

## **Call for tenders**

### **Terms of reference**

#### **ESPON European Research Project**

# **“Territorial Analysis of Decentralised Energy Markets (TANDEM)”**

### **Technical and administrative**

### **Terms and conditions**

#### **ESPON EGTC**

6 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 Analysis of Decentralised Energy Markets (TANDEM)
<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 700,000 (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 9h59 CEST
<b>Deadline for submission of tenders</b>	<b>17 April 2023 at 09h59 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 climate-neutral territories.

The objective of this European research project is to investigate the conditions and develop policy recommendations for an efficient and inclusive uptake of energy communities, accounting for both layers: the legal foundations given by the Clean Energy for All Europeans Legislative Package<sup>1</sup> and recent transformative market developments which are believed to benefit low-carbon community energy prosumerism and are commonly referred to as Energy-as-a-Service (EaaS). The research is positioned within the overarching strategic objectives towards a carbon-neutral European Union, and the effects of energy communities on environmental targets are to be accounted for in the tasks, outputs and deliveries.

### 1.1 Context

The legal scene for a paradigm shift in low-carbon community energy prosumerism and energy democracy has been set by the Clean Energy for All Europeans Legislative Package (CEP), which includes the Internal Electricity Market Directive 2019/944 (IEMD) and Renewable Energy Directive 2018/2001 (REDII). IEMD and REDII introduce two new concepts of energy communities referred to as, respectively, citizen energy communities (CECs) and renewable energy communities (RECs). Both types can be established as legal entities, allowing natural persons to team up with each other but also with local authorities and SMEs for a joint investment in energy assets and joint participation in the energy markets. CECs and RECs can assume the form of cooperatives, social enterprises, associations or other types of non-profit legal entities. The difference in both types of energy communities are the underlying legal frameworks, guided by two different policy goals: CECs secure a level-playing field for new market actors on the electricity markets, while RECs are acknowledged as instruments to attain the European renewable energy targets.

Conceptually, RECs and CECs pursue social and territorial inclusiveness, not leaving behind low-income and vulnerable households, regardless of their residential location. The reality in some of the currently observed energy cooperatives across Europe, however, shows that the upfront capital investment remains a significant barrier for a membership in and benefits from RECs and CECs, particularly for low-income and vulnerable households and communities. This matter needs attention and timely action in order to prevent unintended consequences of RECs and CECs exacerbating social and territorial divide amidst growing energy poverty concerns. The role of national and subnational governments in alleviating financial barriers for participation is well acknowledged in the extant literature. However, one of the main expectations towards RECs and CECs is private investment in locally-organised prosumerism, based on renewable sources. Government-backed revolving financial instruments for upfront capital investment could offer an alternative but asymmetries in relation to access to finance across European regions need to be considered.

While RECs and CECs are revolving around legal barriers, a new wave of transformative developments known as Energy-as-a-Service (EaaS) embraces community-based energy as a market opportunity. EaaS is a commonly applied reference to describe different market practices and business models that divert the upfront capital investment, ownership and energy management from households to a firm. This is

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<sup>1</sup> [https://energy.ec.europa.eu/topics/energy-strategy/clean-energy-all-europeans-package\\_en](https://energy.ec.europa.eu/topics/energy-strategy/clean-energy-all-europeans-package_en)

believed to facilitate prosumerism, transforming the traditional electricity markets from a centralised, predictable and hierarchical architecture to a distributed, networked and intermittent one. EaaS observers project benefits to local communities and households such as reduced energy dependency and insecurity, lower transmission costs and diversion of risks related to long-term technological lock-in effects for households.

A concept related to EaaS relevant for community-based energy is known as Microgrids-as-a-Service (MaaS<sup>2</sup>) and refers to market practices where microgrids are being installed and owned by a private provider, allowing clients to benefit from the service without the upfront investment.

A tandem CECs/RECs and a service that diverts the upfront capital investment appears to be a possible formula to facilitate decentralised and socially inclusive energy markets. However, CECs/RECs have been conceived to be of non-profit nature. The role of SMEs in CECs/RECs remains understandably speculative in the extant literature, considering the lack of empirical evidence. While medium to high penetration scenarios of CECs/RECs are hypothesised to be associated with the involvement of firms, the ways in which EaaS/MaaS can be reconciled with the social-benefit-seeking nature of CECs/RECs are yet to be explored.

