

- Country Name;
- Theme / Subtheme;
- Nomenclatures of the statistical series / Geographic datasets / Maps / Databases (also including web-hosted providers);
- Sources of the statistical series / geographic datasets / maps / databases;
- Periodicity / estimate / quality / gaps and anomalies;

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<sup>3</sup> <http://publications.europa.eu/code/pdf/370000en.htm#pays>

<sup>4</sup> [http://www.iso.org/iso/country\\_codes/iso\\_3166-faqs/iso\\_3166\\_faqs\\_specific.htm](http://www.iso.org/iso/country_codes/iso_3166-faqs/iso_3166_faqs_specific.htm)

<sup>5</sup>

[http://www.espon.eu/export/sites/default/Documents/ScientificTools/ESPON2006Tools/DataNavigator/data\\_navigator\\_12-09-2005.xls](http://www.espon.eu/export/sites/default/Documents/ScientificTools/ESPON2006Tools/DataNavigator/data_navigator_12-09-2005.xls)

- Administrative level (NUTS,...) / regional coverage / geographical scale / raster / grid / other formats;
- Reports where data were already analysed / print / electronic media (USB, CD-Rom);
- Costs and copyrights;
- Contacts and their responsibilities / full contact details;
- Website and e-mail address.

Within this task the service contractor is also expected to reorganise and improve the structure of the excel file in order to better present the results of the tasks 1.3.2, 1.3.3 and 1.3.4 in a way that could improve the readability of the file.

### ***1.3.5 Interactive version of the Data Navigator - ESPON Data Navigator Application***

Following the finalisation of tasks 1.3.2 to 1.3.4, the service provider shall update the interactive version of the Data Navigator as a simple application or programme in order to facilitate the queries to the data inventories. In particular this interactive version shall reflect and incorporate the information collected through the new inventories produced and updated.

Furthermore, regarding the implementation of the Interactive version of the Data navigator, the service provider is expected to cooperate closely with the service provider in charge of the ESPON website. This application is envisaged to be made available at the ESPON website. It shall enable individual online selection of data sources by themes, country, regional level and availability of geographical and statistical information.

As example, it should allow applying filters allowing simple or combined queries considering the following attributes:

- Themes, subthemes;
- Different geographical levels: European, regional (NUTS 2 and NUTS 3) and local (LAU 1 and LAU 2);
- Different types of data: statistical, geographical, grid, network;
- Years of reference, periods of time.

## **1.4 Expected deliveries**

In line with the services requested, the following deliveries should be provided to the ESPON Coordination Unit:

1. A questionnaire (a revised version of the existing) to be used for the national data inventories, including all necessary and relevant information on how to access to territorially data (See point 1.3.1 and Annex E);
2. An update of the existing inventories for the countries participating in the ESPON 2013 Programme (See point 1.3.2);
3. A compilation of new inventories for Iceland, Liechtenstein, Croatia (for which the signature of the Accession Treaty is envisaged by the end of 2011) and the EU Candidate country (Former Yugoslav Republic of Macedonia,) plus update of existing inventories for other EU candidate countries (Turkey and Montenegro) and other Balkan countries: Albania, Bosnia and Serbia (See point 1.3.3 and 1.3.4);

4. An update of the downloadable version of the Data Navigator, i.e. an excel file reflecting the results of the tasks 1.3.1 to 1.3.4 (See point 1.3.5);
5. Interactive version of the Data Navigator - ESPON Data Navigator. This means an application of the Data Navigator to be integrated in the ESPON web server through the ESPON web service provider and to be available through the ESPON website (See point 1.3.6);
6. A concise report (app. 10-15 pages both in paper version and electronic format), including a simple and easy readable handbook on the use of the Data Navigator (including practical examples), a description of the tasks undertaken by the team directly related to the services requested. Finally, the report should include recommendations and present concrete proposals for future updates of the ESPON Data Navigator.

## **1.5 Timetable**

This service is envisaged to be carried out during the course of 12 months (maximum). The implementation of the service is based on the following timetable and specification of outputs:

- Month 6 (Intermediate output): Deliveries 1, 2, 3 and 4;
- Month 10 (Draft Final output): Delivery 5 (Draft version) and delivery 6 (Handbook on the use of the Data Navigator, draft version);
- Month 12 (Final output): Update and Final version of deliveries 4, 5 and 6, integrating comments from the ESPON Coordination Unit.

