

Call for tenders

Terms of reference

ESPON European Research Project

**“Territorial cooperation for blue renewable energy
(CoBren)”**

Technical and administrative

Terms and conditions

ESPON EGTC

07 February 2023

Implementation Framework: The Single Operation within the ESPON 2030 Cooperation Programme implemented by the ESPON EGTC. The ESPON 2030 Monitoring Committee approved the Single Operation on 26 September 2022. The Single Operation is co-financed by the European Regional Development Fund via the ESPON 2030 Cooperation Programme.

This document details both the technical and administrative terms and conditions including its annexes and constitutes the dossier of this call for tenders. Its original is kept in the contracting authority's records and is the only version that is deemed authentic.

Key Information on the Procurement

Title	Territorial cooperation for blue renewable energy (CoBren)
Procedure	EU Open
Contracting authority	ESPON EGTC 11, Avenue John F. Kennedy L-1855 Luxembourg Grand Duchy of Luxembourg
Type of contract	Service contract
Duration	21 months (18 months for contract implementation + 3 months for administrative closure)
Maximum available budget	EUR 500,000 (excluding VAT)
Place of delivery	Luxembourg
Lots	This tender is not divided into lots
Variants	Not permitted
Market access	Participation in this tender is open to all economic operators established in the European Union, the European Economic Area and third countries signatories to international agreements in the field of public procurement by which the EU is bound
Tender submission method	Electronic submission via the Luxembourg Public Procurement Portal (www.pmp.lu)
Deadline for sending requests for information And/or reporting errors, omissions, ambiguities, or discrepancies	10 April 2023 at 10h59 CEST
Deadline for submission of tenders	17 April 2023 at 10h59 CEST

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1 What is to be done? (Purpose of the contract)

The ESPON EGTC is launching an open call for tenders to further build up ESPON's stock of research and enhance the European territorial evidence production in the framework of the [ESPON 2030 Cooperation Programme](#). This call for tenders shall result in a European research project being implemented within the framework of the [Thematic Action Plan \(TAP\) "Climate neutral territories"](#).

The objective of this European research project is to deliver high quality research on how European regions and countries can effectively cooperate and tackle potential sea-use conflicts to produce and provide offshore renewable energy (ORE) to reach European climate and energy goals. The analysis shall encompass the entire ESPON programme area, including all relevant seas and oceans, as well as insular and coastal regions, and it shall be complemented by territorially more confined case studies.

1.1 Context

The [European Green Deal](#) strives to make Europe the first climate-neutral continent by decoupling economic growth from resource use, ensuring that there will be no net emissions of greenhouse gases by 2050. By the same token, the [Cohesion Policy objective](#) of "Greener, low-carbon Europe" aims at sustaining policy actions towards, among others, a clean and fair energy transition, and green and blue investments.

A clean energy transition aims at shifting the energy production away from fossil-based energy sources, such as oil, coal and gas, towards renewable energy sources like wind and solar. This transition is gradually making progress as shown by data presented in the [State of the Energy Union 2021](#); in 2020, renewables overtook fossil fuels as the number one power source in the EU, generating 38% of electricity, compared to 37% of energy generated by fossil fuels. At the same time, though, the import of energy to the EU increased to its highest level in 30 years by 2021¹. During 2021, Europe imported 90% of its gas consumption of which 40% came from Russia. Russia also accounted for 27% of Europe's oil imports and 46% of coal imports. With the [REPowerEU plan](#), the European Commission aims at accelerating the clean energy transition and proposes a joint European action for more affordable, secure and sustainable energy in order to speed up this transition process.

The need to decarbonise our existing energy systems to tackle the climate emergency has given rise to the ambition of seeking to exploit the potential for marine renewables. In recent years, there has been a growing realisation that the maritime environment offers new potential for what has become known as 'blue growth'. One of the most significant sectors is that of renewable blue energy, which is currently dominated by offshore wind but also includes energy derived from the power of currents, tides, waves, and to a lesser extent from thermal and saline gradients in some locations.

In the fourth edition of [The EU Blue Economy Report 2021](#), the European Commission highlights the importance of marine renewable energy for meeting its energy and climate goals. The deployment of offshore wind energy is crucial for delivering the EU Green Deal and "... will require a scale up of the offshore wind industry, which is estimated to require less than 3% of the European maritime space and can therefore be compatible with the goals of the EU Biodiversity Strategy"². Likewise, in its [report on a](#)

¹ State of the Energy Union Reports for 2021, https://ec.europa.eu/commission/presscorner/detail/en/IP_21_5554

² European Commission (2020): An EU Strategy to harness the potential of offshore renewable energy for a climate neutral future. <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52020DC0741&from=EN>

[European strategy for offshore renewable energy](#), the European Parliament states “... that combating climate change with the take up of ORE is vital to achieving the [Paris Agreement goals](#) and upholding the EU’s commitment to achieve net-zero GHG emissions by 2050 at the latest”.

Against this policy backdrop, offshore wind energy along with other forms of blue energy generation is emerging as a key element of Europe’s blue economy with ambitions of contributing to economic growth in coastal regions as well as inland. Pan-European supply chains associated with blue energy are developing as the industry expands, involving both innovative SMEs and larger manufacturing companies with relevant capabilities in, for example, shipbuilding, mechanical, electrical and maritime engineering but also environmental impact assessment or health and safety management³. According to [The EU Blue Economy Report 2021](#), Europe has more than 90% of the world’s total installed offshore wind capacity, and will continue to dominate the offshore wind market for years to come. Overall, the sector contributed to 0.2% of the jobs, 0.8% of the GVA and 1.4% of the profits to the total EU Blue Economy in 2018. The main offshore producers in the EU are Germany, the Netherlands, Belgium and Denmark. Meanwhile, there is a strong policy demand for enlarging the geographical scope of the ORE market and supporting Central, South and East European countries to participate in the ORE economy.

Further development of the blue renewable energy sector also requires relevant education and training schemes to attract young workers and re-/upskill workers to be able to take on new responsibilities. The Blue Economy Report 2021 noted that “... 17-32% of companies are experiencing skills gaps, while in technical occupations, 9-30% are experiencing skills shortages”. By the same token, public authorities struggle with a shortage and/or lack of skilled human (but importantly also financial) resources, which is needed for stakeholder involvement in a multi-governance planning process as MSP⁴.

Harnessing regional potential for blue renewable energy requires using specific regional strengths. As noted by the [ESPON LOCATE Data and Maps Update](#), the two main development strands allowing regions to harness their renewable energy potential are: increasing energy efficiency and the production, storing and distribution of renewable energies. Cooperation of European regions, including cross-border cooperation, is key in this context to use regional potentials most efficiently. It is therefore important to analyse and understand the strategic cooperation and coordination between European countries and regions regarding maritime spatial planning and land-sea interactions with a specific focus on ORE and the land use related to this.

Against this backdrop, the CoBren project sets out to support the energy transition by providing evidence on the current state of use of European seas and land-sea interactions in relation to blue energy deployment, including sea use conflicts and development opportunities. It also takes stock of the strategic cooperation and coordination between European countries and regions in both, developing maritime spatial plans as well as producing and transporting ORE.

1.2 Objective

As noted above, the necessary scale-up of offshore energy capacity requires cooperation between EU Member States on long term planning, in line with the [Maritime Spatial Planning \(MSP\) Directive](#). While MSP can be instrumental in allocating sea space to specific uses in an integrated way, the plans proper do not authorise blue energy deployment; the latter requires issuing relevant development licences, which heavily depends on different national legislations and can be a lengthy process. “Understanding what licenses are required, who provides them, how long the consenting processes take and how

³ ESPON (2022): MSP-LSI on-demand service for Luxembourg. <https://www.espon.eu/msp-lsi-on-demand-service-luxembourg>

⁴ ESPON (2022): MSP-LSI in Estonia. <https://www.espon.eu/msp-lsi-estonia>

offshore infrastructure intersects with onshore infrastructure are all critical elements for the rollout of offshore energy provision”⁵. Aware of the need to speed up the generation and distribution of blue renewable energy to reach the EU’s energy and climate goals, the European Parliament “... notes that streamlining the Member States’ procedures and technical standards will facilitate more rapid deployment ...” which is why it “... calls on the Member States to set up a transparent process and consider introducing time limits for issuing permits, including necessary environmental assessments and studies as well as stakeholder consultations, and to introduce time limits for authorisation when fully complete dossiers have been provided, with a deadline for a decision...”⁶.

