

## **Call for tenders**

### **Terms of reference**

### **ESPON European Research Project**

## **“Territorial governance of non-standard geographies”**

### **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

<b>Title</b>	Territorial governance of non-standard geographies
<b>Procedure</b>	EU Open
<b>Contracting authority</b>	ESPON EGTC 11, Avenue John F. Kennedy L-1855 Luxembourg Grand Duchy of Luxembourg
<b>Type of contract</b>	Service contract
<b>Duration</b>	27 months (24 months for contract implementation + 3 months for administrative closure)
<b>Maximum available budget</b>	EUR 900,000 (excluding VAT)
<b>Place of delivery</b>	Luxembourg
<b>Lots</b>	This tender is not divided into lots
<b>Variants</b>	Not permitted
<b>Market access</b>	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
<b>Tender submission method</b>	Electronic submission via the Luxembourg Public Procurement Portal ( <a href="http://www.pmp.lu">www.pmp.lu</a> )
<b>Deadline for sending requests for information</b> And/or reporting errors, omissions, ambiguities, or discrepancies	10 April 2023 at 11h59 CEST
<b>Deadline for submission of tenders</b>	<b>17 April 2023 at 11h59 CEST</b>

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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 provide new European territorial evidence in the framework of the [ESPON 2030 Cooperation Programme](#). The call for tenders shall result in a European research project being implemented within the framework of the [Thematic Action Plan "Governance of new Geographies"](#).

The objective of this European research project is to deliver high quality research on emerging non-standard functional territories in terms of their definitions, delimitations, development trends and ongoing hard and soft cooperation arrangements. Through observations for the entire ESPON Programme area, with the support of territorially confined cases, this project shall provide policy advice on how to arrange optimal territorial governance mechanisms that would combine formal frameworks with soft arrangements of governance, adequately addressing functionalities in such emerging geographical areas.

### 1.1 Context

[The Resolution](#) adopted at the 17th session of the Council of Europe Conference of Ministers responsible for Spatial Planning (CEMAT), held in Bucharest in 2017, states that socio-economic development trends do not take into account the administrative boundaries of territorial units. As Europe continues to face a number of important socio-economic challenges, these challenges can be addressed, among others, by identifying areas with common characteristics and problems that have the potential to act as functional areas and can be targeted by integrated policies and interventions.

According to CEMAT functional areas are defined as cohesive territories determined by a structure of interactions that occur in several territorial administrative units (cities, towns, communes, etc.) that work together and are linked e.g. by transportation, communications, economic activities or natural conditions, as well as through common challenges and features. [The OECD Territorial Review \(2020\) on 'Delineating Functional Areas in All Territories'](#) further informs that functional areas, created by clustering small administrative units, should be regarded as an additional, complementary geography that can provide evidence on socioeconomic interdependencies across space (e.g. in housing, transport and land use) as these have effects on neighbouring territories.

[The preparatory study](#) for the 17th session of CEMAT identified about 20 types of functional areas, including: cross-border cooperation areas, functional rural areas, touristic areas, sparsely populated areas, coastal areas, river catchment areas, free trade economic zones and areas with important cultural heritage, to name a few. Eurostat's methodological work [on European harmonised Labour Market Areas \(2020\)](#) promotes it as an economically integrated spatial unit, within which residents can find jobs within a reasonable commuting distance or can change their employment without changing their place of residence. Further, [recent research](#) casts a light on new mobility patterns and mobility areas evolving in effect of the COVID-19 pandemic.

Functional areas as a way of programme planning has become a prominent principle of the new Cohesion Policy 2021 – 2027, especially concerning the integrated territorial development, the [European Urban Initiative](#), and the European territorial cooperation goal (Interreg). The European Commission cooperates with the World Bank to pilot an EU wide project which focuses on strengthening functional area approaches in 24 functional areas across eight EU member states (<https://functionalareas.eu/>) – 12 of which receive targeted support, and another 12 receiving short-term support. Participating functional areas include both functional urban areas, and non-urban functional areas (e.g. Lake Balaton, Jiu Conurbation, Caraş-Timiş, West Ialomița). Indeed, as the analysis of nearly 1000 strategies for

Sustainable Urban Development funded by the EU between 2014-2020 shows, the functional area approach is applicable to different types of functional territories.<sup>1</sup> The Joint Research Centre has elaborated a guidance on how to use functional area approach to define territorial focus of territorial strategies which concern non-urban areas (in the context of EU's Cohesion Policy support to integrated territorial development).<sup>2</sup>

In addition, the Territorial Agenda 2030 emphasises an added value of functional regions in driving convergent local and regional development as such regions often do not adhere to administrative delineations, are highly dynamic and can shift over time.

