



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR TRANSLATION

Directorate S — Customer relations
S.2 — External translation

Tender specifications

OMNIBUS-15

(open procedure)

Translation of European Union documents

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1 INFORMATION ON THE CALL FOR TENDERS

1.1 Subject of the framework contract and description of the services to be provided

The European Union (hereinafter ‘the Union’), represented by the European Commission (hereinafter ‘the contracting authority’), is launching a call for tenders in order to conclude multiple framework contracts (FWCs) for the translation of documents relating to its policies and administration.

The contracting authority reserves the right to launch a separate call for tenders for the translation of documents on highly technical matters.

The services to be provided mainly involve translation, i.e. the delivery of properly revised and reviewed translations, but may also include the revision and/or review of translated texts, or the translation, revision and/or review of amendments to existing documents. The services include the delivery of the related translation memories if so requested. The source texts will be of varying length, urgency and nature.

The contracting authority is looking for highly qualified and experienced translation service providers on whom it can rely for these services. Participation in this call for tenders is open to experienced providers of translation services, both individuals and organisations (with or without subcontractors), and/or to groupings in any form.

Tenderers may tender for one or more lots (language combinations, see definition under point 1.4). If more than one lot is awarded to the same tenderer, a single FWC will be signed for all awarded lots. The contracting authority reserves the right to accept the tenders for only one or some of the lots tendered for.

Because most revised and reviewed translations are needed for scheduled meetings, publications and/or ongoing procedures, emphasis will be put on:

- quality;
- meeting delivery deadlines; and
- confidential treatment.

For the purposes of implementing the FWC, contractors may be required to use specific tools or to work on formats that are standard in the translation industry.

1.2 Legal basis

The legal basis for procurement by the EU institutions and bodies consists of the relevant articles of the Financial Regulation and its Rules of Application, i.e.:

- Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012¹ on the financial rules applicable to the general budget of

¹ OJ L 298, 26.10.2012, p. 1; see: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2012:298:0001:0096:EN:PDF>.

the Union and repealing Council Regulation (EC, Euratom) No 1605/2002, Part One, Title V (Procurement) (Articles 101 to 120);

- Commission Delegated Regulation (EU) No 1268/2012 of 29 October 2012,² Part One, Title V (Procurement) (Articles 121 to 172); and
- EU case law, mainly that of the General Court in procurement cases.

1.3 Lots sought, value and number of framework contracts available

There are 89 lots sought in total (see summary table in point 4).

The volume of work under the FWCs is highly unpredictable and cannot be quantified reliably. In practice, demand fluctuates from month to month as a result of unforeseeable events. In order to give tenderers an approximate idea of the number of pages to be translated for each language combination, the volume of pages outsourced in 2014 is indicated in the summary table. These figures are in no way to be regarded as a guaranteed workload.

Multiple FWCs will be signed for each lot. The maximum number of FWCs to be awarded to cover the needs of the contracting authority is 621.

1.4 Definitions

In the context of this call for tenders:

- **‘amendment’** means the translation and incorporation of changes to the content of a text which has already been translated, and revision and/or review thereof. An amendment can be a deliverable for the purposes of this FWC;
- **‘assignment’** means a request for a complete service to be delivered to the contracting authority;
- **‘authorising department’** means the department responsible for issuing order forms and specific contracts, and processing the related invoices;
- **‘CAT (computer-assisted translation) tool’** means a piece of software designed to support and facilitate the translation process, e.g. translation memory tools and terminology databases;
- **‘computer-assisted translation’** means translation of a text using a CAT tool or of a text that has been pre-processed using a CAT tool;
- **‘contracting authority’** means the European Commission or the Commission department responsible for launching the invitation to tender and awarding the framework contract;

² OJ L 362, 31.12.2012, p. 1; see: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2012:362:FULL:EN:PDF>.

