EUROPEAN COMMISSION
DIRECTORATE-GENERAL COMPETITON

Directorate Policy and Strategy
Unit International Relations

European Commission

Call for tenders EC-COMP/2026/OP/0004 -

EU-Africa School on Competition Policy

Open procedure

TENDER SPECIFICATIONS

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1. SCOPE AND DESCRIPTION OF THE PROCUREMENT

1.1. Contracting authority: who is the buyer?

This call for tenders is launched and managed by the European Commission, Directorate-General for Competition (DG COMP), referred to as the contracting authority for the purposes of this call for tenders.

1.2. Subject: what is this call for tenders about?

The subject of this call for tenders is the "EU-Africa School on Competition Policy".

1.3. Lots: is this call for tenders divided into lots?

This call for tenders is not divided into lots.

1.4. Description: what do we want to buy through this call for tenders?

The purchases that are the subject of this call for tenders, including any minimum requirements, are related to the organisation of the EU-Africa School on Competition Policy, a 5-day event on competition law and policy, that includes a Competition Policy School and all associated services as described in detail in 1.4.2. below.

Variants (alternatives to the model solution described in the tender specifications) are not allowed. The contracting authority will disregard any variants described in a tender.

1.4.1. Background and objectives

Background

The development of competition policy in Africa has made some progress over the last two decades. However, both African competition laws and their enforcement vary considerably across the continent. Altogether, 33 African countries have adopted competition laws whereas the remaining 20 countries have no laws in place (some of them are in the process of drafting/adopting legislation). Many African countries that have adopted a competition law face considerable challenges when it comes to enforcement and in various instances have not set up a competition authority.

Next to national competition regimes, several regional economics communities (RECs) have adopted regional competition laws. Some of these regional authorities, such as the Competition Commission of the Common Market for Eastern and Southern Africa (COMESA), have actively used their regional competition rules whilst others still face obstacles when it comes to enforcement. Notably, some RECs also provide for State aid control in their regional laws (e.g. the Western African Economic and Monetary Union

(WAEMU), and Economic Community of West African States (ECOWAS)). Better control of subsidies would lead to more effective competition and sounder public finances in Africa.

Whilst the rate of adopting competition laws and establishing competition authorities at the national and regional level has increased over the last two decades in Africa, the enforcement by several authorities faces obstacles. This is illustrated by a lack of competition on African markets. A 2016 World Bank study found that "[m]ore than 70% of African countries rank in the bottom half of countries globally on the perceived intensity of local competition and on the existence of fundamentals for market-based competition. Monopolies, duopolies, and oligopolies are relatively prevalent compared to other regions. In more than 40% of African countries, a single operator holds over half the market share in telecommunications and transport."

In addition to general enforcement problems, the current set up of national and regional competition regimes could be improved to allow for better inter-agency cooperation. Considering that anticompetitive conduct increasingly reaches across borders, it is of major importance that both enforcement capacity and coordination amongst competition authorities are strengthened in Africa. Given the divergence of the maturity of competition regimes in Africa, better cooperation amongst African authorities could allow better equipped authorities to provide knowledge and expertise to others that still face obstacles when it comes to actively enforcing the law. Direct assistance to national and regional authorities would complement DG COMP's planned assistance to African countries for the Competition Protocol of the African Continental Free Trade Area (AfCFTA) as well as its existing work on the post-Cotonou negotiations and the implementation of Economic Partnership Agreements.

Building on a previous action, namely the EU-Africa Competition Weeks in 2022, 2023 and 2024, this action, consisting of one Competition Policy School, is designed to foster cooperation amongst African national and regional competition authorities. The focus of the planned activity will primarily be to explain key concepts of EU competition law and enforcement policy to African officials and to introduce them to the functioning of the European Competition Network. This action should allow African enforcement officials and policymakers alike to critically reflect on and review current domestic competition legislation as well as enforcement practices. As a potential result, competition law enforcement will become fairer, predictable and more rigorous, thereby improving investment conditions for EU and African companies on the African continent.

Objectives

The global objective is to share knowledge with African officials on the need for more progressive competition legislation and better cooperation amongst competition authorities. The action should promote convergence based on the EU model amongst African authorities at national, regional and continental level whilst at the same time respecting regional traditions and specificities.

The specific objectives of the EU-Africa School on Competition Policy are to (1) establish a platform for dialogue and trust building with African national and regional competition authorities/relevant political actors; and (2) provide relevant expertise to African competition enforcers and policymakers to foster fair, well-coordinated and predictable competition enforcement, which will benefit EU and local companies alike and foster a thriving investment climate.

1.4.2. Detailed characteristics of the purchase

The contractor shall organise for the European Commission the EU-Africa School on Competition Policy. All associated costs with the activity shall be covered by the contractor, including, among other, the transport, accommodation and logistics for invited guests, the provision of fully equipped meeting rooms, interpretation services, catering, in-person teaching materials, promotional materials, and fees/costs for speakers (where appropriate). The contractor shall be responsible for managing all aspects of the event organisation, as per the below categories.

Competition Policy School

The Competition Policy School shall offer workshops and lectures on competition law and policy (procedures, restrictive agreements, abuse of dominance, merger control, State aid control, information on enforcement in the digital sector, including Digital Markets Act). Next to general principles of competition law and policy, a special emphasis shall be placed on sharing practical expertise and case studies highlighting investigative techniques, agency building and the benefits of convergence between competition laws (including procedures) and how to facilitate cooperation amongst competition authorities.

The Competition Policy School shall take place preferably in Brussels as indicated in point 1.5., as a full-week in-person course, i.e., 5 working days for the Competition Policy School plus any necessary travel time, either in the third or fourth quarter of 2026 or, if not possible, in the first quarter of 2027. One out of the five course days shall be organised at the premises of the Contracting Authority (DG COMP, Madou square, 1210 Sint-Joost ten Node, Brussels).

The Competition Policy School shall be organised for between 40 and 60 participants. The contractor shall identify a list of partner countries' institutions in Africa i.e., competition authorities, ministries or other relevant agencies including institutions at regional level, and actively liaise with them, to identify two staff members per institution to invite and encourage their attendance. DG COMP shall provide an official introduction letter to introduce the project to the target countries. The final list of participants shall be approved by DG COMP before the contractor sends out the relevant invitations. The contractor shall ensure an inclusive approach to ensure the attendance of as many African countries' and regional institutions' representatives as possible and an equal participation of men and women to the extent possible. The contractor shall organise the registration of the participants, once the final list is approved by DG COMP.

Venue

The contractor shall propose a suitable location that fulfils at least the following requirements:

1. lecture halls capable to accommodate at least 60 participants;
2. 2 rooms for break-out sessions;
3. catering facilities or space for outside catering to provide lunch;
4. interpretation facilities or the possibility to install interpretation facilities or allow for online interpretation; and
5. technical equipment for hybrid events.

Programme and content

The contractor shall oversee the drafting of a programme outline and propose the content of the workshops and lectures in line with previous editions of the Competition Policy School and the needs of the participants, as identified by DG COMP. Please find in Annex A the outline of the programme of a Competition Policy School, as an indication of the type of programme that is expected to be organised for the Competition Policy School. Both the programme and the content shall be approved by DG COMP.