In the following, CECs/RECs are referred to as energy communities, while EaaS/MaaS as market services.

## 1.2 Objectives

The main objective of this European research project is to draw a policy trajectory for the efficient and inclusive uptake of energy communities, taking into account both the facets of different national legislation and the spatially asymmetric developments in key drivers for decentralised energy markets such as telecommunications, energy storage facilities, renewable energy, among others. In particular, the research is expected to

1. Identify and map<sup>3</sup> existing energy communities that meet the conditions of CECs/RECs and examine:
  - a. their size and degree of social and territorial inclusiveness;
  - b. their legal status;
  - c. their pecuniary and social benefits;
  - d. the value of their upfront capital investment and its funding sources, e.g. participating households; public subsidies or revolving financial instruments; (third-party) firm investment (market services);
  - e. policy support environments, national, regional and local (notably but not limited to investments in renewable energy and their grid constellations; smart grids, telecommunications, advanced metering equipment; energy storage facilities).
2. Estimate the degree of social inclusiveness of energy communities considering a set of relevant parameters and based on a representative sample;
3. Estimate correlations and causalities between market services that absorb the upfront capital investment and thus facilitate the uptake of energy communities in European regions and structural

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<sup>2</sup> The ToR uses the abbreviation MaaS only for Microgrids-as-a-Service, therefore, not to be confused with Mobility-as-a-Service.

<sup>3</sup> Refers to GIS territorial mapping.

conditions and policies observable and relevant in all types of spatial contexts, i.e. renewable energy sources; smart grids, telecommunications; energy storage facilities, etc.;

4. Deriving policy recommendations:
  - a) Advising on alternative formats to facilitate energy communities and resolve issues of social inclusiveness;
  - b) Identifying actions that have a significant effect on the deployment of energy communities while at the same time guarding an inclusive uptake.
  - c) Deriving conclusions on the most favourable spatial setting for both functioning as well as social and environmental benefits of the energy community.
  - d) Examining the role of integrated approaches for territorial development, i.e. ITI and CLLD, on the emergence and inclusiveness of energy communities.

The above research objectives derive from the policy needs and questions described below.

### **Policy scope:**

- The project is a direct support to the development of energy communities, seeking synergies with the Energy Community Repository (2022 - 2024) run by Energy Cities, REScoop and FEDARENE on behalf of the European Commission.
- National / regional legislation in place governs a range of policy actions, which need to be informed by territorial evidence. These concern capital investments in distributed energy resources, smart metering infrastructure and energy efficiency, but also investments in telecommunications and 5G (e.g. under the Recovery and Resilience Facility) and cybersecurity policies.
- Territorial policies remain a main target, notably the Just Transition Plans and actions under three Cohesion Policy objectives, i.e. smarter Europe; greener, carbon free Europe; and a more connected Europe.
- Moreover, energy poverty alleviating actions under the National Recovery and Resilience Plans but also industrial policies and public R&D investments supporting relevant sectors shall benefit from the research results.

### **Policy questions**

*On the existing energy communities with and without market services:*

- How are the energy communities distributed in European cities and regions, and what are their spatial characteristics / contexts (functional areas, predominantly urban, predominantly rural, coastal, etc.)?
- What is their size (energy output, number of members, value of their capital investment, pecuniary and social benefits)?
- What is the degree of their social inclusiveness?

- What are the direct/indirect opportunities and difficulties for energy communities and services to achieve more social inclusiveness?
- Which policies and public investments are facilitating energy communities and are there any policy measures (also considering spatial/territorial aspects) to increase their degree of social inclusiveness and, if so, which measures?
- Where and what role do market services play in the emergence and social inclusiveness of energy communities?
- Which legislation, policies and public investments (multiscalar approach) are facilitating the emergence of market services? E.g. public investments and corresponding developments in renewable energy and their grid constellations; smart grids, telecommunications, advanced metering equipment; energy storage facilities.
- Can the non-profit nature of energy communities and the commercial character of market services be reconciled and how?

*On EU/EFTA territories without the practices of energy communities and market services:*

- What is the potential of EU cities and regions for the emergence of energy communities?
- Which policies and structural conditions can stimulate the uptake of energy communities?
- What is the role of market services for the uptake of energy communities? Can energy communities and market services form a citizen-market tandem for an efficient and inclusive uptake of energy communities and how?
- Is there a potential for a cross-border development of energy communities?