Overall, the understanding of different functional geographies has also grown exponentially by introduction of improved and enlarged lists of territorial typologies. Territorial typologies are the main building blocks which help to further define specific pattern or direction of interactions among people and places around them. If some time ago territorial typologies were products of research discourse, then, since 2018, the amended [NUTS Regulation](#) provides a clear legal framework at the European level for NUTS, LAU and grid cells on what can be considered, for instance, an "urban area", a "rural area" or a "coastal area" (TERCET typologies). Methods used to analyse and distinguish between territorial typologies have also progressed, for instance, the "[degree of urbanisation DEGURBA](#)" method has been endorsed at the global level by the United Nations Statistical Commission. Recently, a [new Nordic urban-rural typology](#) has been developed by the by the Nordic Council of Ministers. It presents a geographic division into seven distinct area classes which are independent from administrative boundaries.

All in all, different types of functional areas may be identified across European territory, serving the purpose of having a better place-based policy design, delivery and evaluation, while being based on relevant statistical evidence. While for many of those functional areas there is vast evidence already available, as in case of functional urban areas (FUA) with [new analysis](#) produced constantly, much less consideration has been given to emerging geographies, understood as new functional territories shaped by international flows and exposed to their transboundary impacts. As outlined in the TAP on 'Governance of new geographies', there is a strong policy demand for understanding better how, by following on the concept of functional areas, the policies may facilitate functional relationships across the space and deliver a territorial governance model fostering multi-level cooperation beyond the administrative boundaries.

A number of past ESPON projects have dealt with spatial dynamics of flows in different geographical perspectives to identify the main development potentials, drivers and bottlenecks in functional areas, and to address the knowledge gaps among stakeholders operating in functional areas.

The early ESPON 2006 programme identified [typologies of functional urban areas across Europe](#) and sparked the debate on the polycentricity concept and its measurement. The ESPON GEOSPECS (2012) project looked at different types of territories with geographic specificities across Europe. Later, the ESPON FUORE (2020) project developed [a webtool](#) to explore hundreds of estimated demographic and socioeconomic time series indicators reported by nine types of functional areas in Europe, mostly based on the ESPON GEOSPECS and Eurostat TERCET delineations:

- Functional Urban Areas (*Eurostat TERCET typology*);
- Coastal Areas (*Eurostat TERCET typology*);

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<sup>1</sup> Fioretti, C. and Pertoldi, M. (2020). Exploring the functional area approach in EU urban strategies. *Transactions of the Association of European Schools of Planning*, 4(2), 146–162.

<sup>2</sup> Joint Research Centre (2022). Handbook of Territorial and Local Development Strategies. <https://publications.jrc.ec.europa.eu/repository/handle/JRC130788>

- Maritime Service Areas (*Eurostat typology*);
- Mountain Areas (*ESPON 2013 GEOSPECS project*);
- Border Areas, 45 min reach (*ESPON 2013 GEOSPECS project*);
- Border Areas, 90 min reach (*ESPON 2013 GEOSPECS project*);
- Sparsely Populated Areas (*ESPON 2013 GEOSPECS project*);
- Islands (*ESPON 2013 GEOSPECS project*);
- Green Infrastructure Potential Areas (*ESPON 2020 GRETA project*).

A number of recent ESPON targeted analyses (geographically contained projects) have also greatly contributed to understanding of how functional areas operate across regions and municipalities in different European countries:

- ESPON CE Flows – focused on spatial dynamics and existing flows across regions in Central Europe (based on the area of the Interreg CENTRAL EUROPE programme).
- ESPON LAKES – focused on exploring territorial challenges, governance frameworks and integrated development options in 12 large lake regions across Europe.
- ESPON IMAGINE - developed and tested new territorial narratives and governance frameworks, new visions, and imaginaries for the functional area of Milano-Bologna.
- ESPON ACTAREA – explored “soft territorial cooperation” arrangements, covering 13 functional areas of different types across Europe.
- ESPON CPS 2.0 - focused on an upgrade and update of the Cross-Border Public Services (CPS) inventory produced in 2018. The new inventory, developed in cooperation with the DG REGIO, contains information about 1500 CPS across the EU, including borders with IPA and neighbouring countries; it can be also explored in an interactive way: <https://cps.terrestris.de>

On the level of specific country analyses, a new set of delineations capturing functional rural areas was developed for Romania.<sup>3</sup> This work was done by exploring different methodological options and collecting a large set of data from official statistics and other auxiliary sources. This ESPON analysis has been part of a wider ongoing effort by the European Commission to work out a definition of functional rural areas at a European scale: [https://rural-vision.europa.eu/maps-data\\_en#functional-rural-areas](https://rural-vision.europa.eu/maps-data_en#functional-rural-areas) .