- **‘deliverables’** means the translations, revisions or reviews ordered by the contracting authority in the corresponding format, and the translation memories if so requested;
- **‘FWC’** means a framework contract concluded between the contracting authority and one or more economic operators, the purpose of which is to establish the terms governing specific contracts or order forms to be awarded during a given period, in particular with regard to price and, where appropriate, quantity of work. FWCs do not give rise to any obligation on the contracting authority to outsource any volume of work;
- **‘lot’** means one language combination;
- **‘order form’** means a document issued by the authorising department of the contracting authority for a specific assignment, specifying the nature of the service and the deliverables to be provided, the volume of work to be carried out, the deadline (date and time) by which it is to be completed and the remuneration due. The order form may also include an information sheet and any specific instructions on formatting, the purpose/destination of the text to be translated, delivery and/or use of translation memory software;
- **‘person responsible for quality control’** means the person responsible for verifying the quality of the translation in accordance with point 1.11;
- **‘review’** means to examine a target text for its suitability for the agreed purpose and compliance with the conventions of the domain specified in the order form or specific contract and to make any amendments necessary for this purpose. A review can be a deliverable for the purposes of the FWC;
- **‘revise’** or **‘revision’** means systematic comparison of the original and target texts before delivery to ensure that the target text is an accurate and consistent rendering of the original, that it meets the quality requirements set in these tender specifications and that any discrepancy between the source and target texts is eliminated. Revision therefore includes making any amendments necessary for this purpose. A revision can be a deliverable for the purposes of the FWC;
- **‘source text’** or **‘original’** means the text in the source language to be translated into the target language, revised and reviewed or amended;
- **‘specific contract’** means a contract issued by the authorising department of the contracting authority which specifies details of a particular assignment based on the FWC. It serves the same purpose as the order form but may contain additional provisions;
- **‘staff’** means any person responsible for the execution of the assignments under the FWC, either directly employed or subcontracted. If no specific reference is made to translators/revisers/reviewers, any reference to staff includes the persons managing the execution of the assignments under the FWC and the person responsible for quality control;
- **‘standard page’** means a page of text comprising 1 500 characters, excluding spaces, in the source language;

- **‘target text’** or **‘translated text’** means the result of the translation, revision, review and/or amendment process in the target language specified in the FWC;
- **‘terminology’** means the relevant terms that express the concepts specific to the subject area covered by these tender specifications;
- **‘translate’** or **‘translation’** means rendering a text in the source language into the target language specified in the FWC. For the purposes of this FWC, where the word ‘translation’ is used to designate a deliverable, it means a revised and reviewed translation of a source text or original;
- **‘translation memory’** means a repository of previously translated segments with the corresponding originals. A translation memory can be a deliverable for the purposes of the FWC;
- **‘translation service provider’** means a person or organisation providing translation services.

1.5 Allocation of single assignments

For each lot, a list of contractors will be drawn up in descending order on the basis of the award criteria. This will be the order in which assignments will be placed (if the first contractor on the list is unavailable to take on the assignment, or if no reply is given on its behalf, the authorising department may call on the second contractor, and so on down the list). This order may change monthly as a result of the application of the dynamic ranking (see point 1.13). In order to speed up the allocation procedure, assignments will be proposed simultaneously to all contractors in the lot via a web-based portal (currently the eXtra portal) of the European Commission’s Directorate-General for Translation (DGT) and automatically awarded to the highest ranked contractor declaring their availability for that assignment. On expiry of the publication deadline of an assignment, an order form or specific contract will be automatically issued to the highest ranked contractor declaring their availability for that assignment. By declaring their availability for a given assignment on DGT’s eXtra portal, contractors indicate acceptance of the relevant order form or specific contract. The order forms will be available to the contractor only on the eXtra portal.

In exceptional cases, where a document is outsourced as a follow-up to a document previously translated by a given contractor, the contracting authority reserves the right, if a high degree of expertise and significant research, familiarisation with the subject and other efforts were required for the initial translation, to award it to the same contractor regardless of ranking. This is done to ensure a high degree of quality and consistency.

1.6 Electronic file format

The authorising department will upload the source text to the eXtra portal of DGT, either in the word-processing format it uses or as a pre-processed translation package containing the source text and the associated translation memories (in a compressed file), or in a localisation format such as XLIFF containing both the source text and the translations from DGT internal translation memories. Currently, most documents are generated with the MS Office 2010 suite and are delivered in doc and docx format, but some are sent in xls,xlsx, ppt or pptx or pdf format. Some documents may have to be processed in html, xml or other common formats. Other software applications or standard CAT tools may be introduced in due course and this

could result in the generalised use of other formats such as Open Document Format. Contractors are expected to comply with the new format/software requirements within a reasonable deadline.

Completed assignments are to be returned to the authorising department in their original format or in any of the above formats requested by the authorising department. The authorising department may also request the completed assignment in a localisation format such as XLIFF, containing both the source text and the corresponding translations. Files must in any event be handled in strict accordance with the authorising department's instructions so as to ensure that they can be validated against the specifications of the requested format, that they can be quality checked and that no reformatting has to be done on the translated final document. If the eXtra portal is temporarily unavailable, deliverables are to be sent by email to the address given on the order form or specific contract.

1.7 Translation memory and other software

Contractors may be required:

- a) to work on texts that have been pre-processed by the contracting authority or, in general, on assignments delivered as compressed translation packages containing:
 - 1) the source text and the translation memories; or
 - 2) file(s) in a localisation format such as XLIFF (or any other localisation format accepted as standard in the translation industry) containing both the source text and translations matched from DGT internal translation memories, and the translation memories, using CAT tools or editors capable of handling these formats;
- b) to use the translation memories delivered by the authorising department when working on assignments, and to deliver an export of the project translation memory containing only those sentences present in the source document and their translation, together with the translation in its original format, as specified in the order form or specific contract (TMX 1.4b and later versions, or any other translation memory format accepted as standard in the translation industry).