## 2 PART II: ADMINISTRATIVE TERMS AND CONDITIONS

The procurement if this contract is done according to Luxembourg Law of 25 June 2009 on public procurement<sup>6</sup> and the Luxembourg regulation of 3 August 2009<sup>7</sup> on the implementation of the public procurement law.

If a service provider is interested in the work described under Part I of this Terms of Reference, it is invited to submit a tender. The part II of this Terms of Reference presents the administrative Terms and Conditions the applicants have to respect in the frame of this contract notice.

### 2.1 Main stakeholders, roles and responsibilities

#### 2.1.1 Contracting Authority

The Managing Authority is responsible for managing and implementing the operational programme of ESPON 2013. The function of the Managing Authority has been delegated to the Ministry of Sustainable Development and Infrastructures, Department for Spatial Planning and Development of the Grand Duchy of Luxembourg.

#### **Ministry of Sustainable Development and Infrastructures Department for Spatial Planning and Development**

Visiting address:  
4, Place de l'Europe  
L-1499 Luxembourg

Postal address:  
L-2946 Luxembourg

Head of the Managing Authority: Mr. Romain Diederich, Premier Conseiller de Gouvernement  
Contact Person: Mr. Thiemo W. Eser, Responsable Affaires Européennes  
Tel: +352 478-6934 / Fax: +352 40-8970 / E-mail: Thiemo.Eser@mat.etat.lu

The Managing Authority is the awarding authority of the present contract. The Managing Authority, supported by the ESPON Coordination Unit, will implement the monitoring of the update of the ESPON Data Navigator.

#### 2.1.2 ESPON Coordination Unit

The ESPON Coordination Unit acts as the secretariat for the ESPON 2013 Programme. It provides technical support for among others, the Monitoring Committee and the Managing Authority.

#### **ESPON Coordination Unit**

##### **Director Mr. Peter Mehlbye**

71-73 Rue Adolphe Fischer L-1520 Luxembourg  
Grand-Duché de Luxembourg  
Tel: +352-545580-700, Fax: +352-545580-701 Mail: info@espon.eu

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<sup>6</sup> <http://www.legilux.public.lu/leg/a/archives/2009/0172/a172.pdf>

<sup>7</sup> <http://www.legilux.public.lu/leg/a/archives/2009/0180/index.html>

As regards the present contract, the ESPON Coordination Unit, as support of the Managing Authority, will monitor the work performed by the service provider all along the contract. The Coordination Unit will also facilitate the access to the information needed to perform the work. The ESPON Coordination Unit will be responsible for checking that the contract aims are respected and quality standards observed.

## **2.2 Description and type of contract**

### **2.2.1 Service contract**

The contract is a service contract. The contract will be governed in accordance with the laws of the Grand-Duchy of Luxembourg. All disputes arising out or in connection with this service contract shall be settled by the competent jurisdiction of the District Court of Luxembourg in the first instance.

The contract will be valid until the acceptance of the final delivery and maximum a period of 18 months and will become applicable from the date when it is notified to the successful tenderer.

The services should be in conformity with the description provided in sections 1.3 and 1.4 and shall be delivered according to the deadlines indicated in section 1.5.

English will be the working language for all oral and written communication and deliveries of the service provision.

### **2.2.2 Termination**

In case any services delivered are not in conformity, claims may be filed within 15 working days from the date of delivery. In case of any delays in the performance of services ordered or provided in the contract, the contracting authority may apply penalties for late deliveries for an amount equal to 0,15% of the total maximum amount specified, per calendar day of delay.

The contracting authority will reserve the right of terminating the contract in case of wrong and / or repeated breach of the obligations by the successful tenderer. This contract may be terminated by the contracting authority with not less than three months notice, given by registered letter with proof of receipt. The date of termination will be the date mentioned in the notice. This decision will not result in any payment of compensation.

### **2.2.3 Place of execution**

There is no obligation in relation to the place of execution of the services. If not explicitly indicated for certain actions, services described in sections 1.3 to 1.5 shall be delivered by default to Luxembourg.