## 1.2 Objective

The objective of this European research project is to deliver high quality research on emerging non-standard functional territories in terms of their definitions, delimitations, development trends and ongoing hard and soft cooperation arrangements. Through observations for the entire ESPON Programme area, with the support of territorially confined cases, this project shall provide policy advice on how to arrange optimal territorial governance mechanisms that would combine formal frameworks with soft spaces of governance, adequately addressing functionalities in such new geographical areas. In effect, this project shall help strengthen capacities and skills of policy stakeholders at different relevant levels in harnessing the potential of functional approach in planning and governance. The main guiding principle shall be twofold:

- (i) *To study emerging non-standard geographies based on a flexible notion of ‘functional areas’ as manifestations of spatial patterns of technical, environmental, natural and/or social interrelationships and networks, without presuming geographic forms and contiguous relationships.*

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<sup>3</sup> ESPON 2022. Functional rural areas in Romania. A methodological investigation (<https://www.espon.eu/topics-policy/publications/functional-rural-areas-romania>)

- (ii) *To identify and study the links and appropriateness between new soft, hard and combined governance frameworks in the context of emerging challenges and problems that they are set up to respond to.*

Given the fact that a lot of research and evidence already exists on functional areas, the service provider shall focus on "emerging non-standard geographies", which in practice means areas:

- Which do not belong to more "standard-type" typologies (like functional urban areas, cross-border areas, coastal areas, etc.), justified exceptions may be accepted.
- Which are forming the geographical dimension of emerging and/or new territorial challenges related to, for instance, Covid-19 pandemic, transition towards carbon neutral economy, energy transition, migration, pollution or environmental elements such as water basins, green areas etc. In this context, functional territories covered by ESIF's integrated development strategies within Cohesion Policy 2014-2020 shall also be examined.<sup>4</sup>
- That are characterised by the documented functional relations or networks or flows between people and/or places and that have existing governance mechanisms in place.
- That are not exclusively defined by administrative borders nor necessarily composed of contiguous spaces.
- Where data is fragmentary or a lack of pan-European overview is evident.

There is a clear need to widen the notion of functional areas with a focus on a set of topics, which are not typically aligned with administrative borders, and – instead - relate to the management of the shared resources and infrastructure (e.g. water basins, green areas, natural resources, energy production and distribution networks, transport facilities, data infrastructure, etc.) or manifest themselves in a geographically indistinct spread of pollutants, epidemics, migration flows, criminalities. Better understanding of these geographies (i.e. data and network analyses, trends, their emergent characteristics, challenges and opportunities) is needed so as to come up with new inputs for establishing appropriate functional governance mechanisms. This would also allow for gaining new data sets on different geographies, for instance considering environmental and biodiversity data. The tenderers shall consider the following illustrative examples of "new geographies" as a guiding notion in terms of what kind of geographies could be covered during the project:

- ❖ *New Geographies of Newcomers.* Population movement of immigrants and asylum seekers across different routes in Europe is well documented, however, changes are constantly occurring on the ground. There is a complex and dynamic web of people's flows as they move from arrival points and transit stops, towards destinations. What new geographies can be defined through the flows/trajectories and experiences of migrant populations? Are there governance practices and institutional set-ups that manage these new geographies as functional areas spanning across borders? How do the flows/trajectories of migration, map against needs and opportunities across Europe (for example, labour market areas, dedicated services)? Some of these issues are already explored in the context of functional urban areas.<sup>5</sup>
- ❖ *New Geographies of Speed.* While European cities are becoming increasingly connected by faster and easier travel (rail and air), enclaves of lower accessibility and reduced economic potential are being actively created via slower networks of buses, boats, cars and cycling. What are the new

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<sup>4</sup> See "Territorial Focus" in JRC's platform STRAT-Board. <https://urban.jrc.ec.europa.eu/strat-board>

<sup>5</sup> Joint Research Centre (2021). A place-based approach to migrant integration. Sustainable urban development strategies and the integration of migrants in functional urban areas. <https://publications.jrc.ec.europa.eu/repository/handle/JRC127151>



territorial hierarchies emerging out of the changes in connectivity and mobility across the EU, due to investment in high-speed transport infrastructure?