The use of quality assurance software is highly recommended.

1.8 Use of web-based tools and other information technology

Contractors intending to use web-based tools or any other web-based service (e.g. cloud computing) to execute the FWC must ensure full compliance with the terms of this call for tenders when using such services. In particular, the provisions on confidentiality must be respected throughout any web-based process and the Union's intellectual and industrial property rights must be safeguarded at all times.

1.9 Treatment of sensitive documents

The contracting authority may impose additional security requirements for the execution of specific assignments, depending on the level of sensitivity of the data contained in some documents. Contractors will be informed through the order form or specific contract about the security measures to be put in place for the handling of such documents.

Where sensitive documents are to be translated, the contracting authority will require that:

- the contractor handles them on a strict *need to know* basis;
- the contractor ensures that all recipients of such documents are aware of the strict application of the *need to know* principle; and
- all physical and electronic copies of the documents are destroyed immediately after delivery of the translation to the contracting authority.

When subcontracting the translation of such sensitive documents, the contractor will ensure that subcontractors comply with the security and confidentiality requirements imposed by the contracting authority. The contracting authority may require that, in the event of subcontracting, the means of transmission of the documents involve at least the same level of protection as those used by the contracting authority for transmission to the contractor. In very specific cases, the contracting authority may require that a sensitive document be treated exclusively by the contractor and thus limit distribution to third parties, including subcontractors.

The contracting authority reserves the right to check the contractor's procedures for compliance with the security and confidentiality requirements of the FWC and tender specifications.

Without prejudice to Article II.3 of the FWC, the contracting authority reserves the right to impose liquidated damages and/or terminate the FWC if the contractor fails to comply with the security requirements imposed by the contracting authority or in any other way compromises the confidentiality of the assignments.

1.10 Deadline for delivery

Delivery in accordance with Article I.4.5 of the FWC must take place by the date and time stated on the order form or specific contract issued for the assignment. Acceptance of the assignment implies acceptance of the delivery date and time and an obligation to meet it. Possible delays in delivery must be reported to the authorising department not later than 48 hours before the deadline for delivery or immediately when the causes of such delays arise.

Except in cases of *force majeure* (see Article II.11 of the FWC), any delay in delivery will automatically incur liquidated damages calculated at the rate of 10% of the total amount due for the document concerned per day of delay. Except in cases of *force majeure*, failure to deliver may also lead to the termination of the FWC.

1.11 Quality requirements

The quality of the translations must be such that they can be used as they stand upon delivery, without any further formatting, revision, review and/or correction by the contracting authority.

To this end, the contractor must thoroughly revise and review the entire target text, ensuring *inter alia* that:

- it is complete (without unjustified omissions or additions);
- it is an accurate and consistent rendering of the source text;

- references to documents already published have been checked and quoted correctly;
- the terminology and lexis are consistent with any relevant reference material and internally;
- appropriate attention has been paid to the clarity and register and text-type conventions;
- it contains no syntactical, spelling, punctuation, typographical, grammatical or other errors;
- the formatting of the original has been maintained (including codes and tags if applicable);
- any specific instructions given by the authorising department are followed; and
- the agreed deadline (date and time) is scrupulously respected.

Extensive translation resources intended to help translators/revisers/reviewers to provide high quality translation services are available for public consultation at:

http://ec.europa.eu/translation/index_en.htm

1.12 Performance of the framework contract, evaluation and acceptance

The contracting authority will evaluate target texts received from the contractors for conformity with the FWC and give them a mark of 0, 4, 6, 8 or 10 (see below), which will be used for the purposes of applying the dynamic ranking (see point 1.13).

The contracting authority reserves the right to reduce the payment for specific assignments in proportion to unusable parts of the translation and to refuse payment if it is completely unusable. Moreover, without prejudice to other administrative or contractual measures, in accordance with Article II.14 of the FWC, non-compliance with contractual obligations, including where the contractor's average mark falls below the 7/10 threshold within a certain lot, may lead to termination of the FWC for that lot.

Evaluation marks:

- 0 Unacceptable: The translation is unusable as it stands and requires in-depth revision. This triggers the re-evaluation mechanism and, if confirmed by the second evaluation, the refusal of payment;
- 4 Insufficient: The translation does not meet the quality required under point 1.11 of these specifications. This triggers the procedure for sending a warning letter and applying 10% liquidated damages on the first occasion, 20% on the second, 30% on the third and 40% on the fourth. On the fifth occasion, the contracting authority may terminate the FWC for the lot in question;
- 6 Below standard: The translation is mediocre, barely acceptable. No liquidated damages are applied and the contractor remains on the list, but may fall down the ranking. The automatic ranking mechanism places contractors who regularly receive a 6 towards the

bottom of the ranking. An average mark under 7 may also lead to the termination of the FWC for the lot in question;

- 8 Good: The translation meets the quality required under point 1.11 of these tender specifications;
- 10 Very good: The translation fully meets the quality required under point 1.11 of these specifications. The text is characterised by elegant translation solutions, an understanding of difficult concepts, the use of appropriate EU or other specific terminology, good style and register, clarity of expression, and excellent presentation and formatting.