### **2.2.4 Main terms of financing and payment**

The address where the invoice should be sent is the following:

ESPON Coordination Unit  
CRP HT - P.O. Box 144  
L-4221 Esch-sur-Alzette  
Grand-Duché de Luxembourg

The invoice shall be in line with the services described in these terms of reference after the services have been fully provided. The invoice will include an original invoice and a duplicate (copy) mentioning the following indications in addition to legal information:

- Details of services provided
- Date(s) of delivery
- Name of the ESPON 2013 Programme and our reference : Update ESPON Data Navigator
- Contract code
- Legal name and address of the contractor/service provider
- Full bank details or postal details as specified in the tender : Bank name and address including SWIFT (BIC) and IBAN for international payments
- Sum exclusive of tax
- Clear mention of VAT rate applicable : “VAT Payer with reverse charge procedure<sup>8</sup>”, “VAT Payer in the Member States of the service provider” or “Exempt of VAT”
- VAT and sum inclusive of tax if applicable
- Invoice reference of the service provider
- Invoice date

The total amount shall be paid, following the receipt of the invoice, within 30 days after the approval of the deliveries by the contracting authority.

### **2.3 Budget available**

The maximum available budget for this contract is **€ 75.000 (seventy five thousands Euros)** inclusive of all taxes (incl. VAT) and if applicable, travel, accommodation and delivery costs.

### **2.4 Procedure of accessing Terms of Reference**

The present Terms of Reference can be accessed under the “*Portail des Marchés Publics*<sup>9</sup>” by downloading the Technical and Administrative Terms and Conditions and its annexes, free of charge, via the creation of and/or login with a user account of the “*Portail des Marchés Publics*”.

After 17 February 2012, 7 days before the submission deadline, it will not be possible to download the Terms of Reference via the “*Portail des Marchés Publics*” any longer.

### **2.5 Contractor: individual, joint tender and or subcontracting**

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

In any case the file must specify very clearly whether each company involved in the tender is acting as a partner in a joint tender or as a subcontractor (this also applies where the various

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<sup>8</sup> According to council directive 2008/8/E.

<sup>9</sup> <http://www.marches.public.lu/>

companies involved belong to the same group, or even where one is the parent company of the others). The tenderers must describe in their proposal how their cooperation will be organised in order to achieve the expected results. This organisation must cover both technical aspects and administrative/financial issues.

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

### **2.5.1 Joint tender**

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

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

This can take the form of:

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

### **2.5.2 Subcontracting**

Certain tasks provided for the contract may be entrusted to subcontractors, but the main contractor retains full liability towards the contracting authority for the performance of the contract as a whole. Accordingly, the contracting authority will treat all contractual matters (e.g. payment) exclusively with the main contractor, whether or not the tasks are performed by a subcontractor. Under no circumstances can the main contractor avoid liability towards the contracting authority on the grounds that the subcontractor is at fault.

If subcontracting is proposed, the file must include a document mentioning the reasons why subcontracting is proposed; stating clearly the roles, activities and responsibilities of subcontractor(s) and a letter of intent by each subcontractor stating its intention to collaborate with the tenderer if he wins the contract. During execution of the contract, the contractor will need the contracting authority's express authorisation to replace a subcontractor with another and/or to subcontract tasks for which subcontracting was not envisaged in the original tender.

If a joint tender is submitted or if subcontractors are proposed, the declaration relating to the exclusion criteria and the documents concerning the selection criteria referred to in points 2.8.1 and 2.8.2 below must be provided by each of them. Lack of documents may lead to the exclusion and/or to the non selection of the external evaluator.

The selection criteria referred to in point 2.8.2. will for joint tenders/tenders including subcontractors be assessed in relation to the combined capacities of the economic operators in respect of the other clauses of these tender specifications.

## **2.6 Procedure for submitting the offers and opening**

### **2.6.1 Submission of offers**

Tenders must be delivered in an original and a copied version in English language, to the address indicated below at the latest by **27 February 2012 by 14h00**.

#### **ESPON Coordination Unit**

Attention of Peter Mehlbye  
71-73, Rue Adolphe Fischer L-1520 Luxembourg  
Grand-Duché de Luxembourg

Either:

- **Against receipt by hand delivery** at ESPON CU premises **from Mondays to Fridays, from 9h00 to 12h00 and 14h00 to 17h00 before the deadline and closing time for receiving tenders** indicated above,

Or

- By **registered mail with notice of receipt** (see address indicated above), **to reach the recipient before the deadline and closing time for receiving tenders** indicated above.