- ❖ *New Geographies of Criminality.* Human trafficking and smuggling in Europe is a growing concern, with networks of criminality taking a deliberate advantage of open borders to create functional, or even 'dysfunctional areas'. Which 'new geographies' is the operation of criminal networks shaping across Europe? What are the types of territories where trafficking and illegal trading is more rife? Which are the governance challenges that the emergence of these 'new geographies' is posing to existing governance arrangements in the territories affected?
- ❖ *New Geographies of Health and Illness.* Covid-19 pandemic has certainly showcased different geographies in terms of vulnerable territories, however, the territorial dimension of health goes far beyond that and also concerns environmental health impacts such as noise, air quality, environmental quality standards, nutrition, the quality of healthcare, etc. What are the 'new geographies' of health (provision, access and mobility) across Europe? Where and how is investment distributed to provide access to preventive, diagnostic and curative care? What are the various (hard and soft) social infrastructure governance arrangements emerging across Europe?
- ❖ *New Environmental Geographies* deriving from the effect of climate change and or climate crisis (e.g.: landslides, flooding, desertification, glaciers losses, etc).
- ❖ *New Geographies in Transition: Changing Infrastructures.* European landscape is experiencing significant territorial changes related to, for instance, circular and sharing economies, renewable energy production and distribution, strategic energy infrastructures related to the energy security, food production, distribution, consumption and waste, digital infrastructure. What types of new geographies are emerging as a result of energy, green and digital transition infrastructure development? What are the territorial implications of the energy, green and digital transitions in terms of land-use, biodiversity, natural heritage, local social cohesion?

For the sake of clarity and given the vast literature which elaborates on the concepts of "governance", "multi-level governance", "good governance", the term "territorial governance" within this call for tenders corresponds to the concept originally developed in the ESPON TANGO project and further discussed in academic publications<sup>6</sup> and other ESPON projects like the [ESPON COMPASS](#) project. Territorial governance consists of 5 key dimensions (subdivided in multiple components as demonstrated in the ESPON TANGO project)<sup>7</sup>:

- Coordinating actions of actors and institutions (e.g. distributing power across governance levels);
- Integrating policy sectors (e.g. achieving synergies across sectors);
- Mobilising stakeholder participation (e.g. integration of interests/viewpoints);
- Being adaptive to changing contexts (e.g. employing evidence of forward looking actions);
- Realising place-based/territorial specificities and (assessing) impacts (e.g. coping with hard and soft/functional spaces).

The service provider shall broadly adhere to this notion of territorial governance, but may also introduce adaptations, based on existing realities. Given the complexity of the research topic, it is not mandatory

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<sup>6</sup> Schmitt, P., & Van Well, L. (Eds.). (2016). *Territorial Governance across Europe: Pathways, Practices and Prospects*. Routledge; Rauhut, D., Sielker, F., & Humer, A. (Eds.). (2021). *EU Cohesion Policy and Spatial Governance*. Cheltenham, UK: Edward Elgar Publishing

<sup>7</sup> ESPON. 2014 .Guidebook. Towards Better Territorial Governance in Europe : <https://www.espon.eu/topics-policy/publications/guidance/towards-better-territorial-governance-europe>

to fully analyse all territorial governance dimensions or components, thus a well-justified selection may be made, based on the policy questions, the content of requested tasks (see below) and feasibility.

The overall objective of this activity is to receive answers to the **following policy questions**:

- What are the emerging categories of functional areas and how to set their boundaries in a way that they could help tailor the respective policy processes at different relevant levels of governance?
- What are the specific drivers fostering the development of specific functional areas and how they shape up the transboundary impacts of flows?
- What are the ongoing territorial governance arrangements (soft and hard, including monitoring instruments) and which stakeholders are involved in the specific cases of such emerging categories of functional areas in Europe?
- What kind of administrative, financial, monitoring or other management-related obstacles can be identified in adopting/applying policies and spatial planning practices in emerging functional territories, e.g in multi-level and cross-sectorial perspective, and which practical recommendation can be given to overcome these obstacles? What are the overall lessons learned (benefits, success stories and failures) in building and implementing territorial governance and planning models.
- How are emerging issues, for instance, pollution, natural hazards, natural resources, climate neutrality and biodiversity incorporated into new and old forms of governance structures and decision making? How is green/digital/energy infrastructure provision in or across 'new geographies' governed across Europe?
- How to ensure policy coherence between the countries, regions and local administrative models concerned, to plan and manage the new categories of functional territories, in terms of cooperation capacities, alignments of strategies and policies, and stakeholder engagement schemes?
- What kind of data, indicators and methodologies are needed to define and monitor the development of the new categories of functional areas and setting up optimal territorial governance models for such new categories of functional areas? Which approaches should be adopted in order to collect, store, share and analyse such data?