Classes shall be taught mainly by DG COMP and/or national competition authority officials.[1] The contractor shall also identify 5 to 7 academics and/or external practitioners as speakers for the Competition Policy School under the supervision of DG COMP, which shall confirm the speakers' expertise and value to the training sessions. The courses and lectures should be delivered in English or French with interpretation to the other language or through the organisation of two breakout rooms, one in English and one in French. The class timetable shall cover at least 7 hours per day.

The contractor shall compile a course booklet in English and French with reading materials on the programme topics to be sent in advance to each participant.

Team and responsibilities

For the purpose of organising the Competition Policy School, the contractor shall put together a team, consisting of at least the following profiles (please see section 3.2. Selection criteria):

Team leader: The team leader is responsible for the delivery of the EU-Africa School on Competition Policy. The team leader shall oversee the execution of the contract and make the most effective and efficient use of resources made available, including the management of subcontractors (if any). The team leader shall also be accountable for the logistics (travel, accommodation) and technical infrastructure required for the implementation of the contract. He/she shall be the correspondent for the Contracting Authority.

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[1] No fees or costs will be incurred for DG COMP officials.

Course Director: The Course Director oversees the preparation of the content of the Competition School and has the overall responsibility for the selection, coordination and management of the speakers carrying out the assignments. The Course Director shall moderate the Competition School and be responsible for the quality, consistency and appropriate content of the result. The Course Director shall coordinate the promotion and communication activities, including the preparation of the content, in close cooperation with the Communications team of DG COMP. The Course Director needs to be attentive to details.

Online participation

The Competition Policy School shall provide the option to participants, who are not able to travel, to listen in remotely on Webex or other platforms to which participants in the partner countries have access. Access to the online platform should be restricted to invited participants. The list of online participants must be approved by DG COMP.

Interpretation

The classes being delivered in English or French, the contractor shall organise the simultaneous interpretation of the classes into the respective other language and provide for the necessary infrastructure for it or make sure that it is available at the venue. The interpretation shall be also available for online participants. The contractor should foresee a budget to cover all costs for simultaneous interpretation (English/French), as required.

Welcome kits

The contractor shall provide each participant with a welcome kit containing at least: a folder with writing material, writing pad, practical information, programme, badge, printed course booklet with the outline of the sessions.

Travel, accommodation, catering and other costs

The contractor shall organise, manage and cover the travel and accommodation needs of speakers as well as any possible speakers' fees.

The contractor shall also be in charge of organising, managing and covering the costs of (1) the travel arrangements of participants; (2) visas and invitation letters, if needed; as well as (3) further logistical aspects related to catering, full board, accommodation, transport from the airport, medical and accidental insurance etc.

Additionally, the contractor shall cover all costs related to and organise logistics, transportation, meals and coffee-breaks for one day of trainings (out of the five days of the Competition Policy School) at DG COMP premises, Madou square, 1210 Sint-Joost ten Node, Brussels.

Promotion and communication

The contractor shall design and produce a communication and visibility package. The package will consist of

1. a digital banner to serve as backdrop for the presenters;
2. roll-up banners in English and French to be installed at the venue;
3. a digital leaflet/flyer to be used to promote the course to the target countries;
4. digital materials to showcase achievements to be disseminated on-line after the course; and
5. a communication strategy to promote the Competition Policy School and benefits of competition enforcement in the target countries, either online or through written publications.

Materials will be in English and in French to allow reaching the different target countries. The contractor shall develop the communication and visibility package.

The communication strategy is to be aimed at the institutions of target countries to showcase the benefits and results of the Competition Policy School, for example by publishing materials on the websites and social media of national and regional competition authorities.

All promotion and communication activities shall be coordinated closely with the Communications team of DG COMP and be agreed by DG COMP before use.

The contractor shall provide a professional photographer to document the proceedings and shall administer a post-training satisfaction survey through a GDPR compliant online platform. The contractor shall analyse the data and feedback collected through the satisfaction survey and share them in a comprehensive way with DG COMP.

1.4.3. Deliverables

Inception report

Within two months after the signing of the contract, the contractor shall submit to DG COMP an inception report. The inception report shall include:

1. information on the organisation of the Competition Policy School, including the tools and procedures to be applied as well as a roadmap for finalisation;
2. report the progress in establishing the programme and identifying the attendants of the Competition Policy School, any difficulties encountered or expected;
3. the leaflet/flyer to be used to promote the course to the target countries;
4. the communication strategy to disseminate results.

Within 10 working days from the receipt of the inception report, the contracting authority may send comments and/or organise a meeting to discuss any elements that need further elaboration. The contractor shall proceed with the work as outlined in the inception report, taking into account the observations made by the contracting authority.

When sending the inception report the contractor may request an interim payment of 40% of the contract’s value, which will be paid after the inception report has been approved.

Draft Final report

Four weeks before the end of the contract, the contractor shall submit to DG COMP a draft final report, that shall contain sufficiently detailed information on the description of undertaken tasks, including quantified information (figures, statistics, business leads, partnerships, cooperation agreements, etc.) synergies, challenges and opportunities encountered in the implementation of this project and provide feedback to the European Commission for the enhancement of the EU-Africa School on Competition Policy (‘lessons learned’). The results and an analysis of the post-training satisfaction survey and all materials produced should also be provided.

Final report

The final report to be submitted at the end of the contract shall update the draft final report, taking into account any feedback received from the contracting authority. The final payment of the balance will be linked to the approval of the final report.

Coordination meetings

A kick-off meeting with DG COMP shall be foreseen no later than two weeks after the signing of the contract.

Coordination meetings between the contractor and DG COMP shall take place on a frequent basis, at least once a month, throughout the duration of the project. In preparation of the coordination meetings, the contractor shall send to DG COMP informal monthly progress reports by email at least three days ahead of such meetings.

An end-of-project meeting with the European Commission shall take place no later than two weeks after submission of the draft final report.

These meetings will be held in Brussels or online.

1.5. Place of performance: where will the contract be performed?

The Competition Policy School should take place in Brussels. Other locations can be proposed by the tenderer if justified and provided that they allow for the provision of the services as detailed in 1.4.2, in particular with regard to the course day to be organised at DG COMP offices at Madou square, 1210 Sint-Joost ten Node, Brussels.

1.6. Nature of the contract: how will the contract be implemented?

The procedure will result in the conclusion of a direct contract.

In direct contracts all the terms governing the provision of the services, supplies or works are defined at the outset. Once signed, they can be implemented directly without any further contract procedures.

Tenderers need to take full account of the full set of procurement documents, including the provisions of the draft contract as the latter will define and govern the contractual relationship to be established between the contracting authority and the successful tenderer. Special attention is to be paid to the provisions specifying the rights and obligations of the contractor, in particular those on payments, performance of the contract, confidentiality, and checks and audits.

☝ Please be aware that if a tenderer to whom the contract is awarded (any of the group members in case of a joint tender) has established debt(s) owed to the Union, the European Atomic Energy Community or an executive agency when the latter implements the Union budget, such debt(s) may be offset, in line with Articles 101(1) and 102 of Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union (Financial Regulation)[2] and the conditions set out in the draft contract, against any payment due under the contract. The contracting authority will verify the existence of overdue debts of the successful tenderer (any of the group members in case of a joint tender), and, if any such debt is found, will inform the tenderer (the group leader in case of a joint tender who will then have the obligation to inform all other group members before signing the contract) that the debt(s) may be offset against any payment under due the contract.