Any tenders that may be served or for which acknowledgement of receipt may be delivered after the abovementioned deadline and closing time will not be considered and will be sent back unopened to the senders.

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

The name of the tenderer

The address of the tenderer

Zip Code, City and Country of the tenderer

ESPON Coordination Unit

Attention of Peter Mehlbye

**Update of ESPON Data Navigator**

**“DO NOT OPEN”**

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

1. The **first interior envelope** shall strictly mention «**Envelope No.1 – Administrative and Technical Part** » and contain information on the tender in compliance with supporting evidence and competences described in the call for tenders and according to the provisions of section 2.7 hereof. One signed original and one copy should be provided.
2. The **second interior envelope** shall strictly mention «**Envelope No. 2 – Financial Offer**» and will contain documents relating to the Financial offer according to the provision of section 2.7 hereof. One signed original and one copy should be provided.

Any tenders delivered in non-sealed (unclosed) envelopes will not be considered and will be sent back unopened to the senders.

### ***2.6.2 Opening of the tender***

The tenders received in due time and place will be opened on **27 February 2012 by 14:00** in the premises of the ESPON Coordination Unit. One representative per tenderer can be present at this opening session. Tenderers who plan to attend the opening session have to inform the ESPON Coordination Unit by fax (+ 352 54 55 80 701) or email at [info@espon.eu](mailto:info@espon.eu), mentioning in the subject of the email “*Opening Call for Tender Data Navigator*” by **24 February 2012 by 17:00** at the latest.

## 2.7 Content of the offer (administrative part, technical part and financial offer)

All tenders must be clear, complete and consistent with all the requirements laid down in the tendering documents. Tenders must be:

- signed by the tenderer or its duly authorized representative
- perfectly legible so that there is no doubt about word and figures

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

### **FIRST INNER ENVELOPE: ADMINISTRATIVE AND TECHNICAL PARTS**

The first inner sealed envelope contains both the administrative documents and the technical proposal.

#### **ADMINISTRATIVE PART**

For the administrative part, the tender must include the following documents:

#	Requested documents	Ref.	Explicative notes
1	Letter of commitment	Annex A	ORIGINAL signed by the authorised representative of the tenderer and stamp of the company  The Letter confirms the validity of the tender for a period of four months from the deadline for the submission of the tender. The signature (preferably in blue ink) will be considered as the signature of the tender, binding the service provider to the terms included in the tender;
2	General and financial information form  And related supporting documents	Annex B  And Section 2.8.2	ORIGINAL filled in and signed by (an) authorised representative(s) and stamp of the company  Supporting documents needed to prove that the tenderer meets the selection criteria : <i>copy of act of incorporation, certificate of commercial registrar, bank statements or professional risk insurance certificate, balance sheets and profit and loss accounts for last 2 years, turnover statement for last 3 years, VAT identification certificate, ...;</i>
3	Declaration of honour  And related supporting documents	Annex C  And Section 2.8.1	ORIGINAL filled in and signed by (an) authorised representative(s) and stamp of the company  Supporting documents needed to prove that the tenderer meets the exclusion criteria: <i>extract of Judicial record, certificate of tax office for payment of taxes, certificate of social security office for payment of social contributions, ...;</i>

4	Technical capacity information	See Section 2.8.2	<p>List of professional experiences / credentials of the service provider in any of the following fields: territorial development, Territorial Cooperation Programmes, geographical analysis, statistics and programming interactive tools.</p> <p>List of the principal services in the field of the Terms of Reference during the last 3 years (detailed description of work), with the amounts, dates and recipients, whether public or private, of the services provided. Services which are directly relevant to the tender being made should be listed separately).</p>
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Please note that if a joint tender is submitted and / or subcontracting is proposed, annexes B and C and related supporting documents must be provided by each of the joint partners and subcontractors. A letter of intent by each subcontractor stating its intention to collaborate with the tenderer if he wins the contract must also be included in case of subcontracting, as well as the reasons why subcontracting is proposed must be described.