The geographical coverage of the study shall encompass all EU member countries and partner states participating in the ESPON 2030 Cooperation Programme. Where relevant, feasible and data available, the study shall also cover the United Kingdom and the EU's Candidate and Potential Candidate countries, given the transborder nature of the research topic.

### 1.3 Description of tasks

In pursuing 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.

### 1.3.1 Task 1: Selecting "emerging geographies"

#### Selecting "emerging geographies" as research objects

The main aim of this task is to select a list of emerging geographies, using the criteria mentioned in section 1.2. For that purpose, the service provider shall run a consultation process with the key European institutions (like the DG REGIO, OECD, JRC) and national, regional and local stakeholders to determine a list which corresponds to existing realities on the ground. Against that background, the service provider shall propose a detailed method on how to engage with relevant stakeholders and describe the expected outcomes and the added-value of these consultations for the development of the research.

The selection of emerging geographies as research objects is a bottom-up process which starts with the identification of relevant drivers behind possible selected categories of functional territories. The service provider must explore and identify, for instance, any transboundary flows or networks related to the management of shared resources and infrastructure (e.g. water basins, green areas, natural resources, energy production and distribution networks, transport facilities, data infrastructure, etc.) or which manifest themselves in a geographically indistinct spread of pollutants, epidemics, migration flows, criminalities.

By all means the selected service provider must ensure that the final list is not a compilation of abstract theoretical territorial typologies, nor is guided by an *a priori* knowledge or expertise of the service provider on specific territories. Each selected emerging geography must be accompanied with geospatial delineations and a methodology of how the delineations were established and how they can be populated with meaningful and obtainable indicators.

In addition, main concepts and research strategy shall be clearly defined, as well as explanation given on how the project will benefit from the existing research, given the vast literature and studies on different functional areas. Focus here shall be on the added value of the study. It is also important to highlight how findings from different previous studies (JRC, OECD, etc.) will be considered, especially concerning the recent ESPON targeted analyses which already give interesting territorially confined insights into territorial governance of different non-standard functional areas. As the research field is broad, it is important to clearly define the most crucial concepts and aspects of the research. Based on the explanations provided in the tender, the selected service provider must further elaborate:

- Conceptualisation of what an "emerging geography" is in the context of "functional areas".
- Conceptualisation of "territorial governance" which reflects emerging territorial challenges in Europe and a defined scope of what kind of components of territorial governance can be realistically covered during the research.
- Conceptualisation of what kind of analysis (e.g. quantitative and/or qualitative, network analysis, etc.) could be performed given the pan-European nature of the study; what type of indicators could be developed and analysed. One of the aims of the study is to elaborate an innovative, cutting-edge indicator(s) related to emerging functional areas and territorial governance.

Outline and reflection on what kind of data sources will be used to collect data and perform analysis. Since the research topic is complex, an honest and realistic feasibility assessment is needed in order to perform analysis at a pan-European level, based on localised data sets. Without structured data there is a danger that the research will turn into a case-study style textual description.

### 1.3.2 Task 2: Identifying themes of analysis

#### Identifying themes of analysis for each selected emerging geography

The selected service provider shall define the most important domains/themes of analysis for each selected emerging geography, with an idea to later perform an analysis on development trends and

relevant territorial governance mechanisms. The list of domains shall not be all-encompassing; instead, the service provider shall work out a proper justification supported by the following related workstreams:

- A detailed analysis of the available data at the relevant territorial scales shall be performed by identifying what is available, what is missing and what detailed strategy the service provider will assume towards acquiring new data and evidence. This task relates to both socioeconomic data, network analysis, strategic analysis of public and private service operators and data related to territorial governance mechanisms.
- Development of indicators for measuring development trends or capturing some specific territorial patterns relevant to identified domains/themes and selected emerging geographies.
- A thorough argumentation of why the particular domains have been selected, including examples of how the functional flows or networks work.