*On the role of integrated approaches in territorial development on energy communities and energy independence:*

The development of energy communities gains in importance in the light of current energy crisis in the EU which is closely connected to significant increase of energy prices. Energy communities might be part of the solution in the quest to become independent from fossil fuels from Russia and to fulfil goals formulated by European Green Deal. In this context, integrated approaches (ITI, CLLD) might be a platform to further increase awareness of energy communities and their benefits, and might serve as tool to disseminate good practices among regional actors. The research thus should answer:

- What is the potential of integrated approaches in territorial development to facilitate the emergence of inclusive energy communities in different territorial contexts?

### 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.

The tenderer is expected to make a proposal on the approach of continuous information flows aimed at the ESPON EGTC and other relevant stakeholders. For a proper presentation of interim and final results to target stakeholder groups, the information flows are expected to assume the form of interactive and comprehensible formats and include updates on collected data and interim analytical results for the purpose of both stakeholder validation and information on the progress of the research.

### **1.3.1 Task 1: Cross-sectional and multiscale analysis of energy communities**

The service provider is expected to involve the following key stakeholders in order to facilitate the subsequent empirical work.

- Energy Cities;
- The European Federation of Agencies and Regions for Energy and Environment (FEDARENE);
- The European federation of citizen energy cooperatives (REScoop);
- Rural Energy Community Advisory Hub.

The ESPON EGTC anticipates a link between TANDEM and the Energy Community Repository (2022 - 2024) run by Energy Cities, REScoop and FEDARENE on behalf of the European Commission. The ESPON EGTC reserves the right to add other stakeholders or stakeholder groups ahead of the inception report.

The service provider is expected to deliver a representative sample for energy communities with and without market services in the ESPON space, i.e. EU and where applicable to EFTA countries, by pooling observations from the existing sources<sup>4</sup> and notably own complementary research, the latter including but not limited to projects of the EU framework programme for research and innovation.

The unit of analysis, whether the energy community as a discrete spatial unit or households being members of an energy community, is to be proposed and justified in the technical offer. This entails also the adjustment of parameters subjected to the analysis, retaining the purpose of the task. Energy communities of interest are residential or mixed residential and commercial areas, i.e. the sample shall exclude microgrids of single entities such as business centres, hospitals or university campuses.

The research and sampling method considered most suitable among other presented alternatives may be addressed in the technical offer and further elaborated in the inception report. A representative sample shall respect the below parameters and a balanced geographical coverage of the ESPON space (EU and where applicable EFTA countries). Ahead of the inception report, the sampling method and the sample size among other presented alternatives shall be discussed and agreed with the ESPON EGTC.

The purpose of this task is to examine the correlation between the parameters of interest (non-exhaustive list):

- The degree of social inclusiveness of the energy community: the service provider is expected to justify and apply a comparable proxy indicator, e.g. equalised disposable income of a household and its relation to the median equalised disposable income of the lowest observable spatial unit or median equalised disposable income of the energy community and its relation to the median of the region.
- Value of the upfront capital investment;
- Legal status of the energy community;

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<sup>4</sup> For example, the European federation of citizen energy cooperatives Rescoop.eu represents 1900 cooperatives across Europe (1,250,000+ citizens). However, CECs/RECs are projected to also assume various forms of establishment that includes but is not limited to cooperatives.

- Number of dwellers served / households participating;
- Energy output;
- Time of operation of the energy community;
- Involvement of legal entities, both public and private, and their precise role in the energy community;
- Involvement of SMEs, directly or as third parties, and their precise role including the absorption of the upfront capital investment;
- Net pecuniary value (savings / earnings minus capital investment) benefiting the participating households;
- Spatial characteristics of the lowest observable and comparable territorial level (at least NUTS-3);
- Structural and technological conditions of the lowest observable and comparable territorial level (preferably NUTS-3): developments in renewable energy and their grid constellations; smart grids; telecommunications; advanced metering equipment; energy storage facilities;
- Value of the public investments facilitating local energy communities, e.g. Pigouvian subsidies, 'rolling funds';
- Environmental benefits of the community.

Following the data collection, the task is expected to:

- Develop a structural model describing the relationships between the key parameters of interest, notably the degree of social inclusiveness as a response parameter; the structural model shall also take into account the spatial patterns, observed through a multiscale approach.
- Develop a set of hypotheses and apply an appropriate statistical estimation technique in order to quantify expected effects of key parameters of interest;
- Perform multivariate analysis and propose typologies of energy communities in relation to the key parameters of interest;
- Map all key parameters of interest: the number of maps and data to be displayed on a single map will be discussed with the ESPON EGTC upon completion of this task.