The deployment of renewable sources of blue energy generation can provoke conflicts of interest with other sea uses, e.g. maritime transport, coastal tourism, fishery, aquaculture. Mapping land-sea interactions for specific sea uses can be an important element in (maritime) spatial planning, since it creates awareness of different stakeholder interests and can serve as starting point for stakeholder consultation to resolve potential conflicts. In this context, maritime uses can be combined through joint operations or joint installations to reduce development pressures on the sea⁷.

Against this backdrop, the following policy questions shall be addressed by the activity:

Policy questions related to increasing the overall capacity of ORE resources

- How can the overall capacity and efficiency of ORE resources (i.e. ocean energy derived from wind, the power of currents, tides and waves, and to a lesser extent from thermal and saline gradients in some locations) be improved while identifying and taking into account potentially conflicting interests?
- Which synergies exist between ORE and other sea uses and how could the co-use of offshore wind parks and other ORE devices be promoted?
- What have been/potentially can be negative externalities of deploying ORE resources throughout the entire life cycle of ORE deployment, such as implications for e.g. fishery, shipping routes, seabed and life under water, landscape, and how have these been addressed by relevant stakeholders in planning and in practice? Case studies
- What are good practices regarding the resolution of sea-use conflicts with a cross-border dimension?

Policy questions related to the use of maritime spatial plans for expanding ORE

- How has the preparation of national maritime spatial plans in line with the Maritime Spatial Planning Directive changed the use of sea space and the management of sea-use conflicts across sea basins?
- Do existing national maritime spatial plans promote integrated maritime spatial planning?
- How are national maritime spatial plans aligned with national energy and climate plans and how could such links be further strengthened?
- How are potential spatial conflicts between ORE deployment and biodiversity ambitions dealt

⁵ ESPON (2022): MSP-LSI on-demand service for Luxembourg. <https://www.espon.eu/msp-lsi-on-demand-service-luxembourg>

⁶ European Parliament (2021): Report on a European strategy for offshore renewable energy. https://www.europarl.europa.eu/doceo/document/A-9-2021-0339_EN.html

⁷ Schultz-Zehden, A., et. al. (2018): Ocean Multi-Use Action Plan. <https://sites.dundee.ac.uk/muses/wp-content/uploads/sites/70/2020/06/MUSES-Multi-Use-Action-Plan-Executive-Summary.pdf>

with in national maritime spatial plans and how could links between both of the latter be further strengthened?

- What are lessons learned and good practices regarding e.g. innovation within the planning process, national concertation and consultation mechanisms in the field of maritime spatial planning in particular in relation to expanding ORE?
- Are existing requirements for cooperation in the framework of the Maritime Spatial Planning Directive and the Marine Strategy Framework Directive sufficient? If not, how could these requirements be strengthened on a regulatory or a voluntary basis?

Policy questions related to the use of EU instruments for expanding ORE

- How do EU cooperation mechanisms, such as European Territorial Cooperation programmes, currently support regional cooperation and conflict resolution about ORE? How could this be improved and used for similar issues related to increased use of ORE?
- How could the use of instruments, such as sea basin plans and regional sea conventions, further support regional cooperation?

The geographical coverage of the activity should encompass all 31 European countries participating in the ESPON 2030 Cooperation Programme including all relevant seas and oceans. Given the importance of ORE and the experience of the UK in deploying it, this country shall be included in the research. To the degree possible, EU Candidate Countries shall be included in the analysis, too. If justified (and argued by the tenderer), the territorial scale can be narrowed due to data availability or other reasons which pose a risk in performing meaningful analysis. A specific focus will be on the following types of regions:

- Coastal regions: These are the regions where land-sea interactions are most relevant, which is why they should receive a particular focus in the project.
- Island regions: The [Clean Energy for EU islands](#) secretariat mentions that “Despite having access to renewable sources of energy, such as wind and wave energy, many of them depend on expensive fossil fuel imports for their energy supply.” It would be good to understand their specific roles and development opportunities as they are being surrounded by sea and as such might have untapped development opportunities.
- Outermost regions: According to the European Parliament, “most outermost regions and islands are still highly dependent on fossil fuel imports in spite of having opportunities and often particular geographic potential for renewables”⁸. It further recalls that islands are particularly affected by rising sea levels and calls on the Commission and Member States, in close cooperation with local and regional authorities, to pay special attention to the development of ORE pilot projects as well as commercial-scale projects in these territories, focusing in particular on their transport needs and tourism industries. The European Parliament recalls the tremendous natural potential for ORE and good natural potential for wave and tidal energy in the Atlantic and its outermost regions and calls for the ‘Clean Energy for EU Islands’ initiative to be stepped up, with a strong focus on offshore renewables.

Territorially confined case studies shall be proposed for all European sea basins to allow for learning from differently advanced regions in terms of blue energy deployment.

⁸ European Parliament (2021): Report on a European strategy for offshore renewable energy. https://www.europarl.europa.eu/doceo/document/A-9-2021-0339_EN.html

1.3 Description of tasks

In pursuit of the objectives and outputs outlined above, the following tasks shall be carried out within the framework of this European Research Project. Tenderers are requested to describe how they intend to implement the following tasks, to include in their proposal a description of their foreseen organisation and planning, to detail the proposed deliveries and to explain how the necessary resources shall be broken down between the different tasks.

The main starting point for the implementation of the subsequent tasks shall be the previously conducted ESPON activity on [MSP-LSI – Maritime spatial planning and land-sea interactions](#). The following two ESPON activities resulted from and were based on the latter and shall be considered in the implementation of this activity:

- (1) [MSP-LSI on-demand service for Luxembourg](#) includes some first analyses of potential sea use conflicts in relation to blue energy, as well as possible instruments to resolve such conflicts. The analysis, though, was limited to a few selected case study areas, whereas this European research activity is expected to cover all European seas.
- (2) [MSP-LSI in Estonia](#) exclusively focused on Estonia and analysed specific land-sea interactions there from a multi-level and multi-actor perspective to then outline policy recommendations for a more comprehensive MSP process that would better involve local authorities.

In addition, existing pan-European and/or sea-basin evidence related to the topic of this call for tender shall be used in the implementation of this project to avoid replicating work that already exists and to make best use of human and financial resources. The [eMSP NBSR](#) (Emerging ecosystem-based Maritime Spatial Planning topics in North and Baltic Sea Regions) project as well as the European Commission's [MSP Platform](#) are just two examples of information sources that can be useful for the analyses requested below.

1.3.1 Task 1: Map and analyse the current use of European seas

Map and analyse the current use of European seas related to the deployment of ORE

The purpose of this task is to establish an analytical point of departure for the subsequent tasks. This shall be achieved by a comprehensive mapping and analysis of the current use of sea space, including also multifunctional maritime uses, in all European seas concerning:

- The production and sea-to-shore transport of ORE;
- The combination of ORE generation with other blue economy activities at sea such as aquaculture, fishing, shipping and tourism, either through joint operations or joint installations.

The mapping shall make use of the most recent relevant marine data (e.g. on aquaculture, cables, fisheries, MSP, ocean energy facilities, shipping density, wind farms) provided by the [European Marine Observation and Data Network](#) (EMODnet). In case of incomplete data, the service provider shall propose appropriate measures to fill data gaps. Maps shall be produced displaying results for both, the entire ESPON space as well as individual European sea basins (i.e. Baltic Sea, North Sea, Atlantic Ocean, Black Sea, Mediterranean Sea). The results shall be presented in text form (i.e. a report) and accompanied by interactive maps and visualisations (e.g. storymaps, dashboards, infographics), to be developed within the ESPON Portal⁹. The different forms of visualisation are to be agreed with the ESPON EGTC in the course of the project's development.

⁹ <https://gis-portal.espon.eu/arcgis/apps/sites/#/espon-hub>

Market forecasts suggest that current EU targets for offshore wind energy generation by 2030 will not only be met but probably be exceeded.¹⁰ However, European scale forecasts on energy consumption and break downs on different energy production types vary greatly and come with several insecurities (concerning e.g. wake effects, rebuilding of older turbines, technical developments, etc.). With this in mind, the analysis of the above mentioned two strands shall reflect on the current state of play concerning ORE deployment in relation to both, the 2030 and 2050 climate and energy related policy goals, and the overall capacity of ORE in Europe. In addition, the analysis shall look, to the degree possible given the caveats mentioned before, at the efficiency of ORE production and provide proposals for potential improvements in the planning process. [National maritime spatial plans](#) shall be considered in the analysis to gather potentially additional evidence in relation to planned maritime activities that may not yet be included in the EMODnet data.

The analysis of multifunctional maritime use shall identify the most prevalent combination of uses, discuss pros and cons of these combinations and identify further opportunities throughout European seas for multi-use of maritime activities.