The service provider shall propose a detailed method on how to engage with relevant stakeholders and the ESPON EGTC in order to verify the selection results. In addition, the European Commission is preparing currently a methodology for the delineation of functional rural areas (FRA), which, coupled with the existing functional urban area (FUA) methodology, will cover virtually the entire territory of the EU. This means that every "emerging non-standard geography" will overlap with one or more FUAs and/or FRAs. This will necessarily require thinking of a hierarchy of functional relationships – with some functional relationships being more important for one type of functional areas, and other functional relationships being more important for another type of functional areas. In practice this means that even among "emerging non-standard geographies" there are likely to be overlaps which will need to be taken into account.

### **1.3.3 Task 3: Mapping and analysis of development trends**

#### **Mapping and analysis of development trends in selected emerging geographies**

The service provider shall develop an analysis on development trends or specific territorial patterns. The overview of development trends shall ideally cover the last decade and, when possible, the most recent years (to capture the possible effects of e.g. the COVID pandemic, the war in Ukraine, the energy crisis, the latest climatic events). Further, it shall be provided for each selected geography by also pinpointing commonalities about new emerging features.

The expected types of analysis are (not exhaustive list):

- Analysis of socioeconomic data in terms of recent development trends.
- Analysis of spatial interactions and flows, and territorial processes like peripheralization, convergence, urbanisation, clusterisation, territorial decentralisation, etc.
- Analysis of public funding and private investments.
- Analysis of spill overs and transboundary impacts<sup>8</sup>.
- Analysis of environmental interactions.

Both quantitative and qualitative analysis is encouraged and where possible the analysis shall forecast future territorial development patterns.

The analysis shall lead to new evidence and data on emerging geographies, new insights on similarities and differences across Europe regarding these territories, concerning their development trajectory. The service provider shall perform analysis on selected indicators/variables at territorial level (NUTS 3 and, if possible, at a lower scale of LAU2). The data shall be sound, comparable and reliable. To do so, the service

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<sup>8</sup> OECD/EC-JRC (2021), Understanding the Spillovers and Transboundary Impacts of Public Policies: Implementing the 2030 Agenda for More Resilient Societies, OECD Publishing, Paris

provider shall collect and combine the most recent data available across the ESPON space based, among others, on sources such as SILC, administrative data, the census or unconventional data. Consultations with the European Commission, Eurostat, JRC and national statistical institutes/registers and/or other national institutions on acquiring comparable and reliable data would certainly be necessary. These shall be led by the service provider who shall propose an appropriate approach for the consultation.

The outcome of the analysis shall be reported in a textual way as well as in maps, graphs and interactive visualisations like storymaps, dashboards, infographics, videos (as agreed with the ESPON EGTC). The tenderer shall provide details on the nature and format of these deliveries already in its technical offer.

### **1.3.4 Task 4: Mapping and analysis of territorial governance mechanisms**

#### **Mapping and analysis of territorial governance mechanisms in selected emerging geographies**

The service provider shall map and analyse the existing territorial governance mechanisms in emerging geographies and ascertain their relevance in tackling the development trends and managing such territories. This analysis shall be accompanied by an elaboration on the specific national and regional policy contexts in which functional areas and their governance structures emerge, including also macro-regions.<sup>9</sup> It is crucial that the service provider works on providing, where possible, the structured (quantitative) data on the governance structures and mechanisms in the identified emerging geographies<sup>10</sup>. This entails not only, for instance, production of simple descriptive statistics, but also performing more elaborate analysis, like network analysis.

As pointed out, the range of territorial governance topics to be covered shall broadly adhere to the 5 key dimensions of “territorial governance” as identified in [ESPON TANGO](#), but the exact scope shall be proposed by the service provider in consultation with the ESPON EGTC and relevant European, national, regional and local stakeholders, based on the feasibility.

The analysis performed in this task shall provide new insights on similarities and differences across Europe regarding governance mechanisms for the emerging geographies. It shall form a basis to increase capacity of territorial policy makers to benchmark their territories and design and implement relevant territorial governance mechanisms.

For this task as well, the outcome of the analysis shall be reported in a textual way as well as in maps, graphs and interactive visualisations like storymaps, dashboards, infographics, videos (as agreed with the ESPON EGTC). A tenderer shall provide details on the nature and format of these deliveries already in the tender.