1.7. Volume and value of the contract: how much do we plan to buy?

The maximum total amount of all purchases under this call for tenders is EUR 400.000, as indicated under Section 2.1.3 of the contract notice. The volumes of the purchases over the total duration of the contract are specified in Section 1.4 of these specifications.

1.8. Duration of the contract: how long do we plan to use the contract?

The contract resulting from this call for tenders will be concluded for at most 12 months. The details of the initial contract duration are set out in the draft contract.

[2] Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012 (OJ L 193 of 30.07.2018, p.1).

1.9. Electronic exchange system: can exchanges under the contract be automated?

For all exchanges with the contractor during the implementation of the contract resulting from this call for tenders as well as for future possible subsequent proceedings, including, but not limited to, for the purposes of EDES (European Union's Early Detection and Exclusion System), the contracting authority may use an electronic exchange system meeting the requirements of Article 148 of the Financial Regulation. At the request of the contracting authority, the use of such a system shall become mandatory for the contractor at no additional cost for the contracting authority. Details on specifications, access, terms and conditions of use will be provided in advance.

1.10. Other provisions

1.10.1. Fraud prevention and detection

The contractor must assist the contracting authority in its efforts on fraud prevention and detection.

The contractor undertakes to impose the fraud prevention obligations upon its subcontractors and personnel in the relevant contracts signed with them. Upon request, the contractor must provide evidence to the contracting authority that those obligations have been included in the relevant agreements with its subcontractors and personnel.

1.10.2. Environmental considerations

Environmental considerations shall be taken into account by the contractor throughout the complete life cycle of providing products or services in the implementation of the contract.

When applicable, the contractor shall assist the Commission to perform its commitments as set in the EMAS EC Environmental Policy[3] and shall follow EMAS best practices.

1.10.3. Equal opportunities

The contractor shall observe a policy on the promotion of equality and diversity in the implementation of the contract, by applying the principles of non-discrimination and equality set out in the EU Treaties in full and in their entirety.

In the implementation of the contract, the contractor shall establish, maintain and promote an open and inclusive working environment which respects human dignity and the principles of equal opportunities, especially through the removal of all obstacles to recruitment and all potential discrimination based on sex, race, color, ethnic or social origin, genetic features,

[3] Available at 2022_12_13_Environmental_Policy_2022_adopted_by_the_ESC_on_4_October_EN.pdf (europa.eu).

language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation.

2. GENERAL INFORMATION ON TENDERING

2.1. Legal basis: what are the rules?

This call for tenders is governed by the provisions of the Financial Regulation.

The contracting authority has chosen to award the contract resulting from this call for tenders through an open procedure pursuant to Article 167(1) (a) of the Financial Regulation. In an open procedure any interested economic operator (any natural or legal person who offers to supply products, provide services or execute works) may submit a tender.

2.2. Entities subject to restrictive measures and rules on access to procurement: who may submit a tender?

Tenderers must ensure that no involved entities (see Section 2.4) nor any subcontractors, including those which do not need to be identified in the tender (see Section 2.4.2), are subject to EU restrictive measures adopted under Article 29 of the Treaty on the European Union (TEU) or Article 215 of the Treaty on the Functioning of the EU (TFEU)[4], consisting of a prohibition to make available or transfer funds or economic resources or to provide financing or financial assistance to them directly or indirectly, or of an asset freeze. The prohibition applies throughout the whole performance of the contract.

Participation in this call for tenders is open on equal terms to all natural and legal persons coming within the scope of the Treaties, as well as to international organisations.

It is also open to all natural and legal persons established in a third country provided that it has a special agreement with the European Union in the field of public procurement on the conditions laid down in that agreement.

As the Agreement on Government Procurement[5] concluded within the World Trade Organisation applies, the participation to this call for tenders is also open to all natural and legal persons established in the countries that have ratified this Agreement, on the conditions laid down therein.

The rules on access to procurement do not apply to entities on whose capacity tenderers rely to fulfil the selection criteria nor to subcontractors. Subcontracting may not be used with the intent or effect to circumvent the rules on access to procurement.

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[4] Please note that the EU Official Journal contains the official list and, in case of conflict, its content prevails over that of the EU Sanctions Map.

[5] https://www.wto.org/english/tratop_E/gproc_e/gp_gpa_e.htm.

Participation in this call for tenders is also open on equal terms to natural and legal persons established in a third country eligible for funding under the programme Single Market Programme[6].

Third countries negotiating association to the programme will be treated as associated countries provided that the association agreement with the third country concerned applies at the time of the award of the contract.

To enable the contracting authority to verify the access, each tenderer must indicate its country of establishment (in case of a joint tender – the country of establishment of each group member) and must present the supporting evidence normally acceptable under the law of that country. The same document(s) could be used to prove the country/-ies of establishment and the delegation(s) of the authorisation to sign, as described in Section 4.3.

2.3. Registration in the Participant Register: why register?

Any economic operator willing to participate in this call for tenders must be registered in the Participant Register - an online register of organisations and natural persons (participants) participating in calls for tenders or proposals of the European Commission and other EU institutions/bodies.

On registering each participant obtains a Participant Identification Code (PIC, 9-digit number), which acts as its unique identifier in the Participant Register. A participant needs to register only once – the information provided can be further updated or re-used by the participant in other calls for tenders or calls for proposals of the European Commission and other EU institutions/bodies.

☝ **Each participant needs to ensure that its SME status in the Participant Register is registered and kept up to date.**

At any moment during the procurement procedure, the Research Executive Agency Validation Services (hereafter *the EU Validation Services)* may contact the participant and ask for supporting documents on legal existence and status and financial capacity. The requests will be made through the register's messaging system to the e-mail address of the participant's contact person indicated in the register. It is the responsibility of the participant to provide a valid e-mail address and to check it regularly. The documents that may be requested by *the EU Validation Services* are listed in the EU Grants and Tenders Rules on Legal Entity Validation, LEAR appointment and Financial Capacity assessment.

[6] Regulation (EU) 2021/690 of the European Parliament and of the Council of 28 April 2021 establishing a programme for the internal market, competitiveness of enterprises, including small and medium-sized enterprises, the area of plants, animals, food and feed, and European statistics (Single Market Programme) and repealing Regulations (EU) No 99/2013, (EU) No 1287/2013, (EU) No 254/2014 and (EU) No 652/2014 (Text with EEA relevance).

☝ **Please note that a request for supporting documents by the *EU Validation Services* in no way implies that the tenderer has been successful.**

2.4. Ways to submit a tender: how can economic operators organise themselves to submit a tender?

Economic operators can submit a tender either as a sole economic operator (sole tenderer) or as a group of economic operators (joint tender)[7]. In either case subcontracting is permitted.

Tenders must be drawn and submitted in complete independence and autonomously from the other tenders. A declaration in this regard by each tenderer (in case of a joint tender, by the group leader) shall be requested.

A natural or legal person cannot participate at the same time and within the same procedure either as member of two or more groups of economic operators or as a sole tenderer and member of another group of economic operators. In such case, all tenders in which that person has participated, either as sole tenderer or as member of a group of economic operators, will be rejected.