1.3.2 Task 2: Review of maritime spatial planning practice

Review of maritime spatial planning practice in Europe with a focus on ORE deployment

Within this task, the service provider shall review the maritime spatial planning practices throughout the ESPON 2030 programme area by scrutinising all national maritime spatial plans (incl. those of Iceland, Norway and the UK), gathering input from relevant regional and national stakeholders (members of the ESPON Monitoring Committee can support in finding the right contacts) and looking into relevant other sources and research findings (the European Commission's [MSP Platform](#) is a helpful source in this respect).

The review shall look at:

- How ORE deployment has been taken up in maritime spatial plans, including how interactions with other maritime activities have been considered, and if and how potential negative externalities have been addressed;
- The degree to which maritime spatial plans are coherent with national sectoral plans on ORE/renewable energy and climate adaptation;
- The way potential sea use conflicts have been identified and assessed in relation to ORE deployment;
- The identification of potential multi-use of sea space concerning ORE; and
- Good practices of conflict resolution in the use of sea space.

Interviews of relevant national/regional stakeholders in all countries that produced maritime spatial plans are a key requirement in this task to gather qualitative input to the research. Interviews shall bring about evidence on the following non-exhaustive list of issues:

- To which degree existing maritime spatial plans promote integrated spatial planning, i.e. a 'One Space' territorial planning approach as defined by [ESPON](#) that covers both, the land and the sea as one integrated whole;
- To which degree existing national sectoral plans on ORE/renewable energy and climate adaptation have been consulted to ensure coherence and to cater for synergies;

¹⁰ 4C Offshore (2022): Global Market Overview Q2 Slide Deck (Global Offshore Wind Farm Subscription)

- How the preparation of national maritime spatial plans has changed the use of sea space and the management of conflicts over use of sea space;
- Experiences within the planning process concerning e.g. innovative planning approaches, regional/national stakeholder involvement and consultation, particularly in relation to ORE;
- Experiences with trans-boundary cooperation with other countries in the planning process; and
- Measures used to resolve sea use conflict, and their pros and cons.

The analyses shall lead to new evidence about different facets of maritime spatial planning in relation to ORE and territorial cooperation for blue renewable energy across Europe. Based on the results of research within this task, the service provider shall develop concrete policy recommendations (e.g. instruments, measures, cooperation agreements) to support stakeholders on different levels of governance in improving and/or strengthening their cooperation in fostering ORE deployment. Recommendations shall be compiled for the European level as well as for each regional sea basin. In this context, coastal, island regions and outermost regions shall be specifically considered and dealt with.

1.3.3 Task 3: Conduct case study analyses

Conduct case study analyses on territorial cooperation for blue renewable energy in different European sea basins

This task shall focus on minimum seven different case studies to delve into the research issues mentioned under Task 1 and 2, and create more in-depth understanding of sea use in relation to ORE deployment (incl. multi-use), maritime spatial planning with a focus on ORE, conflict resolution, (potential) negative externalities of ORE deployment and ways of addressing these in planning and practice, stakeholder involvement, transboundary cooperation, etc. The service provider is expected to propose relevant selection criteria and, based on the latter, a first proposal for case studies. There needs to be minimum one case study for each European sea basin, one case study for an island region and one for an outermost region. In any case, the final decision on both, the selection criteria and case studies to be analysed will be a subject of discussion with the ESPON EGTC.

In line with the requirements for Task 1, a comprehensive, in-depth mapping and analysis of the current use of sea space, including also multifunctional maritime uses, shall be conducted for each case study. Likewise, in line with Task 2, the relevant maritime spatial planning practice in each case study area shall be thoroughly reviewed and proposals for improvements in this context shall be developed.

Like for Task 1, the results from the analysis for this task shall be presented in text form (i.e. a report) and accompanied by interactive maps and visualisations (e.g. storymaps, dashboards, infographics), to be developed within the ESPON portal. The different forms of visualisation are to be agreed with the ESPON EGTC in the course of the project's implementation.

1.4 Expected outputs and deliveries

The following outputs and deliveries shall be provided covering the tasks of the requested service as specified above in section 1.3.

1.4.1 Expected outputs

The main outputs of the service shall be:

- Stock taking of the current use of European seas concerning the production and transport of ORE as well as combined uses of sea space by ORE and other blue economy activities.

- Territorial evidence on existing sea-use conflicts across European seas, synergies, negative externalities of ORE deployment and potential multifunctionality between ORE and other sea uses and good practices regarding the resolution of sea-use conflicts with a cross-border dimension.
- Reflections on the current state of play of ORE deployment in relation to 2030 and 2050 policy goals.
- Identification of linkages and potential synergies between national maritime spatial plans, national ORE/renewable energy and climate plans.
- Proposals of concrete instruments that could be applied to resolve sea use conflicts related to ORE as well as instruments/measures that could further support regional and transboundary cooperation related to increasing the use of ORE.
- Detailed case study analyses for all European sea basins, providing in-depth understanding of sea use related to ORE (incl. multi-use), maritime spatial planning with a focus on ORE, means of conflict resolution, stakeholder involvement, transboundary cooperation, etc.
- Concrete advice/guidelines to relevant national and regional policy makers and practitioners for increasing the use of ORE sources.
- *Data and interactive maps and graphs resulting from the research and provided in the format compatible with the environment of the ESPON Portal*¹¹.

1.4.2 Deliveries

The technical offer shall include a description of the format and the content of all deliveries according to the methodological concept the tenderer proposes to implement. The technical offer shall also indicate to which task(s) each delivery is referring to.

The selected service provider is requested to submit at least 4 predefined deliveries, linked to foreseen payments in the contract (3 interim and 1 final payment):

- One inception delivery
- Two progress reports
- One final delivery

The table presented in section 1.5 below indicates the time schedule for these 4 predefined deliveries.

The technical offer shall indicate the time schedule for all other intermediary deliveries proposed by the tenderer.

During the contract implementation, based on the project's progress, risk assessment, stakeholders' inputs and service provider's performance, the contracting authority may request an adaptation of the time schedule and the content of the proposed intermediary deliveries.

¹¹ <https://gis-portal.espon.eu/arcgis/apps/sites/#/espon-hub>

1.4.2.1 Predefined deliveries

1. An inception delivery containing at least:

- Report (approximately 30 pages, excluding annexes) including:
 - Description of the conceptual framework to be applied.
 - Status of the process for selecting case studies and identifying relevant stakeholders.
 - Overview and evaluation of validity and reliability of data and data sources to be used. A plan for overcoming potential challenges in relation to data collection and missing data.
- Work plan presenting the next steps foreseen in the project's implementation, including meetings with selected target groups
- Description of the format and content of the next intermediary deliveries.

2. A final delivery containing at least:

- Final main report (40 to 80 pages) including:
 - Final results and maps from the analysis of the current use of European seas related to the deployment of ORE (i.e. Task 1).
 - Final findings from the review of maritime spatial planning practice in Europe with a focus on ORE deployment (i.e. Task 2).
 - Key findings from the case study analyses on territorial cooperation for blue renewable energy in different European sea basins.
- Scientific annexes, detailing the methodology and the research results including:
 - Description of the methodological approach applied.
 - Elaborated case studies – delivered in the form as agreed with the ESPON EGTC.
- Presentation of the research results in the format and specific form agreed with the ESPON EGTC¹² and – whenever related to maps and other interactive forms of data visualisation - compatible with the environment of the ESPON Portal
- Data, maps and figures:
 - Source files for the maps and figures (incl. map project/design and vector formats).
 - Shapefiles, geodatabase(s), for all the static and interactive web-maps, dashboards or apps.
 - Data gathered according to the ESPON metadata template, corresponding to the principles of ESPON data strategy and integration of the collected data in the ESPON database, in cooperation with the ESPON EGTC.

¹² This involves the concise and easy-to-grasp summary of overall research findings in an analogue or digital format by means of (a non-exhaustive list of forms): policy brief, infographics, dashboard, story map, simple video clip, apps, etc.)

3. Two progress reports

In addition to the above, the service provider will be requested to submit two progress reports, corresponding to foreseen interim payments in the contract.

Those brief reports (max. 10 pages) shall provide an overview on the progress of the implementation of the project, highlighting the status of the different tasks and the challenges and risks associated for the good achievement of the research. Furthermore, the reports shall list the meetings held and the intermediate deliveries submitted between the progress reports.

The service provider will receive written feedback from the ESPON EGTC on each mandatory delivery (inception, final and progress reports) including approval or request for revision and/or addressing identified challenges (indicatively within two weeks after receiving them and one month for the final delivery).