### **1.3.5 Task 5: Preparing case studies on particular territories**

At least 8 case studies on different types of European functional territories must be performed by ensuring the same type of analysis as requested in the task 3 and the task 4. Functional areas in reality are quite diverse in their substance, geographic extent, main functional relations, maturity of their governance mechanisms, etc. Thus, the selection of case studies shall ensure that territories selected are not too homogeneous, but vary in their basic characteristics, geographic location and extent, governance mechanisms used, but still have an European relevance. Overall, the case studies shall allow to provide

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<sup>9</sup> See ESPON European and Macro-regional Territorial Monitoring Tool — MRS. ESPON (<https://mrs.espon.eu>)

<sup>10</sup> Ahrend, R., C. Gamper and A. Schumann (2014), "The OECD Metropolitan Governance Survey: A Quantitative Description of Governance Structures in large Urban Agglomerations", OECD Regional Development Working Papers, No. 2014/04, OECD Publishing, Paris

more detailed insights into aspects, which cannot be captured by a sole statistical analysis. The overall aim of producing the case studies is to address the following:

- look at development trends and territorial governance mechanisms which are difficult to analyse at a European scale due to lack of data availability;
- tackle specific contextual situations for emerging geographies and the related territorial governance mechanisms at a lower geographical scale

A tenderer shall provide details in the tender on the process of how to select, develop and implement the case studies. The focus shall be made in the identification of stakeholders for each selected territory, actively involved in the domains of the analysis. A tender shall describe the expected added value of their participation in the project, what the project can bring to them in return and how to engage and ensure their commitment during the lifetime of the project.

Particular attention should be given to the description of the different deliveries necessary to implement this task and to present the results of the case studies. Those deliveries shall be reported in a textual way but also in more communicative and visual ways (e.g. storymaps, dashboards, infographics, videos, as agreed with the ESPON EGTC).

## 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:

- *A list of relevant emerging non-standard geographies accompanied with data and metadata on spatial boundaries.*
- *Identified and assessed spill overs and transboundary impacts of the flows acting as conduits for emerging non-standard geographies in the respective categories.*
- *Stock-taking of available data at the respective territorial scales.*
- *A set of indicators to measure development trends or capture some specific territorial patterns in the new categories of functional territories.*
- *Structured data/analysis and strategic mapping on the governance structures in the identified emerging non-standard geographies.*
- *Detailed case studies showcasing the application of the abovementioned analyses while ensuring policy uptake of the project among selected range of policy makers and other stakeholders.*
- *Advice (guidelines) on better policy coherence between the countries, regions and local administrative units concerned to plan and manage the new categories of functional territories. In addition, provision of policy recommendations, good-practice examples on soft and hard policy mechanisms in order to reach better governance and more effective development of emerging functional territories.*
- *Guidance on capacity measures to enhance the stakeholders' ability to design and implement relevant territorial governance mechanisms.*
- *Data and interactive maps and graphs resulting from the research and provided in the format compatible with the environment of the ESPON Portal<sup>11</sup>.*

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

## 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.

### 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*
  - *Definition of the most important concepts and aspects of the research*
  - *Conclusions / recommendations related to the consultation process with the key European, national, regional and local stakeholders.*
  - *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 version of the analysis and evidence from the mapping and analysis of development trends in selected emerging geographies.*
  - *Final version of the analysis and evidence from the mapping and analysis of territorial governance mechanisms in selected emerging geographies.*
- Scientific annexes, detailing the methodology and the research results including:
  - *Description and showcasing of innovative, cutting-edge indicator(s) related to functional areas and territorial governance.*
  - *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 EGTC<sup>12</sup> 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.

### 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-

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<sup>12</sup> 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.)



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 Portal<sup>13</sup>.

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 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 life time 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.

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

### **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 shall be signed by the representatives of both the service provider and the ESPON EGTC and shall be subject to article 4 - "Performance of the contract and subcontracting" of the service contract.

Meetings	Predefined deliveries	Indicative deadline <sup>14</sup>
<b>Kick-off</b>		As soon as possible (and normally within 2 weeks) after the award of the contract
	<b>Inception Delivery</b>	T + 1 months
<b>1<sup>st</sup> Steering Committee</b>		T + 2 months
	<b>Progress report 1</b>	T + 6 months
<b>2<sup>nd</sup> Steering Committee</b>		T + 9 months
	<b>Progress report 2</b>	T + 12 months
<b>3<sup>rd</sup> Steering Committee</b>		T + 15 months
	<b>Final Delivery</b>	T + 22 months
<b>Final Steering Committee</b>		T + 23 months

## 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 analysing functional territories and territorial governance mechanisms in a pan-European context.
- 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.