Tenders not including the necessary evidence may be rejected. The Contracting Authority reserves the right, however, to request clarification or additional evidence in relation to the exclusion and selection stages after the opening within a time limit stipulated in its request and in the conditions explained under section 2.9.1.

## **TECHNICAL PROPOSAL**

The technical section must thus address all the requirements laid down in sections 1.3 and 1.4. Information included here will be used to conduct the technical evaluation of the tenders on the basis of the evaluation award criteria listed under section 2.8.3.

The technical proposal should include a description of the services offered and more specifically:

- Description of understanding of the purpose of the study, the relevant issues and services to be completed;
- Description of the understanding of all the deliveries to be completed;
- Description of the methodology to be used in order to ensure high quality and accuracy to the tool developed. Moreover, in order to ensure user friendliness to the tool developed, the tenderer shall include visual examples that clarify how the tenderer intends to update the present tool.
- Names, affiliation, relevant professional qualifications, and experience of key management and staff responsible for the performance of the service.

The contracting authority will reject tenders where no technical offers are proposed.

## **SECOND INNER ENVELOPE: FINANCIAL OFFER**

The tenderer shall submit a price covering the total services requested in EURO using the financial offer template provided (see **Annex D**). The Annex D must be **ORIGINALLY** signed by the tenderer's representative and stamped.

The prices must include all the costs associated with purchasing and producing the deliverables as well as the travel and accommodation costs of the kick-off meeting and the pertinent delivery costs to the ESPON Coordination Unit in Luxembourg, if any. No other expenses will be paid by the ESPON Managing Authority.

The Contracting Authority will reject tenders with no financial offer included or offers where the price for services is not provided. Tenders with a higher total price than the specified budget (section 2.3) will be rejected.

No indexation of the price is allowed. The price quoted must be firm and not subject to revision. Tenderers from countries outside the euro zone have to quote their prices in Euro. A price quoted may not be revised in line with exchange rate movements. It is for the tenderer to select an official exchange rate and assume the risk of the benefits deriving from any variation.

As regards the VAT, the tenderers are asked to complete the **Annex D** with the VAT rate applicable in their case according to the 3 following cases:

- **Either** the tenderer is taxable and applies the VAT rate applicable of its own country on the services to be provided (country where the supplier of the services is located):
- **Or** the tenderer is taxable and applies the new rules on the place of services (reverse charge principle<sup>10</sup>) with the VAT rate applicable where the customer is situated: in this case, the tender must complete the VAT rate with 15% applicable in Luxembourg.
- **Or** the tender is exempt from VAT: in this case, the tender must clearly specify that the services provided are exempt from VAT and must let the VAT box blank. However, please note that the tenderer takes the responsibility of being exempted. Meaning that in case of an error, if the Contracting Authority is at a later stage address by the VAT bureau about this contract, the tenderer will be asked to reimburse the VAT share of the contract.

Should any doubt subsist in relation to the VAT applied for these services, please contact your local tax office.

No financial guarantee is needed for this contract.

## 2.8 Assessment of tenders

The assessment of tenderers and tenders will be processed as follows:

- 1) Exclusion of tenderers on the basis of the exclusion criteria
- 2) Selection of tenderers on the basis of the selection criteria
  - General information
  - Capacity in economic and financial terms
  - Capacity in technical and professional terms
- 3) Evaluation of tenders on the basis of the award criteria

The different steps are further described in the sections below.

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<sup>10</sup> COUNCIL DIRECTIVE 2008/8/EC of 12 February 2008 amending Directive 2006/112/EC as regards the place of supply of services

### **2.8.1 Exclusion of tenderers on the basis of the exclusion criteria**

Tenderers shall provide in the tender a **declaration on their honour**, duly signed and dated, stating that they are not in one of the situations listed below (by using the model provided in **Annex C**). They also have to provide supporting documents as detailed in section (3) below.

The exact wording of Articles 222, 223 and 224 of the Luxembourg regulation of 3 August 2009 implementing the law of 25 June 2009 on public procurement applies for the exclusion of tenders. The following instruction in English is taken from Art. 45 (1), (2), and (3) of Directive 2004/18/EC which build the EU legal base for the formulation Articles 222-224 of the above mentioned Luxembourg regulations.