1.4.2.2 Intermediary deliveries

In addition to the predefined deliveries, service providers are expected to provide intermediary deliveries. These can take different forms, depending on the profile and content of the requested tasks. Their exact quantity, format and content shall be proposed in the technical offer, then agreed between the ESPON EGTC and the service provider at the kick off meeting. They shall be submitted on a scheduled basis corresponding to the progress of the implementation of the different tasks described above (see sections 1.3).

While leaving freedom to the tenderers to define the intermediary deliveries in their technical offer, the compulsory element of the intermediary deliveries are: the data resource that shall be steadily acquired processed and submitted to the ESPON EGTC, a detailed overview of the data collection process and data structure, and adjustments related to the data strategy when necessary (see dedicated section about data delivery process below).

The service provider will receive feedback from the ESPON EGTC on each delivery.

1.4.2.3 Data delivery process and digital deliveries

Data and data visualisations are an integral part of all the above-mentioned deliveries. When it comes to data deliveries, it is important to document and provide associating metadata and all the data possible that would allow to reproduce the results. It is important to keep the potential reuse of data in mind when collecting and structuring them, therefore, detailed spatiotemporal granularity is important. Visualisations need to be adapted both for static representation in reports as well as interactive web-based content. The project is expected to deliver both static and interactive web-based maps and figures, when relevant also dashboards, applications or similar, suitable for ESPON website and Portal¹³.

The delivery of data and (web)maps and/or any other relevant interactive content mentioned above shall be delivered and integrated throughout the implementation of the project as they are completed, finalised and agreed with the ESPON EGTC.

ESPON Portal is built upon a software system for web-based GIS, powering mapping and visualization, analytics, and data management. It is the backbone for creating and running the interactive web-maps, data stories, dashboards and any custom GIS applications the project may propose or what ESPON may request. Hence, all proposed/requested interactive visualisations or solutions must be compatible with the system. Access to the environment can be provided by ESPON.

1.4.3 Common requirements for all deliveries

All deliveries should be delivered in electronic (editable) format and the text – whatever the format of the delivery, as relevant, should have gone through a thorough language check, preferably by an English

See: <https://gis-portal.espon.eu/arcgis/apps/sites/#/espon-hub>

native speaker. ESPON EGTC will provide the generic templates for the maps, however, the service provider shall adjust the templates if necessary, depending on the geographic extent or the relevant peculiarities.

1.5 Project management

1.5.1 Mandatory meetings foreseen during the contract implementation

The service provider shall ensure participation (at least with one team representative) in all mandatory meetings mentioned below. Costs related to these meetings need to be included in the financial offer for this service. No other expenses will be paid by the contracting authority to the service provider.

Most of these meetings are held online. In the case of a physical meeting (up to 4 physical meetings shall be organised during the lifetime of the project), they normally take place at the ESPON EGTC's premises in Luxembourg. However, meetings may also take place at other suitable locations, upon agreement between the service provider and the ESPON EGTC.

Kick-off meeting

It will consist of a general presentation and dialogue regarding the objectives and tasks of the activity. The kick off meeting will also address more precisely the organisation of the project and the plans for the intermediary deliveries. The service provider will receive guidelines on how to use the ESPON portal interface for data delivery and digital deliveries, on how to design the maps in line with the main elements of the ESPON layout, as well as all relevant information concerning the proper application of the ESPON Corporate Identity.

Coordination meetings

Project coordination meetings are organised to discuss the progress on the implementation of the service contract, the deliveries submitted and to provide feedback. They take place on a regular basis (e.g. monthly basis or more frequently if deemed necessary) by a common agreement between the service provider and the ESPON EGTC. Their agenda and duration are agreed in advance. Written minutes are prepared by the service provider to document key decision points and shared with the ESPON EGTC after each meeting.

Steering Committee meetings

Partnership and cooperation are central to the implementation of ESPON European research projects and are prerequisites for ensuring useful results and effective policy uptake. The successful accomplishment of the objectives of this project will be achieved by proactive participation between selected stakeholders, the ESPON EGTC and the service provider at every stage of the implementation.

To allow for a framework that facilitates successful cooperation, a Steering Committee shall be established for the lifetime of this European research project. The main purpose of the Steering Committee is to ensure the involvement and active participation of stakeholders in the implementation and steering of the project and to safeguard the policy relevance of project outputs for the stakeholders.

The goals of the Steering Committee meetings are, as follows:

- To closely follow and advise the implementation of the research, making sure that it meets both research objectives and policy demands,
- To discuss and give feedback to deliveries from the service provider and provide guidance for the subsequent steps of the research and service contract implementation;
- To discuss and agree upon how to deliver - at each stage of the implementation - the results of the research to selected target groups.

The composition of the Steering Committee is defined by the ESPON EGTC and communicated to the service provider. It comprises at least stakeholders of the territories for which case studies are expected, the service provider and the ESPON EGTC. Other external stakeholders (e.g. representatives of the [ESPON Monitoring Committee](#)) and/or relevant organisations may also take part in the Steering Committee.

Indicatively, four steering committee meetings shall be foreseen.

- The first one shall take place ca. 1 month after the kick-off meeting, preferably as a physical meeting.
- The timing and location of the other Steering Committee meetings will be discussed and agreed during the kick-off meeting and may be amended during the project implementation.

1.5.2 Indicative time schedule

The table below presents the indicative time schedule for the predefined deliveries and kick-off and steering committee meetings.

The exact deadlines for the predefined deliveries as well as indicative time schedule for all other intermediary deliveries and for coordination and steering committee meetings will be agreed during the kick-off meeting.

The minutes of the kick-off meeting containing a record of the agreed dates will be signed by the representatives of both the service provider and the ESPON EGTC and will be subject to article 4 - "Performance of the contract and subcontracting" of the service contract.

Meetings	Predefined deliveries	Indicative deadline ¹⁴
Kick-off		As soon as possible (and normally within 2 weeks) after the award of the contract
	Inception Delivery	T + 1 months
1st Steering Committee		T + 2 months
	Progress report 1	T + 5 months
2nd Steering Committee		T + 7 months
	Progress report 2	T + 9 months
3rd Steering Committee		T + 11 months
	Final Delivery	T + 16 months
Final Steering Committee		T + 17 months

¹⁴ The letter "T" in this table stands for the date of the kick-off meeting. Timeframes are indicative.

1.6 Competences and skills required

The service provider must have proven, European/transnational scale research expertise and multidisciplinary experience relevant to contract matter in order to ensure the successful implementation of the service. The competence and experience of the service provider within the fields outlined below shall be clearly demonstrated and documented, as requested in Sections 3 and 4.

- Proven experience in studies addressing territorial development issues, including experience from policy-relevant and comparative analyses, preferably with a European or transnational coverage and including multi-disciplinary approaches.
- At least three of the proposed team members of the service provider shall have at least five years of experience and academic background in the field of expertise and knowledge related to research on maritime spatial planning and ORE.
- Advanced GIS and web-based GIS, and data visualisation skills (QGIS, ArcGIS or equivalent) to carry out the necessary analytical work on the data resource, configure ESPON mapping templates when necessary, and present the research results in the digital format both in static and interactive manner by means of the forms agreed with the ESPON EGTC (e.g. maps, figures, webmaps, dashboards, story maps, infographics, simple video clips, apps, etc.
- Advanced data management, data quality checking, statistics, statistical programming skills (R, Python or equivalent). ESPON emphasises the importance of data quality, and highlights the complexity of data sourcing, harmonisation, data gap filling, especially when dealing with innovative, non-conventional or multitude of sources.
- At least 2 of the proposed team of experts shall have at least five years of experience and academic background in the fields of computer science, data collection and management, data quality check, web-based GIS and spatial data analysis.
- At least one member with a communication/journalistic background and experience in visualising and presenting research findings in an easy-to-grasp way.
- Team members shall demonstrate a very good linguistic ability to draft and communicate research findings in high-quality English.

2 Conditions of execution of the contract

2.1 Contractual framework

By order of priority, the conditions of performance of the contract are governed by:

1. These Terms of reference with all its appendices and annexes
2. The draft model service contract
3. The contract notice
4. All responses and corrections provided during the tendering process
5. The successful tenderer's tender with all its annexes as accepted by the ESPON EGTC

These documents constitute the complete procurement documents for this call for tenders. However, Economic operators are invited to regularly check the Luxembourg Public Procurement Portal website where any additional information or clarifications concerning this procedure will be made available.

The contract shall be concluded by the signature of the contracting authority on the service contract.