Economic operators linked by a relationship of control or of association (e.g. belonging to the same economic/corporate group) are allowed to submit different and separate tenders provided that each tenderer is able to demonstrate that its tender was drawn independently and autonomously.

A natural or legal person may act as subcontractor for several tenderers as long as the tenders are drawn and submitted in complete independence and autonomously from each other. However, cross subcontracting among tenderers is forbidden, more precisely an entity "A" may participate as tenderer (either as sole tenderer or as member of a group of economic operators) and as subcontractor to another tenderer "B" within the same procurement procedure. However, in this case it is forbidden that tenderer "B" (or any of its participating members in case of a group of economic operators) is at the same time subcontractor for tenderer "A" (or for the group of economic operators in which "A" participates) within the same procurement procedure. In this case, both tenders A and B shall be rejected.

In order to fulfil the selection criteria set out in Section 3.2 the tenderer can rely on the capacities of subcontractors (see Section 2.4.2) or other entities that are not subcontractors (see Section 2.4.3).

An **"involved entity**" is any economic operator involved in the tender. This includes the following four categories of economic operators:

- sole tenderer,

[7] Each economic operator participating in the joint tender is referred to as "group member".

- group members (including group leader),
- identified subcontractors (see Section 2.4.2), and
- other entities (that are not subcontractors) on whose capacity the tenderer relies to fulfil the selection criteria.

The role of each entity involved in a tender must be clearly specified in the eSubmission application: i) sole tenderer, ii) group leader (in case of a joint tender), iii) group member (in case of a joint tender), or iv) subcontractor[8].

For an entity on whose capacities the tenderer relies to fulfil the selection criteria (that is not a subcontractor), this role is defined in the commitment letter (***Annex 5.2***).

2.4.1. Joint tenders

A joint tender is a situation where a tender is submitted by a group (with or without legal form) of economic operators regardless of the link they have between them in the group. The group as a whole is considered a tenderer[9].

All group members assume joint and several liability towards the contracting authority for the performance of the contract as a whole.

Group members must appoint from among themselves a group leader (the group leader) as a single point of contact authorised to act on their behalf in connection with the submission of the tender and all relevant questions, clarification requests, notifications, etc., that may be received during the evaluation, award and until the contract signature. All group members (including the group leader) must sign an Agreement/Power of attorney drawn up in the model attached in ***Annex 3***.

The joint tender must clearly indicate the role and tasks of each group member, including those of the group leader who will act as the contracting authority's contact point for the contract's administrative or financial aspects and operational management. The group leader will have full authority to bind the group and each of its members during contract execution.

If the joint tender is successful, the contracting authority shall sign the contract with the group leader, authorised by the other members to sign the contract also on their behalf via the Agreement/Power of attorney drawn up in the model attached in ***Annex 3***.

Changes in the composition of the group during the procurement procedure (after the deadline for submission of tenders and before contract signature) shall lead to rejection of the tender, with the exception of the following cases:

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[8] Only identified subcontractors (see Section 2.4.2) must be specified in the eSubmission application.

[9] References to *tenderer* or *tenderers* in this document shall be understood as covering both sole tenderers and groups of economic operators submitting a joint tender.

- case of a merger or takeover of a group member (universal succession), provided that the following cumulative conditions are fulfilled:

    - the new entity is not subject to restrictive measures, has access to procurement (see Section 2.2) and is not in an exclusion situation (see Section 3.1),
    - all the tasks assigned to the former entity are taken over by the new entity member of the group,
    - the group meets the selection criteria (see Section 3.2),
    - the change must not make the tender non-compliant with the procurement documents,
    - the terms of the originally submitted tender are not altered substantially and the evaluation of award criteria of the originally submitted tender are not modified,
    - the new entity undertakes to replace the former entity for the implementation of the contract, in case of an award.

2.4.2. Subcontracting

Subcontracting is the situation where the contractor enters into legal commitments with other economic operators, which will perform part of the contract on its behalf. The contractor retains full liability towards the contracting authority for performance of the contract as a whole.

The following shall not be considered subcontracting:

a) Use of workers posted to the contractor by another company owned by the same group and established in a Member State ("intra-group posting" as defined by Article 1, 3, (b) of Directive 96/71/EC concerning the posting of workers in the framework of the provision of services).
b) Use of workers hired out to the contractor by a temporary employment undertaking or placement agency established in a Member State ("hiring out of workers" as defined by Article 1, 3, (c) of Directive 96/71/EC concerning the posting of workers in the framework of the provision of services).
c) Use of workers temporarily transferred to the contractor from an undertaking established outside the territory of a Member State and that belongs to the same group ("intra-corporate transfer" as defined by Article 3, (b) of Directive 2014/66/EU on the conditions of entry and residence of third-country nationals in the framework of an intra-corporate transfer) .
d) Use of staff without employment contract ("self-employed persons working for the contractor"), without the tasks of the self-employed persons being particular well-defined parts of the contract.
e) Use of suppliers and/or transporters by the contractor, in order to perform the contract at the place of performance, unless the economic activities of the suppliers and/or the transporting services are within the subject of this call for tenders (see Section 1.4).
f) Performance of part of the contract by members of an EEIG (European Economic Interest Grouping), when the EEIG is itself a contractor or a group member.

The persons mentioned in points a), b), c) and d) above will be considered as "personnel" of the contractor as defined in the contract.

All contractual tasks may be subcontracted unless the procurement documents expressly reserve the execution of certain critical tasks to the sole tenderer itself, or in case of a joint tender, to a group member.

By filling in the form available in ***Annex 4*** (List of identified subcontractors), tenderers are required to give an indication of the proportion of the contract that they intend to subcontract, as well as to identify and describe briefly the envisaged contractual roles/tasks of subcontractors meeting any of these conditions (hereafter referred to as *identified subcontractors*):

- subcontractors on whose capacities the tenderer relies upon to fulfil the selection criteria as described under Section 3.2;
- subcontractors whose intended individual share of the contract, known at the time of submission, is above 20 %.

Any such subcontractor must provide the tenderer with a commitment letter drawn up in the model attached in ***Annex 5.1*** and signed by its authorised representative.

☝ Each tenderer shall identify *such* subcontractors and provide the commitment letters with its tender. The information must be true and correct at the time of submitting the tender. Any changes or additions regarding the envisaged subcontractors after the deadline for submission of tenders must be justified to the contracting authority.

The above rules apply also where the economic operators, which will perform part of the contract on behalf of a successful tenderer, belong to the same economic/corporate group as the sole tenderer or a member of the group submitting the joint tender.

Changes concerning subcontractors identified in the tender (withdrawal/replacement of a subcontractor, additional subcontracting) during the procurement procedure (after the submission deadline and before contract signature) require the prior written approval of the contracting authority subject to the following verifications:

- any new subcontractor is not subject to restrictive measures, is not the addressee of a decision prohibiting the award of the contract for having received foreign subsidies distorting the internal market, has access to procurement if the rules on access to procurement apply also to subcontractors (see Section 2.2) and is not in an exclusion situation (see Section 3.1),
- the tenderer still fulfils the selection criteria and the new subcontractor fulfils the selection criteria applicable to it individually, if any;
- the terms of the originally submitted tender are not altered substantially, i.e. all the tasks assigned to the former subcontractor are taken over by another involved entity, the change does not make the tender non-compliant with the tender specifications, and the evaluation of award criteria of the originally submitted tender is not modified.