(1) Any candidate or tenderer who has been the subject of a conviction by final judgment of which the contracting authority is aware for one or more of the reasons listed below shall be excluded from participation in a public contract:

- (a) participation in a criminal organization, as defined in Article 2(1) of Council Joint Action 98/733/JHA11 (Articles 322 à 324ter of Luxembourg Penal Code);
- (b) corruption, as defined in Article 3 of the Council Act of 26 May 1997<sup>12</sup> and Article 3(1) of Council Joint Action 98/742/JHA13 respectively (Articles 246 to 249 of Luxembourg Penal Code);
- (c) fraud within the meaning of Article 1 of the Convention relating to the protection of the financial interests of the European Communities<sup>14</sup> (Articles 496-1 to 496-4 of Luxembourg Penal Code);
- (d) money laundering, as defined in Article 1 of Council Directive 91/308/EEC of 10 June 1991 on prevention of the use of the financial system for the purpose of money laundering<sup>15</sup> (Article 506-1 of Luxembourg Penal Code and Article 8-1 of the modified law of 19 February 1973 concerning drug-related sales).

For the purposes of this section (1), the contracting authorities shall, where appropriate, ask tenderers to supply the documents referred to in section (3) and may, where they have doubts concerning the personal situation of such candidates or tenderers, also apply to the competent authorities to obtain any information they consider necessary on the personal situation of the candidates or tenderers concerned. Where the information concerns a tenderer established in a State other than that of the contracting authority, the contracting authority may seek the cooperation of the competent authorities. Having regard for the national laws of the Member State where the tenderers are established, such requests shall relate to legal and/or natural persons, including, if appropriate, company directors and any person having powers of representation, decision or control in respect of the tenderer.

(2) Any economic operator will be excluded from participation in a contract where that economic operator:

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<sup>11</sup> OJ L 351, 29.12.1998, p. 1.

<sup>12</sup> OJ C 195, 25.6.1997, p. 1.

<sup>13</sup> OJ L 358, 31.12.1998, p.2.

<sup>14</sup> OJ C 316, 27.11.1995, p. 48.

<sup>15</sup> OJ L 166, 28.6.1991, p. 77. Directive as amended by Directive 2001/97/EC of the European Parliament and of the Council of 4 December 2001 (OJ L 344, 28.12.2001, p. 76).

- (a) is bankrupt or is being wound up, where his affairs are being administered by the court, where he has entered into an arrangement with creditors, where he has suspended business activities or is in any analogous situation arising from a similar procedure under national laws and regulations;
  - (b) is the subject of proceedings for a declaration of bankruptcy, for an order for compulsory winding up or administration by the court or of an arrangement with creditors or of any other similar proceedings under national laws and regulations;
  - (c) has been convicted by a judgment which has the force of res judicata in accordance with the legal provisions of the country of any offence concerning his professional conduct;
  - (d) has been guilty of grave professional misconduct proven by any means which the contracting authorities can demonstrate;
  - (e) has not fulfilled obligations relating to the payment of social security contributions in accordance with the legal provisions of the country in which he is established or with those of the country of the contracting authority;
  - (f) has not fulfilled obligations relating to the payment of taxes in accordance with the legal provisions of the country in which he is established or with those of the country of the contracting authority;
  - (g) is guilty of serious misrepresentation in supplying the information required under this section or has not supplied such information.
- (3) In case of the award of the contract, the contracting authority shall accept the following as sufficient evidence that none of the cases specified in section (1) or 2(a), (b), (c), (e) or (f) applies to the economic operator:
- (a) as regards paragraphs 1 and 2(a), (b) and (c), the production of an extract from the 'judicial record' or, failing that, of an equivalent document issued by a competent judicial or administrative authority in the country of origin or the country whence that person comes showing that these requirements have been met;
  - (b) as regards paragraph 2(e) and (f), a certificate issued by the competent authority in the Member State concerned.

Where the country in question does not issue such documents or certificates, or where these do not cover all the cases specified in paragraphs 1 and 2(a), (b) and (c), they may be replaced by a declaration on oath or, in Member States where there is no provision for declarations on oath, by a solemn declaration made by the person concerned before a competent judicial or administrative authority, a notary or a competent professional or trade body, in the country of origin or in the country whence that person comes based on the model (see declaration in **Annex C**).