By submitting a tender, tenderers accept in full all the clauses of the Terms of reference and its annexes. Under no circumstances, and under penalty of exclusion, is the tenderer permitted to modify the Terms of reference or any of its annexes. The application of the tenderers' general or special conditions is excluded.

2.2 Duration of the contract

The contract is expected to be signed in the first half of 2023 and shall have a duration of 21 months, 18 months for the implementation of the service contract and 3 months for the administrative closure.

The contract duration may be extended in case of modification of the contract (c.f. §2.10).

2.3 Lots

The contract consists of one single lot.

The nature of the services to be provided within the context of this tender does not justify the need to split the market.

2.4 Variants

Variants are not accepted.

2.5 Available budget

The maximum available budget for this contract is **EUR 500,000.00 (five hundred thousand Euros)**, EXCLUSIVE of VAT but inclusive of all other taxes, disbursements, travel, accommodation and delivery costs.

2.6 Main terms for invoicing and payments

Payments will be executed only if the selected service provider has fulfilled all its contractual obligations by the date on which the invoice is submitted. Payment requests may not be made if payments for

previous periods have not been executed as a result of default or negligence on the part of the service provider.

The payments to the service provider will be made as follows:

- Three interim payments for service provisions related to predefined deliveries n°1, 2 and 3 shall be admissible. These interim payments shall amount to respectively a maximum of 30%, 20% and 30% of the total contracted value, excluding VAT.

Interim payments will be processed upon submission of related invoices and after formal approval of the relevant contractual obligations by the contracting authority.

- One final payment of the balance of the contract value will be processed once all requested deliveries have been approved by the contracting authority, accompanied by the relevant invoice.

The payment will be made by bank transfer within 30 days after the approval of the deliveries and the presentation of the invoice.

ELECTRONIC INVOICES

Please note that by the time of the contract implementation all companies must issue and transmit electronic invoices complying with:

- the latest European standard; and
- one of the following 2 formats:
 - XML UBL (Universal Business Language), as defined by ISO/IEC 19845:2015, and maintained by the non-profit organisation OASIS Open;
 - XML UN/CEFACT CII (Cross Industry Invoice), developed by UN/CEFACT based on the XML 16B (SCRDM — CII) schemas.

Use of the Peppol¹⁵ network

Tendering authorities and entities **must use the Peppol** (Pan-European Public Procurement OnLine) network to automatically receive electronic invoices. The network can also be used to automatically issue and send electronic invoices.

Economic operators have a **range of options** in order to be able to issue and send compliant electronic invoices through Peppol:

- renting a Peppol access point from one of the numerous specialist service providers¹⁶ already active in this field;
- establishing their own Peppol access point: for organisations of a certain size which have:
 - their own, experienced IT department; and
 - sufficient resources;
- using one of the invoicing and accounting tools (ERP software) that offers Peppol invoicing by default.

2.7 Applicable Language

Pursuant to Article 10 of ESPON EGTC' statutes, the official language of ESPON EGTC is English. Therefore, the tender, all oral and written communication, all activities during the execution of the contract, as well as all services delivered must be in English language.

¹⁵ <https://peppol.eu/what-is-peppol/>

¹⁶ <https://peppol.eu/who-is-who/peppol-certified-aps/>

2.8 Ownership of results

Unless otherwise provided in the present service contract and its annexes, ownership, title, industrial and intellectual property rights resulting from the operation, results, reports and other documents related to the implementation of the present service contract shall be solely owned by the ESPON EGTC. They may use, publish, assign or transfer them as they see fit, without limitation, except where industrial or intellectual property rights exist prior to the service contract related to this tender.

Notwithstanding the provisions of the previous paragraph, the service provider and the ESPON EGTC shall find individual arrangements in cases where the intellectual property rights already exist and are owned by third parties.

The service provider acting in its own name and potentially on behalf of joint tenderers or subcontractors, will not invoke any intellectual property rights, including copyrights and sui generis database rights, in relation to his contribution to the ESPON database.

Any commercial use of the results by the service provider (or, if relevant, by any of the joint tenderers or subcontractors) is prohibited.

2.9 Data protection

Regarding the processing of personal data by ESPON and in accordance with Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation), please consult the legal notice in the ESPON's website:

<https://www.espon.eu/legal-notice>

2.10 Modification of the contract during its term

A modification of the contract may be requested by the ESPON EGTC to the contractor when it becomes necessary during the contract's implementation. This modification shall be done in accordance with article 43 of the Luxembourg Law on Public Procurement of the 8th of April 2018.

3 General Information on the procedure

3.1 Communication and Portal

Written communication and submissions may only take place through the Portal under requirement of Luxembourg Law. This is the online platform for public tenders in the Grand Duchy of Luxembourg (<https://pmp.b2g.etat.lu>). Publication on Tenders Electronic Daily (TED) also takes place through the Portal.

As the Portal is currently available in French language only, notifications to economic operators may be sent in French, but **the message content will always be in English language**. Economic operators are advised to regularly check their spam folders.

Any economic operator using the Portal is deemed to have read and accepted the provisions and conditions of the terms of use of the Portal as laid down by the Ministerial Decree of 18 January 2021¹⁷.

3.2 Acceptance of the Terms of reference

By submitting a tender, the economic operator acknowledges that it has gathered all the information required to draft a valid tender, i.e., that it was able to acquaint itself with the challenges and specific features of the services to perform or deliver and has taken them into account in drafting its tender to participate in the Call for tenders.

3.3 Request for information

Tenderers are advised to consult the Frequently Asked Questions available on the ESPON website at the following link: <https://www.espon.eu/participate/calls/faq>

Any request for information shall be sent via the Portal at the latest by the date indicated in "Key information on the Procurement Procedure" section of the present Terms of reference. All economic operators will be answered simultaneously via the Luxembourgish Public Procurement Portal. As the Portal is currently available in French language only, notifications to the tenderers may be sent in French, but the message will always be in English language. Tenderers are advised to regularly check their spam folders.

Any request for information must be made in writing to the Luxembourgish Public Procurement Portal (www.pmp.lu) via the link provided in the contract notice.

Eventually, questions can be addressed by e-mail to: tenders@espon.eu.

Reporting of errors, omissions, ambiguities, or discrepancies

Any errors, omissions, ambiguities, or inconsistencies in the Terms of reference shall be reported to the contracting authority via the Luxembourgish Public Procurement Portal within the time limit indicated in "Key information on the Procurement Procedure" section of the present Terms of reference.

Any clarifications, rectifications or modifications provided in application of the preceding paragraph will be published exclusively via the Luxembourgish Public Procurement Portal.

In this context, a proactive approach is expected from the tenderers.

A behaviour of accepting the clauses of the Terms of reference by submitting a tender without any notification pursuant to the present clause, whilst raising subsequently possible ambiguities, inaccuracies, unlawfulness, or other irregularities of the Terms of reference in the context of a review procedure shall be considered as an inconsistent and contradictory attitude being contrary to the

¹⁷ [Règlement ministériel du 18 janvier 2021 instituant les conditions d'utilisation du portail des marchés publics. - Legilux](#)

principle of good faith. In that event, tenderers are inadmissible to challenge the substance of the rights and obligations arising out of the Terms of reference.

3.4 Who can submit a tender? (Individual contractor, joint tender and/or subcontracting)

Economic operators may submit its tenders as a sole contractor, as joint partners or as a natural person acting on his/her own behalf.

Each tender shall include the duly completed European Single Procurement Document(s) (ESPD) (see Annex A).

Common **mistakes in filling in the ESPD**, as observed in previous calls, are as follows:

- To leave in blank the insured amount of professional risk indemnity (section IV.5) without specifying the amount or at least indicating “not applicable” together with the justification (i.e. excepted public entity, a certain legal provision, etc.)
- Not to indicate the proportion the economic operator intends to subcontract (section IV.10), even if the economic operator declared his intention to subcontract in a previous section of the ESPD (Section II.D)
- To indicate the same number for average annual manpower as for annual managerial staff, which is inconsistent (section IV.C.8)
- Not to sign or date the concluding statement (Part VI)
- To include the wrong procurement title

3.4.1 Joint tender

A **joint tender** is a situation where a tender is submitted by a group of economic operators (natural and/or legal persons). Joint tenders may include subcontractors in addition to the members of the group. Joint tenders will be treated in the same way as any other type of tender, each will be assessed for their own merits in relation to the criteria and the evaluation procedure set out in these terms of reference.

1) Liability

In case of a joint tender, the designated duly authorized representative of the consortium or the representative of the legal entity will be the sole contractor and will hold the sole liability towards the contracting authority for the implementation of the contract.