### **1.3.2 Task 2: Estimation of market services**

In this task, the service provider is expected use the representatively sampled data on energy communities as discrete spatial units from Task 1 and perform statistical analyses on the distribution of energy communities with market services that absorb the upfront capital investment in European regions. The preferred unit of analysis is NUTS-3. Data to be collected includes (non-exhaustive list):

- Number and size of spatially discrete energy communities with market services in residential or mixed residential-commercial areas within a certain region;
- Nature of the involvement of the market service: direct or third-party;
- Spatial characteristics;
- Time of operation;
- Structural conditions (non-exhaustive list): developments in renewable energy and their grid constellations; smart grids, telecommunications, advanced metering equipment; energy storage facilities;
- Controls for (non-exhaustive list): regional income, demography, intramural R&D and other relevant socio-economic and territorial conditions.

In analogy to Task 1, the service provider is expected to:

- Develop an empirical model and a set of hypotheses, estimating the effects of, among others, public structural investments on the emergence of energy communities, supported by market services.
- Map all key parameters of interest: the number of maps and data to be displayed on a single map will be discussed with the ESPON EGTC upon completion of this task.

The task is designed to inform policymakers, including those from the regions missing the practice of energy communities so far.

### **1.3.3 Task 3: Case studies**

The task is designed to collect in-depth information on local practices:

- facilitating local energy communities, e.g. Pigouvian subsidies or financial instruments such as 'rolling funds';
- increasing social inclusiveness of energy communities;
- reconciling the non-profit nature of energy communities and the commercial character of market services;
- yielding benefits of integrated approaches in territorial development, i.e. ITI and CLLD, for the emergence and inclusiveness of energy communities;
- increasing, monitoring and measuring environmental benefits of the energy communities.

The service provider is expected to propose relevant selection criteria and, based on the latter, a first proposal for case studies. In any case, the final decision on selection criteria, the case studies to be analysed and their number will be a subject of discussion with the ESPON EGTC.

The results of the case study analyses 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 the technical offer.

### **1.3.4 Task 4: Policy recommendations**

The task is designed to derive conclusions from the empirical tasks and develop a set of recommendations for policies facilitating an efficient and inclusive uptake of energy communities. In particular, the task shall provide a set of tangible measures that answer all policy questions.

Moreover, the service provider prepares material for publishing for two stakeholder groups: policymakers and researchers.

In a policy brief of up to 16 pages incl. visuals, the service provider shall develop policy recommendations towards an efficient and socially inclusive uptake of energy communities. The policy brief is the distributable form of the policy recommendations and shall answer all policy questions.

In a scientific report of up to 40 pages, the service provider shall present a literature review, the study design, models and research methods, results including academically conventionalised summaries of descriptive statistics and estimations, mapping as well as discussion and recommendations for future research.

The results shall be accompanied by interactive maps and visualisations (e.g. storymaps, dashboards, infographics, videos), to be developed within the ESPON Portal<sup>5</sup>. The different forms of visualisation are to be agreed with the ESPON EGTC in the course of the project's development. The tenderer shall propose the nature and format of these possible deliveries already in its technical offer.

## 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:

- Stocktaking of existing energy communities with key parameters as listed in Task 1; statistical analysis estimating the effects of key parameters on the degree of social inclusiveness of energy communities; multivariate analysis, typologies and maps of energy communities.
- Statistical analysis estimating the effects of structural conditions, among others, on the emergence of energy communities with market services, directly involved or as third parties, absorbing the upfront capital investment.
- Detailed case study analyses providing an in-depth overview of policies facilitating the emergence of local energy communities; increasing their degree of social inclusiveness; reconciling the non-profit nature of energy communities and the commercial character of market services; linking integrated approaches (ITI, CLLD) with energy communities; and supporting energy communities across borders.
- Two documents ready for publishing: a policy brief with recommendations on concrete measures, instruments and investments, supported by their estimated marginal effect, facilitating a socially-inclusive practice of energy communities; a scientific report incl. literature review, the study design, models and research methods, results, including academically conventionalised summaries of descriptive statistics and estimations, mapping and as well as discussion and recommendations for future research.