The contracting authority may waive the obligation of the winning tenderer to submit the documentary evidence referred to above if such evidence has already been submitted to it for the purposes of another procurement procedure and provided that the issuing date of the documents does not exceed one year and that they are still valid.

Tenderers are also excluded from the award if, during the procurement procedure, if they are guilty of misrepresentation in supplying the information required by the Contracting Authority as a condition of participation in the contract procedure or fail to supply this information.

### **2.8.2 Selection of tenderers on the basis of the selection criteria**

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

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

(1) General information:

- (a) General information on the tenderer. Please complete, date and sign the general information sheet in Annex B.
- (b) Commercial undertakings must provide a transcript or a certificate, issued by the competent body – namely the commercial registrar – in their country of provenance or the country of their main office, of their incorporation as commercial undertakings, as well as a copy of their act of incorporation. Non-commercial undertakings must provide a copy of their act of incorporation only, if, under the law of their country of provenance or the country of their main office, they are not subject to public registry. Non-commercial physical persons must provide a copy of their passport or other equivalent identification document;

(2) Economic and financial capacity:

- (a) Appropriate statements from banks or evidence of professional risk indemnity insurance (e.g. relevant page(s) of the insurance policy, indicating the subject area covered and the amount of the coverage);
- (b) The presentation of balance sheets or extracts from balance sheets and the profit and loss statements (copy of the audited annual accounts) for at least the last two years for which accounts have been closed and audited, where publication of the balance sheet is required under the company law of the country in which the economic operator is established or equivalent documentation if it is not the case.
- (c) A statement of overall turnover and its turnover in respect of the services to which the contract relates during the last three financial years. Commercial undertakings established less than three years on the date of publication of the present call for tenders must give evidence of their financial capacity by providing equivalent documents.

If, for some exceptional reason which the contracting authority considers justified, the tenderer is unable to provide the references requested under points 2.8.2 (2) (a)-(c) he may prove his economic and financial capacity by any other means which the contracting authority considers appropriate.

(3) Technical and professional capacity:

- (a) Tenderers must provide proof of at least 3 years of professional experience in any of the following fields: territorial development, Territorial Cooperation Programmes, geographical analysis, statistics and programming interactive tools.
- (b) A list of the principal services shall be provided in the field of the Terms of Reference during the last 3 years (detailed description of work), with the amounts, dates and recipients, whether public or private, of the services provided. Services which are directly relevant to the tender being made should be listed separately).

### **2.8.3 Evaluation of the tenders on the basis of the award criteria**

The following evaluation criteria (in total 100 points) will be used in the technical evaluation of the offers:

- 1) Understanding of the services offered (max. 30 points)
  - Demonstration of an in-depth understanding and knowledge of European wide regional statistics in the field of territorial development and the overall aim and the specific objectives of the tool in relation to the results envisaged.
  - Detailed understanding of the deliveries to be provided.
- 2) Methodology proposed for the implementation of the results envisaged (max. 40 points)
  - Relevance and appropriateness of the methodology proposed to update and develop the ESPON Data Navigator as envisaged in Part I of this Terms of Reference;
- 3) Qualification and relevant professional experience of the exact team of the service provider which would be appointed to execute this particular service contract. (max. 30 points)
  - Knowledge of the fields of expertise to be covered and project management experience in relation to the requested services.

#### Minimum score per criterion (threshold):

Tenders scoring less than 50% of the maximum score for any individual evaluation criterion will be considered of insufficient quality and will be rejected.

#### Minimum total score (threshold):

Tenders with a total score of less than 60 points at the end of the evaluation process will be considered of insufficient quality and will be rejected.

The award criteria will be set in relation to the price and the total number of points achieved for the evaluation criteria. A ratio X, as defined below, will be used for the selection of the offer with the best value for money.

$$X = \frac{\text{Total number of points (achieved in technical evaluation)}}{\text{Price}}$$

The tender with the highest value X is considered offering the best value for money ratio.

The contract will be awarded to the tender, presenting the highest ratio (i.e. the highest X).

After the award decision has been taken, the Contracting Authority will inform tenderers including the reasons for any decision.

### **2.8.4 Principles for awarding the contract**

Initiation of a tendering procedure imposes no obligation on the Contracting Authority to award the contract. As well, fulfilment of the conditions of the call for tenders imposes no obligation on the contracting authority to award the contract. The Contracting Authority shall not be liable for any compensation with respect to tenderers whose tenders have not been accepted. Nor shall it be

so liable if it decides not to award the contract. Expenditure on preparing and submitting tenders is non-refundable.