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

- 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 27 months, 24 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 900,000.00 (nine 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 shall 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 shall 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 shall 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 shall be processed once all requested deliveries have been approved by the contracting authority, accompanied by the relevant invoice.

The payment shall 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 Peppol<sup>15</sup> 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:

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

- renting a Peppol access point from one of the numerous specialist service providers<sup>16</sup> 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.

## 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 8<sup>th</sup> of April 2018.

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

## 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 2021<sup>17</sup>.

### 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](http://www.pmp.lu)) via the link provided in the contract notice.

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

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

procedure shall be considered as an inconsistent and contradictory attitude being contrary to the 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**

**17/04/2023 at 11h59 CEST.**

**Tenders must be submitted electronically. All tenders sent by other means (e.g. paper versions or electronic versions submitted by e-mail) shall 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 procedures<sup>18</sup> and it is done via the Luxembourg Portal of Public Procurement (PMP, [www.pmp.lu](http://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](http://www.pmp.lu)

The configuration and internet browsers recommended according to the PMP can be found on the PMP website<sup>19</sup>:

To create an account in the PMP, ([www.pmp.lu](http://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 eIDAS<sup>20</sup>

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.

<sup>18</sup> (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).

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

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

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 trade<sup>21</sup>.

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>

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**

Please include your documents in the following order, as relevant and per partner/subcontractor:

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

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)
<b>Section 1 General</b>					
1	a. Annex A: European Single Procurement Document (ESPD) <b>two versions:</b> - <b>One copy</b> duly electronic signed - <b>One copy</b> 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><b>FILE n°2 -TECHNICAL OFFER (approximately 30 pages excluding annexes)</b></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"> <li>A description (approximately 5 pages) of the concept for addressing the research and the policy needs and description of how objectives will be achieved.</li> </ul>	Section 1	<input checked="" type="checkbox"/>	n/a	n/a
2	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: <ul style="list-style-type: none"> <li>Outline of the conceptual and methodological framework to be applied for each task.</li> <li>Description of the data strategy, including main sources and data to be used and collected.</li> <li>Description of the approach for engaging with stakeholders and ensuring policy uptake.</li> <li>Description of all proposed deliveries (format, content)</li> <li>Description of the main outcomes and results expected and their added value in policy making.</li> </ul>	Section 1	<input checked="" type="checkbox"/>	n/a	n/a

	<p>The above mentioned main points must already address some of the proposed research content, covering:</p> <ul style="list-style-type: none"> <li>• Explanation on how the proposed research adds value to the existing research on functional areas; what innovative aspects are being brought forward.</li> <li>• Explanation on how the concept of "governance" will be used throughout the research.</li> <li>• Clear explanation and examples of envisaged "emerging geographies".</li> <li>• Proposals on the potential case studies.</li> <li>• At least one proposal for a cutting edge innovative indicator which the project will develop.</li> </ul>				
3	<p>Description outlining the intended organisation, milestones and management of the work including: (approximately 5 pages)</p> <ul style="list-style-type: none"> <li>• Detailed work plan and timetable with descriptions of the content of the deliveries proposed.</li> <li>• 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).</li> <li>• Approach to ensure effective project management, quality review and risk assessment.</li> </ul>	Section 1 & Annex D	<input checked="" type="checkbox"/>	n/a	n/a

### FILE n°3 – FINANCIAL OFFER

The contracting authority will reject 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

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.

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.**

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.

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.

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](mailto: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 compliant with the technical 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 format<sup>22</sup>. 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 shall invalidate the offer. Tenders with a financial offer that exceeds the total budget available **and/or where travel, accommodation and subsistence**

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

**costs exceed 10% of the total costs** shall not be selected for the evaluation on the basis of the award criteria and shall 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 RGD<sup>23</sup>.

#### 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:

No	Qualitative award criteria	Weighting (maximum points)
1	<b>Level of understanding of the tasks and services to be carried out</b> 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.	25
2	<b>Quality and appropriateness of the proposed methodology and research approach</b> 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.	50
3	<b>Organisation, planning, and management of the service contract</b> 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.	25
	<b>Total number of points</b>	<b>100</b>

<sup>23</sup> [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](#)

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 RGD<sup>24</sup>.

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 Court<sup>25</sup>.

## 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

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<sup>24</sup> [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](#)

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

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

Annex E – List team members and economic operators