2) Form of the joint tender

If a joint tender is proposed by the tenderer with one or several partners and the organisation has already set up a consortium or a legal entity, this fact should be mentioned in the field “*is the economic operator participating in the procurement procedure together with others?*” (included in **Part II**, “information concerning the economic operator”, **section A** of the ESPD (Annex A), together with any other relevant information in this context.

If this step has not yet been taken, the tenderer should be aware that if the contract is awarded, the contracting authority will require giving a legal status to the collaboration before the contract is signed.

This collaboration can take the form of:

- an entity with legal personality recognised by EU Member States and ESPON Partner States (i.e. Iceland, Liechtenstein, Norway, and Switzerland);

- Or, given the nature and scope of the contract and the principle of sound financial management of public funds under which ESPON EGTC conducts its procurement procedures, the contracting authority requires **signature by all the partners of a “power of attorney”** to the designated duly authorized representative of the consortium. The power of attorney should designate contracting rights and sole liability of one of the partners in the consortium towards the contracting authority and any other relevant right. The duly authorized representative of the consortium and its partners will be responsible for organizing internal partnership relations concerning the liability among each other.

If a **joint tender** is submitted, the **ESPD (Annex A) with all required information (i.e. duly completed Parts II, III, IV and VI) must be provided by each partner**. Missing documents may lead to the exclusion and/or to the non-selection of the tender.

Also, in case of a joint tender, each economic operator must indicate its **share of the contract in the Annex D**.

Please note that in case of a joint tender where an economic operator relies on the capacities of another to meet the selection criteria: the tenderer may need to provide relevant information (included in **Part II** “information concerning the operator”, **section C** “Information about reliance on the capacities of other entities” of the ESPD).

In this respect, the tender evaluation detailed in section 4 below for joint tenders will be made in relation to the **combined** capacities of the economic operators in relation to the requirements laid down in these ToR.

3.4.2 Subcontracting

Subcontracting is defined as the situation where a contractor assigns part of the obligations and tasks under a contract to another party known as a subcontractor. Subcontracting can be either structural or punctual.

In case of subcontracting, the ESPON EGTC does not have a direct contractual link with the subcontractor(s). The lead contractor will remain solely and fully responsible for the delivery of all products and services under the contract.

Accordingly, the contracting authority will treat all contractual matters (e.g. payment) exclusively with the main contractor, regardless whether the tasks are performed by a subcontractor or not. Under no circumstances, the main contractor can avoid liability towards the contracting authority on the grounds that the subcontractor is at fault.

During the contract execution, the change of any subcontractor contributing to the technical performance of the contract and identified in the tender will be subject to prior written approval of the contracting authority.

Please note that in case of a submission of a tender with subcontracting, the contracting authority requires the lead tenderer to indicate the subcontractors and their share of the contract in **Part IV: Selection Criteria, (C): Technical and professional ability, (10) The economic operator intends possibly to subcontract the following proportion (i.e., percentage) of the contract**, of the ESPD (Annex A).

As for the nature of subcontractors, there are two options:

1) Structural subcontracting

Structural subcontractors are those **on whose capacity the tenderer relies** (i.e., subcontractors providing key experts).

Such subcontractors should be identified in the field **Part II: Information concerning the economic operator, A: Information about the economic operator**, field *“is the economic operator participating in the procurement procedure together with others?”* of the ESPD (Annex A), together with any other relevant information in this context.

The tenderer should **answer “yes”** in the field *“does the economic operator rely on the capacities of other entities in order to meet the selection criteria set out under Part IV below?”* in **Part II: Information concerning the economic operator, C: Information about reliance on the capacities of other entities** of the ESPD (Annex A).

These subcontractors must provide a complete ESPD (Annex A) with all required information (i.e., duly completed Parts **II, III, IV and VI**).

Missing documents may lead to rejection of the tender.

2) Punctual subcontracting

Punctual subcontracting are those subcontractors **on whose capacity the tenderer does not rely:**

Such subcontractors should be identified in the field *“Does the economic operator intent to subcontract any share of the contract to third parties?”* included in **Part II: Information concerning the economic operator, D: Information concerning subcontractors on whose capacity the economic operator does not rely on** of the ESPD (Annex A).

These subcontractors must provide a duly completed ESPD comprising **Parts II, III and VI**.

Missing documents may lead to rejection of the tender.

Please note that such subcontractors will **not** be considered when assessing the selection criteria (see Section 4.3 below).

3) Tenders involving subcontracting shall be assessed as follows:

1. The **exclusion criteria** will be assessed individually in relation to the tenderer and to each subcontractor.
2. The **selection criteria** will be assessed in relation to the tenderer and possible subcontractors as a whole.
3. The **award criteria** will be assessed in relation to the tender.

3.4.3 Participation

Participation in this Call for tenders is open to all economic operators established in the European Union, the European Economic Area and third countries signatories to international agreements in the field of public procurement by which the EU is bound.

3.5 Submission of offers and deadline

All tenders must be submitted electronically and in English language **at the latest by**

17 April 2023 10h59 CEST.

Tenders must be submitted electronically. All tenders sent by other means (e.g. paper versions or electronic versions submitted by e-mail) will be automatically rejected.

In case you experience any technical issue when submitting your offer or with the electronic signature, please notice that the PMP helpdesk working hours are 9:00-11:30 14:00-17:00.

The submission of a tender is made according to the provisions of the national (Luxembourg) modified Regulation of the 27th of August 2013 on the use of electronic means in public procurement procedures¹⁸ and it is done via the Luxembourg Portal of Public Procurement (PMP, www.pmp.lu). Please note that the PMP is currently only available in French language. A user guide in English language on the Luxembourgish Public Procurement Portal is available here: <https://www.espon.eu/participate/calls/faq>.

In order to submit a tender, the economic operators need to:

a) Create an account on the Luxembourg portal of public procurements (PMP)

The economic operators must create an Enterprise account in the PMP – www.pmp.lu

The configuration and internet browsers recommended according to the PMP can be found on the PMP website¹⁹:

To create an account in the PMP, (www.pmp.lu) the economic operators have 3 options:

1. By the creation of a username/password to login
2. Registration by using a LUXTRUST product
3. Registration via Luxembourg ID or eIDAS²⁰

If the economic operator opts for options 2. or 3., the authentication procedure can be made by using a LUXTRUST product (smart card or signing stick, issued by the Luxembourg relevant authorities), or with a recognised eID card.

The procedure to obtain a LUXTRUST product is described at the following website: <https://www.luxtrust.lu/>.

Please note for the economic operators outside Luxembourg that the procedure to obtain a LUXTRUST product can be longer (**approximately 4 weeks**). Information regarding the procedure can be found at the following link <https://www.luxtrust.lu/en/simple/206>.

b) Submit the electronic tender

The tender can be submitted as PDF, Word and Excel files.

Tenders submitted electronically must also be electronically signed by the economic operator, respectively by his representative, through an electronic signature as foreseen by the modified Luxembourg Law modified of the 14th of August 2000 on electronic trade²¹.

The electronic signature to be used can be a LuxTrust or any other qualified certificates of the Trusted List of EU Commission (<https://webgate.ec.europa.eu/tl-browser/#/>). The Luxembourg Portal of Public Procurement allows for economic operators to test if their electronic signature is valid and can be used to submit a tender at the following address:

<https://pmp.b2g.etat.lu/index.php?page=commun.VerifierSignature&callFrom=entreprise>

¹⁸ (Règlement grand-ducal du 27 août 2013 relatif à l'utilisation des moyens électroniques dans les procédures des marchés publics modifiant le règlement grand-ducal modifié du 3 août 2009 portant exécution de la loi du 25 juin 2009 sur les marchés publics et portant modification du seuil prévu à l'article 106 point 10° de la loi communale du 13 décembre 1988).

¹⁹ <https://pmp.b2g.etat.lu/?page=commun.PrerequisTechniques&calledFrom=entreprise>

²⁰ <https://ec.europa.eu/digital-building-blocks/wikis/display/EIDCOMMUNITY/Overview+of+pre-notified+and+notified+eID+schemes+under+eIDAS>

²¹ <http://data.legilux.public.lu/eli/etat/leg/loi/2000/08/14/n8/jo>

Economic operators must electronically sign their tender:

- Either by electronically signing, at least, the ESPD of the consortium leader;
- Or by electronically signing the whole tender directly via the Luxembourg Public Procurement Portal which offers that option at the moment of submission.

If an economic operator does not have a valid electronic signature certificate, he/she will need to request one from the authorised institutions. The procedure to obtain an electronic signature certificate can take some time.

The tenders must be submitted at the latest by the deadline indicated in the present terms of reference.