### 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 the 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.

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<sup>5</sup> <https://gis-portal.espon.eu/arcgis/apps/sites/#/espon-hub>

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:
  - Consolidation of the literature review.
  - Information on the unit(s) of analysis, statistical estimators and data collection.
  - Identified sources / methods for pooling information on the existence of energy communities with and without market services, which constitute the basis for the subsequent empirical phase.
  - 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.
  - Initial recommendations for the selection criteria to identify case studies and relevant stakeholders.
  - Work plan presenting the next steps foreseen in the project's implementation, including meetings with selected stakeholders/target groups.
  - Description of the format and content of the next intermediary delivery.

##### 2. A final delivery containing at least:

- Final main report (40 to 80 pages, excluding annexes) including a detailed documentation of the final outcome of Tasks 1, 2 and 3 and final mapping.
- Final version of the Policy Brief
- Scientific annexes, including
  - all tables and other research documentation that does not enter the scientific report ready for publishing.
  - case study analyses.
- Presentation of the research results in the format and specific form agreed with the ESPON EGTC<sup>6</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.

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<sup>6</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.)

- 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.

## Two progress reports

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.

While leaving freedom to the tenderers to define the intermediary deliveries in their technical offer, the compulsory element of the intermediary deliveries is: the data resource shall be steadily acquired processed and submitted to the ESPON EGTC. The service provider will receive feedback from the ESPON EGTC on each delivery.

### 1.4.2.2 Intermediary deliveries

Intermediary deliveries can take different forms. Their exact quantity and scope 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 1.3.1 to 1.3.4*).

Intermediary deliveries shall include regular data delivery, detailed overview of the data collection process and data structure and adjustments related to the data strategy when necessary (see dedicated section about data delivery process below).

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

### 1.4.2.3 Data delivery process and digital deliveries

Data and data visualisations are an integral part of all the above-mentioned deliveries. When it comes to data deliveries, it is important to document and provide associating metadata and all the data possible that would allow to reproduce the results. It is important to keep the potential reuse of data in mind when collecting and structuring them, therefore, detailed spatiotemporal granularity is important. Visualisations need to be adapted both for static representation in reports as well as interactive web-based content. The project is expected to deliver both static and interactive web-based maps and figures, when relevant also dashboards, applications or similar, suitable for ESPON website and Portal<sup>7</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.

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<sup>7</sup> <https://gis-portal.espon.eu/arcgis/apps/sites/#/espon-hub>

### 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 one team representative) in all mandatory meetings mentioned below. Costs related to these meetings need to be included in the financial offer for this service. No other expenses will be paid by the contracting authority to the service provider.

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

#### **Kick-off meeting**

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

#### **Coordination meetings**

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

#### **Steering Committee meetings**

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

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

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

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

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

Indicatively, four steering committee meetings shall be foreseen.

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

### 1.5.2 Indicative time schedule

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

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

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

Meetings	Predefined deliveries	Indicative deadline <sup>8</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

<sup>8</sup> The letter "T" in this table stands for the date of the kick-off meeting. Timeframes are indicative.



Meetings	Predefined deliveries	Indicative deadline <sup>8</sup>
	<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 the field of expertise and knowledge related to energy economics, energy policy and cooperative energy solutions.
- At least two of the team members shall have a good track record of publishing in relevant high-impact journals.
- 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 statistics and econometrics skills (Stata, R or equivalent).
- Advanced data science and management skills (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.
- Advanced skills in qualitative research, notably case study design.
- At least one member with a communication/journalistic background and experience in visualizing 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 700,000.00 (seven hundred thousand Euros)**, EXCLUSIVE of VAT but inclusive of all other taxes, disbursements, travel, accommodation and delivery costs.

### 2.6 Main terms for invoicing and payments

Payments will be executed only if the selected service provider has fulfilled all its contractual obligations by the date on which the invoice is submitted. Payment requests may not be made if payments for previous periods have not been executed as a result of default or negligence on the part of the service provider.

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

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

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

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

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

## **ELECTRONIC INVOICES**

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

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

## **Use of the Peppol<sup>9</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:

- renting a Peppol access point from one of the numerous specialist service providers<sup>10</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.