Subcontracting to subcontractors identified in a tender that was accepted by the contracting authority and resulted in a signed contract, is considered authorised.

2.4.3. Entities (not subcontractors) on whose capacities the tenderer relies to fulfil the selection criteria

In order to fulfil the selection criteria a tenderer may also rely on the capacities of other entities (that are not subcontractors), regardless of the legal nature of the links it has with them. It must in that case prove that it will have at its disposal the resources necessary for the performance of the contract by producing a commitment letter in the model attached in ***Annex 5.2,*** signed by the authorised representative of such an entity, and the supporting evidence that those other entities have the respective resources[10].

☝ The above rules apply also where the economic operators on whose capacities the tenderer relies to fulfil the selection criteria (that are not subcontractors) belong to the same economic/corporate group as the sole tenderer or a member of the group submitting the joint tender.

2.4.4. Rules common to subcontractors and entities (not subcontractors) on whose capacities the tenderer relies to fulfil the selection criteria

If a successful tenderer intends to rely on another entity to meet the minimum levels of economic and financial capacity, the contracting authority may require the entity to sign the contract or, alternatively, to provide a joint and several first-call financial guarantee for the performance of the contract.

With regard to technical and professional selection criteria, a tenderer may only rely on the capacities of other entities where the latter will perform the works or services for which these capacities are required, i.e. the latter will either assume the role of subcontractors or will fall within the exceptions listed in Section 2.4.2 and will then assume the role of entities (not subcontractors) on whose capacities the tenderer relies to fulfil the selection criteria.

☝ Relying on the capacities of other entities is only necessary when the capacity of the tenderer is not sufficient to fulfil the required minimum levels of capacity. Abstract commitments that other entities will put resources at the disposal of the tenderer will be disregarded.

[10] This does not apply to subcontractors on whose capacity the tenderer relies to fulfil the selection criteria – for these the documentation required for subcontractors must be provided.

3. EVALUATION AND AWARD

The evaluation of the tenders that comply with the submission conditions will consist of the following elements:

- Check if the tenderer has access to procurement (see Section 2.2);
- Verification of administrative compliance (if the tender is drawn up in one of the official EU languages and the required documents signed by duly authorised representative(s) of the tenderer);
- Verification of non-exclusion of tenderers on the basis of the exclusion criteria;
- Selection of tenderers on the basis of selection criteria;
- Evaluation of tenders: compliance with the requirements of the procurement documents and on the basis of the award criteria;
- Verification if the tenderer including any subcontractor is not subject to EU restrictive measures (see Section 2.2) or any other rejection grounds from the award procedure.

The contracting authority will evaluate the abovementioned elements in the order that it considers to be the most appropriate.

If the evaluation of one or more elements demonstrates that there are grounds for rejection, the tender will be rejected and will not be subjected to further full evaluation. The rejected tenderers will be informed of the ground for rejection without being given any feedback on the non-assessed content of their tenders. The ranked tenderers will have access to information on the relative advantages of the successful tenderer(s) and its (their) total financial offer amount, if they request so in writing after being informed of the result of the procedure. This will be without the prejudice to further checks and to the provision of supporting documents on exclusion and/or selection criteria if the contract cannot be signed with the presumed winner(s). Only tenderer for whom the verification of all elements did not reveal grounds for rejection can be awarded the contract resulting from this call for tenders.

The evaluation will be based on the information and evidence contained in the tenders and, if applicable, on additional information and evidence provided at the request of the contracting authority during the procedure. If any of the declarations or information provided proves to be false, the contracting authority may impose administrative sanctions (exclusion or financial penalties) on the entity providing the false declarations/information.

For the purposes of the evaluation related to exclusion and selection criteria the contracting authority may also refer to publicly available information, in particular evidence that it can access on a national database free of charge.

3.1. Exclusion criteria

The objective of the exclusion criteria is to assess whether the tenderer is in any of the exclusion situations listed in Article 138(1) of the Financial Regulation.

Tenderers found to be in an exclusion situation will be rejected.

As evidence of non-exclusion, each tenderer[11] needs to submit with its tender a Declaration on Honour[12] in the model available in ***Annex 2***.[13] The declaration must be signed by an authorised representative of the entity providing the declaration. Where the declaration has been signed by hand, the original does not need to be submitted to the contracting authority, but the latter reserves the right to request it from the tenderer at any time during the record-keeping period specified in Section 4.3.

The initial verification of non-exclusion of tenderers will be done on the basis of the submitted declarations and consultation of the European Union's Early Detection and Exclusion System.

Evidence will be requested only from the presumed successful tenderer before the award decision, without prejudice to the possibility for the contracting authority to ask any tenderer at any moment during the procedure[14] to submit an updated declaration or all or part of the supporting documents where this is necessary to ensure the proper conduct of the procedure.

The contracting authority may also request information on natural or legal persons that are members of the administrative, management or supervisory body or that have powers of representation, decision or control, including legal and natural persons within the ownership and control structure and beneficial owners, and appropriate evidence that none of those persons are in one of the exclusion situations referred to in Section A point (1) (c) to (f) of the Declaration on Honour.

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[11] See Annex 1 which of the involved entities participating in a tender need to provide the Declaration on Honour.

[12] The European Single Procurement Document (ESPD) may not be used yet in European Commission's calls for tenders.

[13] Unless the same declaration has already been submitted for the purposes of another award procedure of the European Commission, the situation has not changed, and the time elapsed since the issuing date of the declaration does not exceed one year.

[14] The obligation to provide the supporting evidence will be waived in the following situations:

- if the same documents have already been provided in a previous award procedure of the European Commission, have been issued no more than one year before the date of their request by the contracting authority and are still valid at that date;

- if such evidence can be accessed by the contracting authority on a national database free of charge, in which case the economic operator shall provide the contracting authority with the internet address of the database and, if needed, the necessary identification data to retrieve the document;

- if there is a material impossibility to provide such evidence.

All tenderers are **invited to prepare in advance the documentary evidence**, since they may be requested to provide such evidence within a short deadline.

☝ If the tenderer does not provide valid documentary evidence within the deadlines set by the contracting authority, the latter reserves the right to reject the tender. In any event, in case a tenderer proposed for the award of the contract fails to comply with the above evidence requirement, its tender will be rejected, unless the tenderer can justify the failure on the grounds of material impossibility to provide such evidence.

Annex 1 specifies which of the involved entities participating in a tender need to provide the Declaration on Honour and, when requested by the contracting authority, the supporting evidence.

Please note that a request for evidence in no way implies that the tenderer has been successful.

3.2. Selection criteria

The objective of the selection criteria is to assess whether the tenderer has the legal, regulatory, economic, financial, technical and professional capacity to perform the contract.

The selection criteria for this call for tenders, including the minimum levels of capacity, the basis for assessment and the evidence required, are specified in the following subsections.

Tenders submitted by tenderers not meeting the minimum levels of capacity will be rejected.

When submitting its tender each tenderer shall declare on honour that it fulfils the selection criteria for this call for tenders. The model Declaration on Honour available in ***Annex 2*** shall be used.

The initial assessment of whether a tenderer fulfils the selection criteria will be done on the basis of the submitted declaration(s).