The electronic submission of tenders leads to an acknowledgment of receipt, issued automatically by the PMP, which states the date and hour of submission. Any tenders that may be submitted or for which the acknowledgement of receipt may be issued after the above-mentioned deadline will not be considered.

3.6 Content of the offer (administrative - technical offer and financial offer)

A tender **must** be duly signed by the tenderer or its duly authorised representative and **must** be composed of the following three files:

- 1) File 1 – Administrative part
- 2) File 2 – Technical Offer
- 3) File 3 – Financial Offer

Tenderers are requested to structure their tender and submit the requested documentation as presented in the table below which serves both as a table of content and a checklist for documents to be submitted.

FILE n°1 – ADMINISTRATIVE PART					
<u>Please include your documents in the following order, as relevant and per partner/subcontractor:</u>					
N°	Document	Refer to Section of ToR and/or Annex	Single tenderer or Main tenderer in a joint tender	Other partners in a joint tender	Sub-contractor (see Section 3.4.2)
Section 1 General					
1	a. Annex A: European Single Procurement Document (ESPD) two versions: - One copy duly electronic signed - One copy duly filled in excel format	Section 3.4 & Annex A	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

2	b. Annex E - List team members and economic operators	Annex E	<input checked="" type="checkbox"/>		
3	<i>Only if applicable:</i> If you intend to employ or contract the services of previous ESPON EGTC staff for this tender, please add a note justifying how their involvement in preparing this procurement procedure is not capable of distorting competition.	n/a (no template provided)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<p>FILE n°2 -TECHNICAL OFFER (approximately 30 pages excluding annexes)</p> <p><u>Please include your documents in the following order, as relevant:</u></p> <p>The technical offer must cover all aspects and tasks required in the technical specifications and provide all the information needed to facilitate the subsequent evaluation of tenders against the technical award criteria (see Section 4). Offers deviating from the requirements or not meeting all requirements may be excluded on the basis of non-conformity with the terms of reference and will not be evaluated. The contracting authority shall <u>reject</u> tenders where no technical offer is included.</p>					
N°	Document/Chapters	Refer to Section of ToR and/or Annex	Single tenderer or Main tenderer in a joint tender	Other partners in a joint tender	Sub-contractor
1	<ul style="list-style-type: none"> A description (approximately 5 pages) of the concept for addressing the research and the policy needs and description of how objectives will be achieved. 	Section 1	<input checked="" type="checkbox"/>	n/a	n/a
2	<p>A description (approximately 20 pages) of the specific approaches and methods to be applied, the rationale behind, the sources and data to be used and the deliveries. Tenderers shall include:</p> <ul style="list-style-type: none"> Outline of the conceptual and methodological framework to be applied for each task. Description of the data strategy, including main sources and data to be used and collected. Description of the approach for engaging with stakeholders and ensuring policy uptake. Description of all proposed deliveries (format, content) Description of the main outcomes and results expected and their added value. 	Section 1	<input checked="" type="checkbox"/>	n/a	n/a
3	<p>Description outlining the intended organisation, milestones and management of the work including (approximately 5 pages)</p> <ul style="list-style-type: none"> Detailed work plan and timetable with descriptions of the content of the deliveries proposed. Allocation of human resources by task and by partner (details should be provided as part of the technical offer and not only in Annex D). 	Section 1 & Annex D	<input checked="" type="checkbox"/>	n/a	n/a

	<ul style="list-style-type: none"> Approach to ensure effective project management, quality review and risk assessment. 				
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FILE n°3 – FINANCIAL OFFER					
The contracting authority shall <u>reject</u> tenders where no financial proposal is included.					
N°	Document	Refer to Section of ToR and/or Annex	Single tenderer or Main tenderer in a joint tender	Other partners in a joint tender	Sub-contractor
1	Financial Offer (original dated, signed and stamped by the authorised representative of the tenderer)	Section 2 & Annex B	<input checked="" type="checkbox"/>	n/a	n/a
<p>The tenderer shall submit a price covering the services in EURO using the financial offer template provided (see Annex B). Annex B must be signed by the tenderer's representative and the template must not be modified.</p> <p>The price must include all the costs associated as well as the travel and accommodation costs for meetings, and the pertinent delivery costs to the ESPON EGTC, if any. No other expenses will be paid by the contracting authority. Travel, accommodation and subsistence costs cannot be higher than 10% of the total costs of the tender.</p> <p>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 or the benefits deriving from any variation.</p> <p>The contracting authority will reject offers where the price for services is not provided. The lack of prices for any of the assignment types mentioned in the price list will invalidate the offer. No financial guarantee is required for this contract.</p>					

Tenders not including the necessary evidence may be rejected. However, the contracting authority reserves the right to request clarifications or additional evidence in relation to the exclusion and selection stages after the opening within a time limit stipulated in its request. If clarification is required, the contracting authority may contact the tenderer to obtain further explanations and/or additional evidence, provided that, and only if, the tender is not modified as a result. **The contact person designated by the tenderer in Annex A will be the recipient of clarifications and additional evidence request. Therefore, the tenderer must ensure the correctness of contact details (in particular of email addresses) given therein.**

3.7 Opening of the tender

The tenders received in due time and place shall be opened by the contracting authority only after the submission deadline mentioned above.

The opening of tenders shall take place in non-public session, but the minutes of the opening session will be provided to tenderers having submitted a request to the contracting authority by email at tenders@espon.eu.

4 Contract award procedure

4.1 Examination of tenders

The evaluation is based solely on the information provided in the submitted tender. It involves the following:

- Verification of non-exclusion of tenderers on the basis of the exclusion criteria;
- Verification of tenderers documentation on the basis of selection criteria;
- Evaluation of tenders on the basis of the award criteria.

Tenders are considered not to comply with the call specifications and shall be rejected if they:

- do not comply with the minimum requirements laid down in the Technical Specifications.
- propose a price above the fixed estimated expenditure;
- submit variants when the Terms of reference does not allow them.

In all the above-mentioned cases, the rejection grounds are not related to the award criteria and, therefore, there is no evaluation as such. Tenderers will be informed of the rejection grounds without being given information on the content of the tender other than the non-compliant elements.

Where the information or documents to be submitted by tenderers are or appear to be incomplete or erroneous or where certain documents are missing, the ESPON EGTC may carry out verifications and clarifications as provided for in article 80 RGD LMP.

4.2 Verification of non-exclusion

Participation in this call for tenders is open **only** to tenderers who fully meet the requirements laid out in **Part III: Exclusion grounds of the ESPD (Annex A)**, which must be duly completed and submitted.

Tenderers are advised that, in case of contracting, supporting documents proving the statements made in the ESPD must be submitted. Please note that in line with Article 90 of the modified national (Luxembourg) Regulation of 8th April 2018 implementing the Law of 8th April 2018 on Public Procurement the following supporting documents must **be dated of within three months preceding the submission deadline of the tender**:

- A certificate issued by the competent authority in the Member State or country where the economic operator is established stating that it is **not** in breach of its obligations related to the payment of **taxes** and **social security contributions**.

Tenderers are advised, accordingly, to be in possession of **properly dated** documents regarding these criteria when submitting the tender.

The contracting authority may, where appropriate, ask tenderers to provide with supporting documents and may also, when having doubts concerning the personal situation of tenderers, request from the competent authorities any information it considers necessary to clarify its doubts.

Where the information concerns a tenderer established in a State other than the one of the contracting authority, the latter may seek the cooperation of the competent authorities. Having regard for the national laws of the State where the tenderers are established, such requests shall relate to legal and/or natural persons, including, if appropriate, company directors or/and any person having powers of representation, decision, or control in respect of the tenderer.

A tenderer shall be excluded if the provisions of the article 29 of the national (Luxembourg) Law of 8 April 2018 on Public Procurement are not fulfilled.

Furthermore, tenderers should take into full consideration that:

- none of the team members proposed in the offers shall have any prior knowledge of the Terms of reference whatsoever (i.e., being involved in their commenting, consultation process with the stakeholders, drafting, etc.), have advised ESPON EGTC or otherwise been involved in the preparation of the procurement process. In such case, the tender may be excluded in accordance with article 13 of the national (Luxembourg) Law of 8 April 2018 on Public Procurement;
- not providing the declaration of no conflict of interest by the tenderer or by the service provider, before or after the award of the contract, may lead to the exclusion of the tenderer or of the service provider or to the termination of the contract;
- in case the contracting authority acquaints itself with a situation calling into question the autonomous and independent nature of a tender, it shall request the parties to provide information and evidence in rebuttal. In case distortion of the market is detected, tenderers involved shall be excluded accordingly.