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<sup>9</sup> <https://peppol.eu/what-is-peppol/>

<sup>10</sup> <https://peppol.eu/who-is-who/peppol-certified-aps/>

## 2.8 Ownership of results

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

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

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

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

## 2.9 Data protection

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

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

## 2.10 Modification of the contract during its term

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

## 3 General Information on the procedure

### 3.1 Communication and Portal

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

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

Any economic operator using the Portal is deemed to have read and accepted the provisions and conditions of the terms of use of the Portal as laid down by the Ministerial Decree of 18 January 2021<sup>11</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>11</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 09h59 CEST.**

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

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

The submission of a tender is made according to the provisions of the national (Luxembourg) modified Regulation of the 27th of August 2013 on the use of electronic means in public procurement procedures<sup>12</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>13</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>14</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>12</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>13</sup> <https://pmp.b2g.etat.lu/?page=commun.PrerequisTechniques&calledFrom=entreprise>

<sup>14</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>15</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>15</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 b.	Section 3.4 & Annex A	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	c. Annex E - List team members and economic operators	Annex E	<input checked="" type="checkbox"/>		
2	<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 specification 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 will <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	A description (approximately 5 pages) of the concept for addressing the research and the policy needs and description of how objectives will be achieved.	Section 1	<input checked="" type="checkbox"/>	n/a	n/a
2	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. <ul style="list-style-type: none"> <li>• Initial literature review and research protocol, outlining:</li> </ul>	Section 1	<input checked="" type="checkbox"/>	n/a	n/a

	<ul style="list-style-type: none"> <li>the conceptual and methodological framework to be applied</li> <li>unit(s) of analysis</li> <li>data strategy, including main sources and data to be used and collected (including primary data).</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.</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

<b>FILE n°3 – FINANCIAL OFFER</b>					
The contracting authority will <u>reject</u> tenders where no financial proposal is included.					
N°	Document	Refer to Section of ToR and/or Annex	Single tenderer or Main tenderer in a joint tender	Other partners in a joint tender	Sub-contractor
1	Financial Offer (original dated, signed and stamped by the authorised representative of the tenderer)	Section 2 & Annex B	<input checked="" type="checkbox"/>	n/a	n/a
<p>The tenderer shall submit a price covering the services in EURO using the financial offer template provided (see <b>Annex B</b>). Annex B must be signed by the tenderer's representative and the template must not be modified.</p> <p>The price must include all the costs associated as well as the travel and accommodation costs for meetings, and the pertinent delivery costs to the ESPON EGTC, if any. No other expenses will be paid by the contracting</p>					

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 to comply with the call specifications and shall be rejected if they:

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

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

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

## 4.2 Verification of non-exclusion

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

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

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

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

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

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

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

Furthermore, tenderers should take into full consideration that:

- none of the team members proposed in the offers shall have any prior knowledge of the Terms of reference whatsoever (i.e., being involved in their commenting, consultation process with the stakeholders, drafting, etc.), have advised ESPON EGTC or otherwise been involved in the preparation of the procurement process. In such case, the tender may be excluded in accordance with article 13 of the national (Luxemburg) 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>16</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.

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<sup>16</sup> For the template please see <http://europass.cedefop.europa.eu/documents/curriculum-vitae/templates-instructions>

## 4.4 Financial award criterion

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

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

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

### **Abnormally low tenders:**

To avoid offers with abnormally low prices that could jeopardize the correct delivery of the services, if the price proposed in a tender appears to be abnormally low compared to the arithmetic average of all the technically compliant tenders (15%), the contracting authority will request, in writing, the necessary clarifications and elements as appropriate and in accordance with Article 88 RGD<sup>17</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:

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<sup>17</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](#)



No	Qualitative award criteria	Weighting (maximum points)
1	<p><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 policy questions and research objectives and the added value of the proposal, will be assessed under this criterion.</p>	25
2	<p><b>Quality and appropriateness of the proposed methods</b> The tender must demonstrate the capacity to address the policy needs and questions and research objectives and to deliver the expected outputs.  The degree to which the tenderer manages to combine scientific rigour and policy relevance will be assessed under this criterion. Furthermore, under this criterion the capacity of the tenderer to deliver new territorial evidence, to carry out innovative research methods, and produce outputs in various visualisation formats and forms will be assessed.</p>	50
3	<p><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.</p>	25
<b>Total number of points</b>		<b>100</b>

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 RGD18.

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>19</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 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.

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<sup>18</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>19</sup> [loi du 10 Novembre instituant le recours en matière de marchés publics](#)

## **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