The subsections below specify which selection criteria evidence must be provided with the tender or may be requested later, at any time during the procurement procedure, within a deadline given by the contracting authority [15].

The evidence must be provided in accordance with the applicable basis for assessment of each criterion: in case of a consolidated assessment – only by the involved entities who contribute

[15] The obligation to provide the supporting evidence will be waived in the following situations:

- if the same documents have already been provided in a previous award procedure of the European Commission and are still up-to-date;
- if such evidence can be accessed by the contracting authority on a national database free of charge, in which case the economic operator shall provide the contracting authority with the internet address of the database and, if needed, the necessary identification data to retrieve the document.

to the fulfilment of the criterion, and in case of individual assessment – by each entity to whom the criterion applies individually.

In case not all selection criteria evidence is requested with the tender, all tenderers are **invited to prepare in advance the documentary evidence**, since they may be requested to provide such evidence within a short deadline. In any event, the tenderer proposed by the evaluation committee for the award of the contract will be requested to provide such evidence.

☝ If the tenderer does not provide valid documentary evidence within the deadlines set by the contracting authority, the contracting authority reserves the right to reject the tender. In any event, in case a tenderer proposed for the award of the contract fails to comply with the above evidence requirement, its tender will be rejected, unless there is a ground for a waiver.

Please note that a request for evidence in no way implies that the tenderer has been successful.

3.2.1. Legal and regulatory capacity

Tenderers can be natural or legal persons. Tenderers are not obliged to take a specific legal form in order to submit their tenders.

Where tenderers submit a tender through an entity, which lacks legal personality (e.g., a branch), the compliance with the exclusion criteria, selection criteria, the rules on access to procurement as well as the absence of restrictive measures shall be assessed at the level of the tenderers.

Tenderers do not need to prove specific legal and regulatory capacity to perform the contract.

3.2.2. Economic and financial capacity

Tenderers must comply with the following selection criteria in order to prove that they have the necessary economic and financial capacity to perform the contract.

Criterion F1	
Minimum level of capacity	Average yearly turnover of the last two financial years above EUR 500.000.
Basis for assessment	This criterion applies to the tenderer as a whole, i.e., a consolidated assessment of the combined capacities of all involved entities will be carried out.
Evidence	Copy of the profit and loss accounts and balance sheets for the last two years for which accounts have been closed from each concerned involved entity, or, failing that, appropriate statements from banks. The most recent year must have been closed within the last 18 months.

☝ The evidence of economic and financial capacity does not need to be provided with the tender but may be requested by the contracting authority or the EU Validation Services at any time during the procedure.

3.2.3. Technical and professional capacity

☝ With regard to technical and professional selection criteria, a tenderer may only rely on the capacities of other entities where the latter will perform the works or services for which these capacities are required. The entity on whose capacity the tenderer relies will either assume the role of a subcontractor or fall within the exceptions listed in Section 2.4.2.

Tenderers must comply with the following selection criteria in order to prove that they have the necessary technical and professional capacity to perform the contract:

Technical capacity:

The tenderers shall demonstrate the following professional experience in similar services:

Criterion T1	
The tenderer must prove experience in organising and promoting similar events.	
Minimum level of capacity	The tenderer shall demonstrate that over the last two years, they organised at least 10 events of multiple days with more than 50 participants in person and in hybrid format with simultaneous interpretation into two languages available online, including policy related events.
Basis for assessment	This criterion applies to the tenderer as a whole, i.e., the consolidated assessment of combined capacities of all involved entities will be carried out.
Evidence	The tenderer shall provide a list of events meeting the minimum level of capacity, including relevant services provided, dates, places, human and financial resources involved. As supporting documents for each event reference, the contracting authority may request statements issued by the clients and take contact with them.

Criterion T2	
Minimum level of capacity	The tenderer shall provide information showing that he has experience in preparing the content and selecting the speakers for events, managing invitations, advertising the events and designing communication around events.
Basis for assessment	This criterion applies to the tenderer as a whole, i.e., the consolidated assessment of combined capacities of all involved entities will be carried out.
Evidence	The tenderer shall provide a description of the relevant facilities and equipment necessary to provide the required services.

Professional capacity:

The tenderer's team composition shall demonstrate the following expertise:

Criterion P1	
Course Director (at least 10 years' post graduate experience)	
Minimum level of capacity	- Master's degree in economics, law, or other relevant discipline; - Excellent written and oral communication skills in English. Working level knowledge of French; - At least ten years of experience in various disciplines in the field of Competition Law; - Proven experience in identifying, leading and coordinating international teams of experts and setting up programmes for capacity building actions on competition law/policy; - Proven knowledge of Competition law and enforcement,

	policy and challenges facing competition regimes in developing countries, as well as the perspective from EU and EU Member States competition regimes.
Evidence	A list of all previous experience meeting the minimum level of capacity. The list shall include details of their start and end date, scope and description of the role. In case of projects still ongoing, only the portion completed during the reference period will be taken into consideration. As supporting documents for each reference, the contracting authority may request statements issued by the employers or clients and take contact with them.

Criterion P2	
Team Leader (at least 10 years' post graduate experience)	
Minimum level of capacity	- University degree at Master level in law, economics, political science, international relations, public administration, or other relevant discipline; - Excellent written and oral communication skills in English and French; - Proven experience in the management of international teams of experts; - Proven experience in working with state, public administration and/or private sector in the field of organisation of projects of similar size, complexity and duration; - At least five years of experience in organising, developing, and managing public events, workshops, trainings.
Evidence	A list of all previous experience meeting the minimum level of capacity. The list shall include details of their start and end date, scope and description of the role. In case of projects still ongoing, only the portion completed during the

	reference period will be taken into consideration. As supporting documents for each reference, the contracting authority may request statements issued by the employers or clients and take contact with them.

☝ All of the above-specified evidence of technical and professional capacity must be provided with the tender.

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☝ Involved entities (see Section 2.4) and all subcontractors, including those which do not need to be identified in the tender (see Section 2.4.2), must not be subject to professional conflicting interests which may negatively affect the contract performance. Where the contracting authority has established such conflicting interests, it may conclude that the tenderer or an involved entity does not possess the required professional capacity to perform the contract to an appropriate quality standard. The presence of conflicting interests shall be examined during the evaluation phase based on the statements made through the Declarations on Honour and, where applicable, the commitment letters (***Annex 5.1 and Annex 5.2)***. Further details and obligations concerning professional conflicting interests are set out in the draft contract.

3.3. Compliance with the conditions for participation and minimum requirements specified in the procurement documents

By submitting a tender a tenderer commits to perform the contract in full compliance with the terms and conditions of the procurement documents for this call for tenders. Particular attention is drawn to the minimum requirements specified in Section 1.4 of these specifications and to the fact that tenders must comply with applicable data protection, environmental, social and labour law obligations established by Union law, national legislation, collective agreements or the international environmental, social and labour conventions listed in Annex X to Directive 2014/24/EU.

The minimum requirements shall be observed throughout the entire duration of the contract. Compliance with these requirements is mandatory and cannot be subject to any assumptions, limitations, conditions, or reservations on the part of a tenderer.

Tenderers must declare when submitting their tenders in eSubmission whether their tenders comply with the minimum requirements specified in the procurement documents.