4.3 Verification of the selection criteria

Tenderers must prove their legal, regulatory, economic, financial, technical and professional capacity to carry out the work subject to this procurement procedure.

Tenderers must be in a stable financial position and have the economic and financial capacity to guarantee continuous and satisfactory performance throughout the envisaged lifetime of the contract. In addition, the tenderers are required to have sufficient technical and professional capacity to perform the tasks outlined in these Terms of reference.

To this end, the following information must be provided in the ESPD:

4.3.1 General information

Please provide the information required in “Part II: Information concerning the economic operator” of the ESPD (Annex A).

4.3.2 Economic and financial capacity

Please provide the information required in Part IV(B)(1a, 1b, 2a, 3 and 5) of the ESPD (Annex A). All related information has to be provided for the **last three financial years**.

The tenderer must be in a stable financial position and **the total turnover of the tenderer (or the consortium, see Section 3.4) for the last three financial years (see Part IV(B)(1b) of the ESPD (Annex A)) must equal or exceed 75% of the maximum available budget for this contract as stated in these Terms of reference.**

Please note that an economic operator may, when appropriate and for a specific contract, rely on the capacities of another entity not taking part in the tendering process to meet the selection criteria. (art. 33 of the Law on Public Procurement of 8 April 2018).

4.3.3 Technical and professional capacity

Tenderers must have the appropriate technical and professional ability to carry out the tasks required for this call for tenders, as described in section 1.6, by providing the required information in Part IV (C) of the ESPD (Annex A).

- a) A list of the relevant services successfully conducted during at least the last three years, including a description of work, indicating the budgets, dates and recipients, whether public or private. (Part IV(C)(1b) of the ESPD)
- b) the professional capacity and size of the company (Part IV(C)(8) of the ESPD)
- c) The team members who are proposed to carry out the tasks requested must demonstrate professional experience and background in the field of the services requested. Relevant specific information on the competencies and skills are detailed in Section 1.
 - Please attach detailed CVs of all team members proposed for the assignment to the ESPD (Annex A), taking into account the minimum expertise requirements detailed in this paragraph as well as in Section 1. The ESPON EGTC strongly recommends submitting the CVs in the EU CV format²². It should be clearly indicated by using the table in Annex E which profile requirements/competencies are met by which member of the team.
 - Please complete Annex E 'list of all team members' (one single list for all partners/subcontractors if relevant) involved in the implementation of the contract for whom CVs are submitted.

4.4 Financial award criterion

The value of the financial proposal (calculated in accordance with the scenario and the financial proposal supplied in Annex B) will be evaluated according to the best value for money principle.

The lack of providing a price in the financial proposal will invalidate the offer. Tenders with a financial offer that exceeds the total budget available **and/or where travel, accommodation and subsistence costs exceed 10% of the total costs (see Section 3.4 above)** will not be selected for the evaluation on the basis of the award criteria and will be excluded.

Calculation mistakes and discrepancies with the price per unit, if any, will be corrected by the evaluation committee based on the price per unit provided by the tenderer and the confirmation of the tenderer will be requested.

Abnormally low tenders:

To avoid offers with abnormally low prices that could jeopardize the correct delivery of the services, if the price proposed in a tender appears to be abnormally low compared to the arithmetic average of all the technically compliant tenders (15%), the contracting authority will request, in writing, the necessary clarifications and elements as appropriate and in accordance with Article 88 RGD²³.

4.5 Evaluation of the tenders on the basis of the award criteria

Only the tenders meeting the requirements of the exclusion and selection criteria are evaluated in terms of quality and price. The assessment of the technical quality is based on the ability of the tenderer to meet the purpose of the contract, as described in the technical specifications.

The following evaluation criteria shall be used to determine the technical merit of the offers, producing a total score of maximum 100 points:

²² For the template please see <http://europass.cedefop.europa.eu/documents/curriculum-vitae/templates-instructions>

²³ [Règlement Grand-Ducal du 8 avril 2018 portant exécution de la loi du 8 avril 2018 sur les marchés publics et portant modification du seuil prévu à l'article 106 point 10° de la loi communale modifiée du 13 décembre 1988](#)

No	Qualitative award criteria	Weighting (maximum points)
1	<p>Level of understanding of the tasks and services to be carried out The degree to which the tenderer shows the capacity to understand the research and the policy needs and the added value of the proposal, will be assessed under this criterion.</p>	25
2	<p>Quality and appropriateness of the proposed methodology and research approach The tenderer must demonstrate the capacity to answer the policy questions and to deliver the expected outputs. The degree to which the tenderer manages to combine scientific rigour and policy relevance will be assessed under this criterion. Furthermore, under this criterion the capacity of the tenderer to deliver new territorial evidence, to carry out innovative research methods, and produce outputs in various visualisation formats and forms will be assessed.</p>	50
3	<p>Organisation, planning, and management of the service contract The distribution of the roles and responsibilities for each task among the proposed team will be assessed under this criterion. The global work plan, the articulation of tasks and the allocation of time and resources to each task and delivery will also be assessed. Actual risk assessment will also be taken into account.</p>	25
Total number of points		100

In order to guarantee a minimum threshold of quality, offers that do not reach a minimum score of **50** points at the end of the technical evaluation **will not be considered in the best price-quality ratio assessment** and will therefore be rejected.

The contract is awarded to the tenderer submitting the tender that offers the most economically advantageous tender assessed on the basis of the best price-quality ratio as represented by the highest score (i.e. the highest X) by weighting the price and the quality respectively, by applying the formula below:

$$X = \left(\frac{\text{Cheapest price excl. VAT}}{\text{Price of tender X excl. VAT}} * 100 * 30\% \right) + (\text{technical evaluation score of tender X} * 70\%)$$

4.6 Contract award and conclusion

Before awarding the contract, the contracting authority will require the tenderer to which it has decided to award the contract to submit up-to-date supporting documents in accordance with the requirements of the present Terms of reference and with Article 31 of the Law on Public Procurement of 8 April 2018 and, where appropriate, Article 32. The contracting authority may invite economic operators to supplement or clarify the certificates received.

Initiation of a tendering procedure imposes no obligation on the contracting authority to award the contract. 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 liable if it decides not to award the contract. Expenditure on preparing and submitting tenders is non-refundable.

The economic operator whose tender is ranked first is deemed to have submitted the most economically advantageous tender based on the best quality-price ratio is in principle awarded the contract.

Prior to any award decision, the ESPON EGTC shall carry out the necessary documentary checks as described in the Terms of reference.

The ESPON EGTC shall inform unsuccessful tenderers via the Luxembourgish Public Procurement Portal of the reasons why their tender has not been selected, in accordance with Article 193 RGD24.

The successful tenderer shall be notified via the Luxembourgish Public Procurement Portal. The conclusion of the contract with the successful tenderer shall take place at the earliest after a standstill period of 10 days.

The competent court to hear pre-contractual appeals is the Administrative Court. For post-contractual appeals, the competent court is the District Court²⁵.

5 Additional contracting information

5.1 Contracting authority

Contracting authority: the ESPON EGTC has been established on the 9th of January 2015 based on Regulation (EC) 1082/2006 of the European Parliament and of the Council of 5 July 2006, as amended, to undertake the role of the Single Beneficiary of the ESPON 2020 Cooperation Programme, the ESPON 2030 Cooperation Programme and the potential subsequent approved ESPON cooperation programmes.

ESPON EGTC

Attn: Director

11, avenue John F. Kennedy L-1855 Luxembourg

Tel: +352 20 600 280 / Fax: +352 20 600 280 01 / E-mail: tenders@espon.eu

The ESPON EGTC is the contracting and awarding authority of the present contract.

5.2 Place of delivery

All services shall be delivered by default to Luxembourg, unless mentioned in Section 1 or agreed with the ESPON EGTC.

5.3 Other conditions

The material provided for the preparation of the tender can only be used for the preparation of the tender and has to be kept confidential. All the documents submitted by tenderers will be kept by the contracting authority for archive purposes. These documents will be considered as confidential.

6 Annexes

Annex A – European Single Procurement Document (ESPD)

Annex B – Financial offer template

Annex C – Draft service contract

Annex D – Allocation of human resources

²⁴ [Règlement Grand-Ducal du 8 avril 2018 portant exécution de la loi du 8 avril 2018 sur les marchés publics et portant modification du seuil prévu à l'article 106 point 10° de la loi communale modifiée du 13 décembre 1988](#)

²⁵ [loi du 10 Novembre instituant le recours en matière de marchés publics](#)

Annex E – List team members and economic operators