## **2.9 Further Information**

More information on the ESPON 2013 Programme can be found at [www.espon.eu](http://www.espon.eu).

### ***2.9.1 Contacts with the Contracting Authority***

Contacts between the Contracting Authority and the tenderers are prohibited throughout the procedure apart from exceptional circumstances and under the following conditions only:

#### **Before the final date of the submission of the tender:**

- The Contracting Authority may, at its own initiative, inform interested parties if any error, inaccuracy, omission or any clerical error in the text of the Call for Tender occurs.
- At the request of the tenderer, the Contracting Authority 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 email to the following address: [info@espon.eu](mailto:info@espon.eu). Requests for additional information received less than 7 days before the closing date for submission of tenders will not be processed.

Any information including that referred to above will be sent simultaneously to all tenderers who have requested the tender documents.

#### **After the opening of the tenders:**

- If clarification is required or if obvious clerical errors in the tender need to be corrected, the Contracting Authority may contact the tenderer provided the terms of that, and only if, the tender is not modified as result.

### ***2.9.2 Confidentiality***

The material provided for the preparation of the tender can only be used for the preparation of this tender and has to be kept confidential.

All the documents submitted by tenderers become the property of the Contracting authority. These documents will be considered as confidential.

### 3 PART III: ANNEXES

Annex A – Letter of Commitment

Annex B – General information, Legal Entity and Financial Information sheet

Annex C – Declaration concerning the exclusion criteria

Annex D – Template for financial proposal

Annex E – Questionnaire for the inventories on access to territorial relevant data in Europe

**Annex E – Questionnaire for the inventories on access to territorial relevant data in Europe**

Themes to be covered	Nomenclatures of the statistical series/ Geographic datasets/ Maps/ Databases (also including web-hosted providers)	Sources of the statistical series/ geographic datasets/ maps/ databases	Periodicity / estimate / quality / gaps and anomalies	Administrative level (NUTS, regional aggregate of) / regional cover / Geographical scale / raster / grid /other formats	Reports where data were already analysed / Print / Electronic media (USB, CD-Rom)	Available cartography / symbolisation / schematic spatial representations	Costs / copyright	Contacts and their responsibilities; full contact details
<b>1. Spatial typologies often used in reporting systems</b>								
Regional typologies, functional regions, spatial classifications, city systems and hierarchies	Available yes/no which							
<b>2. Population</b>								
Age, foreigners, education, mobility, commuting, training, households etc.								
<b>3. Employment and labour market</b>								

Age, gender, qualification by sector etc.								
<b>4. Wealth and production</b>								
GDP, gross value added, income, net production etc.								
<b>5. Enterprises and investment</b>								
Foundation, sectors, foreign investments etc.								
<b>6. Transport</b>								
Goods and people, volume and values, time and modes, safety etc.								
<b>7. Research and Development</b>								
Invention, innovation, diffusion, investments public and private, infrastructure etc.								
<b>8. Utilities</b>								

Energy by source, disposal etc.								
<b>9. Telecommunication and information society</b>								
Infrastructure supply, access, use etc.								
<b>10. Household orientated infrastructure</b>								
Healthcare, amenities, retail, education supply etc.								
<b>11. Land use, land structure, settlement structure, natural resources</b>								
Land use, land occupation, geological and bio-geological data, coast line, mountains, water, mining, forests etc.								
<b>12. Environment</b>								

Pollution on the base of the Driving Force-Pressure - State - Impact - Response DPSIR approach Classifications of protected areas etc.)								
<b>13. Agriculture</b>								
Land use, farmer structures, employments, dependencies								
<b>14. Social situation</b>								
Poverty measurements, segregation etc.								
<b>15. Housing</b>								
Availability, quality etc.								
<b>16. Cultural sites</b>								
Inventories, classifications etc.								
<b>17. Tourism</b>								

Infrastructure, tourists etc.								
<b>18. Public sector</b>								
Activities, budgets, institutional structures, regional policy etc.								
<b>19. Other data</b>								
Any other data which are collected and could be interesting for the ESPON								