☝ **Tenders that are not compliant with the applicable minimum requirements shall be rejected.**

3.4. Award criteria

The objective of the award criteria is to evaluate the tenders with a view to choosing the most economically advantageous tender.

Tenders will be evaluated on the basis of the following award criteria and their weighting:

1. Price – 30%

The price considered for evaluation will be the total price of the tender, covering all the requirements set out in the tender specifications.

2. Quality – 70%

The quality of the tender will be evaluated based on the following criteria:

No	Qualitative award criteria	Quality points (minimum/maximum)
1.	**Quality of the proposed organisation** This criterion will assess how the tenderer's proposed programme, roadmap and logistics meet the Commission's objectives for organising the EU-Africa School on Competition Policy. As part of this assessment specific attention will be given to plans for ensuring: (i) the attendance of as many African countries' and regional institutions' representatives as possible; (ii) the convenience of the participants, e.g. through facilitating visa issuance, organisation of travel to, from and within Brussels; (iii) proper functioning of IT services on site and on-line, such as for interpretation, during the Competition Policy School; (iv) availability of catering services respecting dietary requirements of a large variety of participants from outside of Europe.	**30 points (minimum threshold 50%)**

2.	**Organisation of the work** This criterion will assess how the roles and responsibilities of the proposed team and of the different economic operators (in case of subcontractors if applicable) are distributed for each task. It will also assess the global allocation of time and resources to the project and whether this allocation is adequate for the work. The tenderer must provide details on the allocation of time and human resources and the rationale behind the choice of this allocation.	**30 points (minimum threshold 50%)**
3.	**Quality and selection of content and speakers for the Competition Policy School** This criterion will assess the reliability, the completeness and the appropriateness of the method that the tenderer intends to use for choosing the speakers and the content of the workshops and lectures for the Competition Policy School to address the needs of the audience, whose experience and knowledge is likely to vary widely, as well as the effectiveness of the programme.	**20 points (minimum threshold 50%)**
4.	**Quality of the proposed mechanisms for project management, including quality control, risk management and reporting** This criterion will assess the quality control system proposed for the Competition Policy School and the other associated services foreseen in section 1.4.2. above, including the quality of the content for each deliverable, continuity of the service in case of absence of a member of the team, falling away of speakers, as well as the overall project management (organisation of work, contacts with the Contracting Authority etc.). This criterion will also assess the specific measures that will be put in place to ensure an effective prevention and detection of conflicts of interest. This criterion also assesses the possible risks to the success of the Competition Policy School identified by the tenderer, e.g. delays in visa issuance, strikes and social and political disturbances etc., and the corresponding solutions provided.	**20 points (minimum threshold 50%)**

	This quality control system must be detailed. A generic quality control system will result in a low score.	
Total number of points		100

3.5. Award (ranking of tenders)

Tenders shall be ranked according to the best price-quality ratio in accordance with the formula below:

Score for tender X	=	Cheapest price[16] / Price of tender X	*	100	*	Price weighting (30%)	+	Total quality score (out of 100) for all award criteria of tender X	*	Quality criteria weighting (70%)

Should the outcome of the formula lead to two or more tenders with the same result, the tenders with lower price will be ranked higher than the tenders with higher price.

☝ The contract shall be awarded to the tender ranked first, which complies with the minimum requirements specified in the procurement documents and is submitted by a tenderer not subject to restrictive measures, having access to procurement, not in an exclusion situation and fulfilling the selection criteria.

☝ **Detection of abnormally low tenders**

Tenderers must be aware of Point 23 of Annex I to the Financial Regulation on abnormally low tenders and of the possibility for rejection of the tender based on it.

[16] of tenders passing the minimum quality levels.

4. FORM AND CONTENT OF THE TENDER

4.1. Form of the tender: how to submit the tender?

Tenders are to be submitted via the eSubmission application according to the instructions laid down in the Invitation letter and the eSubmission Quick Guide available at the link below:

https://wikis.ec.europa.eu/display/FTPortal/Open+procedures_EN

☝ Make sure you prepare and submit your tender in eSubmission early enough to ensure it is received within the deadline indicated under Section 5.1.12 of the contract notice and/or on Funding &Tenders Portal (F&T Portal)[17].

4.2. Content of the tender: what documents to submit with the tender?

The documents to be submitted with the tender in eSubmission are listed in ***Annex 1.***

The following requirements apply to the technical and financial tender to be uploaded in eSubmission:

- *Technical tender*

The technical tender must provide all the information needed to assess the compliance with Section 1.4 of these specifications and the award criteria. Tenders deviating from the minimum requirements or not covering all the requirements may be rejected on the basis of non-compliance and not evaluated further.

Tenderers are free to choose where the personal data will be processed or stored as long as they comply with the contractual obligations on data processing (Art.I.7.2) and, in particular, with the requirements for transfer of personal data to third countries and international organisations laid down in Chapter V of Regulation (EU) 2018/1725[18].

Tenderers must specify in their technical tender the location where the personal data will be processed and stored only where this location is outside the territory of the European Union or the European Economic Area. If no location is specified in the tender, the contracting authority will consider that the personal data will be processed and stored only within the territory of the European Union or the European Economic Area.

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[17] https://ec.europa.eu/info/funding-tenders/opportunities/portal/screen/home

[18] Regulation (EU) 2018/1725 of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC, OJ L 295/39, 21.11.2018.

- *Financial tender*

A complete financial tender, including the breakdown of the price, needs to be submitted.

The financial tender shall be:

- expressed in euros. Tenderers from countries outside the euro zone have to quote their prices in euro. The price quoted may not be revised in line with exchange rate movements. It is for the tenderer to bear the risks or the benefits deriving from any variation.
- quoted free of all duties, taxes and other charges, i.e. also free of VAT.

☝ The European Union Institutions are exempt from such charges in the EU under Articles 3 and 4 of the Protocol on the Privileges and Immunities of the European Union of 8 April 1965 annexed to the Treaty on the Functioning of the European Union. Exemption is granted to the Commission by the governments of the Member States, either through refunds upon presentation of documentary evidence or by direct exemption.

In case of doubt about the applicable VAT system, it is the tenderer's responsibility to contact its national authorities to clarify the way in which the European Union is exempt from VAT.

4.3. Signature policy: how can documents be signed?

Where a document needs to be signed, the signature must be either hand-written or, preferably, a qualified electronic signature (QES) as defined in Regulation (EU) No 910/2014 on electronic identification and trust services for electronic transactions in the internal market (the *eIDAS Regulation*).

Tenderers are strongly encouraged to sign with a QES[19] all documents requiring a signature and only exceptionally to sign such documents by hand as hand-written signatures lead to an additional administrative burden for both the tenderer and the contracting authority. The originals of any hand-signed documents (other than the contract) do not need to be submitted to the contracting authority but the tenderer must keep them for a period of five years starting from the notification of the outcome of the procedure or, where the tenderer has been awarded a contract resulting from this call for tenders and the contract has been signed, the payment of the balance.

All documents must be signed by the signatories (when they are individuals) or by their duly authorised representatives.

For the following documents, when signed by representatives, tenderers must provide evidence for the delegation of the authorisation to sign:

[19] See here how to apply a QES on a document exchanged with a European institution, body or agency.

- The Declaration on Honour of the tenderer (in case of a joint tender – the Declarations on Honour of all group members);
- (in the case of a joint tender) the Agreement/Power(s) of attorney drawn up using the model attached in ***Annex 3***.

The delegation of the authorisation to sign on behalf of the signatories (including, in the case of proxy(-ies), the chain of authorisations) must be evidenced by appropriate written evidence (copy of the notice of appointment of the persons authorised to represent the legal entity in signing contracts (together or alone), or a copy of the publication of such appointment if the legislation which applies to signatory requires such publication or a power of attorney). A document that the contracting authority can access on a national database free of charge does not need to be submitted if the contracting authority is provided with the exact internet link and, if applicable, the necessary identification data to retrieve the document.

4.4. Confidentiality of tenders: what information and under what conditions can be disclosed?

Once the contracting authority has opened a tender, it becomes its property and shall be treated confidentially, subject to the following:

- For the purposes of evaluating the tender and, if applicable, implementing the contract, performing audits, benchmarking, etc., the contracting authority is entitled to make available (any part of) the tender to its staff and the staff of other Union institutions, bodies and agencies, as well to other persons and entities working for the contracting authority or cooperating with it, including contractors or subcontractors and their staff, provided that they are bound by an obligation of confidentiality.
- After the signature of the award decision, tenderers whose tenders were received in accordance with the submission modalities, who are not subject to restrictive measures, have access to procurement, who are not found to be in an exclusion situation referred to in Article 136(1) of the FR, who are not rejected under Article 141 of the FR, whose tenders are not found to be incompliant with the procurement documents, and who make a request in writing, will be notified of the name of the tenderer to whom the contract is awarded, the characteristics and relative advantages of the successful tender and its total financial tender amount[20]. The contracting authority may decide to withhold certain information that it assesses as being confidential, in particular where its release would prejudice the legitimate commercial interests of economic operators or might distort fair competition between them. Such

[20] For a call for tenders resulting in multiple framework contracts this information will be provided for all successful tenderers and tenders.

information may include, without being limited to, confidential aspects of tenders such as unit prices included in the financial tender, technical or trade secrets[21].

- The contracting authority may disclose the submitted tender in the context of a request for public access to documents, or in other cases where the applicable law requires its disclosure. Unless there is an overriding public interest in disclosure[22], the contracting authority may refuse to provide full access to the submitted tender, redacting the parts (if any) that contain confidential information, the disclosure of which would undermine the protection of commercial interests of the tenderer, including intellectual property.

☝ The contracting authority will disregard general statements that the whole tender or substantial parts of it contain confidential information. Tenderers need to mark clearly the information they consider confidential and explain why it may not be disclosed. The contracting authority reserves the right to make its own assessment of the confidential nature of any information contained in the tender.

[21] For the definition of trade secrets please see Article 2 (1) of Directive (EU) 2016/943 on the protection of undisclosed know-how and business information (trade secrets) against their unlawful acquisition, use and disclosure.

[22] See Article 4 (2) of the Regulation (EC) No 1049/2001 regarding public access to European Parliament, Council and Commission documents.

APPENDIX: LIST OF REFERENCES

Award criteria	See Section 3.4
Contracting authority	See Section 1.1
Entities on whose capacities the tenderer relies to fulfil the selection criteria	See Section 2.4.3
EU Validation services	See Section 2.3 EU Grants and Tenders Rules on Legal Entity Validation, LEAR appointment and Financial Capacity assessment
Exclusion criteria	See Section 3.1
Financial Regulation	Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union
Group leader	See Section 2.4.1
Group member	See Section 2.4.1
Identified subcontractors	See Section 2.4.2
Involved entities	See Section 2.4
Joint tender	See Section 2.4.1
Participating entities	See Section 2.4.3
Participant Register	See Section 2.3 https://ec.europa.eu/info/funding-tenders/opportunities/portal/screen/how-to-participate/participant-register
Selection criteria	See Section 3.2
Sole tenderer	See Section 2.4
Subcontracting/subcontractor	See Section 2.4.2
Treaties	The EU Treaties: https://europa.eu/european-union/law/treaties_en

ANNEXES

Annex A. Indicative 5-day programme for the Competition Policy School

Monday	Tuesday	Wednesday	Thursday Cartels	Friday Fusions/Mergers
09:30 – 09:45 Welcome **09:45 – 10:15 Tour de table of participants**	**Visit to DG Competition** **09:30 – 10:00 Welcome remarks** **10:30 – 11:00 About DG COMP** Organisation, resources, working methods COFFEE BREAK **11:30 – 12:30 Presentation on substantive topic or on roles of a competition agency**	**09:00 – 10:45 – PLENARY session** **Abuse of dominance cases** *- How to establish abuse– theories of harm and methodologies and evidence.*	**09:00 – 10:30 – PLENARY session** **Cartel detection - techniques** *- Discussion of the approaches in the EU and Africa.*	**09:00 – 10:30 – PLENARY session** **Merger control in the EU and Africa**
COFFEE BREAK		COFFEE BREAK	COFFEE BREAK	COFFEE BREAK
10:45 – 12:30 – PLENARY session **The role of economics in competition enforcement** *-How economics is applied in cases.*		**11:15 – 12:45 PLENARY session** **Commitments and sanctions in abuse cases** *- Criteria for use of commitments or sanctions.*	**11:00 – 12:45 - WORKSHOP (in separate parallel EN and FR groups)** **Conducting inspections** *- Discussion of the approaches in the EU and Africa.*	**11:00 – 12:30 - WORKSHOP** (Breakout parallel EN and FR groups) **Merger review procedure applied**
LUNCH	**LUNCH**	**LUNCH**	**LUNCH**	**LUNCH**
13:45 – 15:15 - PLENARY session **Horizontal agreements** *- Discussion of the approaches in the EU and Africa.*	**14:00 – 15:30 Panel discussion on how competition enforcement can help address societal concerns** **Perspectives from Africa and the EU**	**14:00 – 15:30 WORKSHOP** (Breakout parallel EN and FR groups) **Vertical agreements – practical experiences and challenges in the assessment of vertical restraints** *- Discussion of the approaches in the EU and Africa.*	**14:00 – 15:30 WORKSHOP** (Breakout parallel EN and FR groups) **Cartel Investigations** *Experiences from across EU and Africa.*	**13:45 – 15:00 WORKSHOP** (Breakout parallel EN and FR groups) **Mergers: assessment of efficiencies and remedies**
COFFEE BREAK	COFFEE BREAK	COFFEE BREAK	COFFEE BREAK	COFFEE BREAK
15:30 – 17:00 WORKSHOP (Breakout parallel EN and FR groups) **Case study: Assessment of Horizontal Agreements in the EU and Africa** *- Discussion of the approaches in the EU and Africa.*	**15:45 – 16:45 Cooperation between Competition agencies** **16:45 – 17:00 Closing remarks** **17:00 – 18:30 Networking**	**15:45 – 17:00 WORKSHOP** (Breakout parallel EN and FR groups) **Case study of Vertical agreements** *- Discussion of the approaches in the EU and Africa.*	**15:45 – 17:00** **Cartel case exercise** (Breakout parallel EN and FR groups)	**15:15 – 16:30** **Case study merger review - killer applications** **16:30 – 17:00** **Plenary closing session**
DINNER	DINNER	DINNER	DINNER	DINNER