Information on the evaluation will be made available via the eXtra portal. This will include any comments addressed to the contractors, which they must take into account for future assignments.

All deliverables are formally accepted after the evaluation. Texts found not to comply with the quality and technical requirements above may be sent back to the contractor for completion, in which case they will be formally accepted only after receipt and re-evaluation of a corrected version.

Where the delivered translation is evaluated as not complying with the quality requirements, the contracting authority must provide evidence of this.

Contractors will be notified via DGT's eXtra portal of acceptance of the deliverables and must then submit any comments on the evaluation within ten working days.

Translations will be evaluated on the basis of the following grid:

Document No: DG/2015/00000		Source/Target Language: SL → TL	
Contractor Id No: 0000 Product: TRA		Order No: 2015/.....	
Date sent:	Date due:	Date delivered:	Pages: 00

Compliance with technical requirements (Y/N)		Right language? YES/NO	
Assignment complete?	Specific instructions complied with?	In specified format?	Formatting OK?
YES/NO	YES/NO	YES/NO	YES/NO

Intrinsic quality of the product				Intrinsic quality of the product			
		Relevance				Relevance	
Error Type	Code	Low	High*	Error Type	Code	Low	High*
Mistranslation	SENS	0	0	Clarity and/or register	CL	0	0
Omission	OM	0	0	Grammar	GR	0	0
Wrong or inconsistent usage or terminology	TERM	0	0	Punctuation	PT	0	0
Reference documents material not used	RD	0	0	Spelling	SP	0	0

* A 'high relevance' error is one which seriously compromises the translation's usability

Translator's and/or reviser's and/or reviewer's remarks on terminology, source text content or any other translation issues arising are appreciated. They are to be submitted in a separate file together with the target text via the eXtra web portal.

1.13 Dynamic ranking

During execution of the FWC, the quality component of the quality/price ratio will be updated to take into account actual quality provided. The ratio will be recalculated on the first day of every month on the basis of the initial quality mark resulting from the FWC award procedure (see point 3.5) or from the quality mark from the previous month.

The quality component of the award formula will be updated as follows:

$$Q = [(1-a) \times Q_i] + (a \times 10Q_m)$$

where:

- Q_i = the initial quality mark resulting from the award procedure or the quality mark from the previous month;
- Q_m = the average mark for the translations evaluated in the previous month; and
- a = a weighting factor depending on the number of translations evaluated in the previous month (Y) and equal to 0.5 x Y (if Y > 4) or 0.125 x Y (if Y is 4 or less).

Other adjustments may be made to the contractor's ranking during the month as a consequence of the termination of FWCs with other contractors.

1.14 Invoicing

Within 10 working days of acceptance of the deliverables by the contracting authority, the contractor must submit to the authorising department invoices for the appropriate amounts, containing the following details:

- the word 'invoice' and an invoice number;
- the contractor's full particulars (name, address and VAT number for intra-Community purchases; no VAT number is required in the case of contractors holding a small-business or other exemption without entitlement to deduct VAT on inputs);
- the date of issue of the invoice;
- the authorising department's name and address as indicated in the order forms or specific contracts;
- a reference to the FWC;
- the numbers of the order forms or specific contracts;
- the amount to be paid according to the order forms or specific contracts;
- the amount of VAT or the reason for exemption from VAT (as applicable);
- the total amount payable; and
- the full name and address of the bank in the country of residence and the number of the account into which payment is to be made.

The authorising department will verify all invoices and supporting documents.

Where VAT is due in Belgium, the provisions of the order form or specific contract constitute a request for VAT exemption No 450 under Article 42, paragraph 3.3, of the VAT code (Circular 2/1978), provided the contractor includes in the invoice:

- the statement '*Exonération de la TVA, Article 42, paragraphe 3.3 du code de la TVA (circulaire 2/1978)*'; or
- an equivalent statement in Dutch or German.

Where VAT is due in Luxembourg, the contractor must include in the invoice the statement '*Commande destinée à l'usage officiel de l'Union européenne. Exonération de la TVA Article 43 § 1 k 2e turet de la loi modifiée du 12.02.79.*'

For intra-Community purchases, invoices should include the statement 'For the official use of the European Union. VAT exemption / European Union / Article 151(1)(aa) of Council Directive 2006/112/EC.'

Without prejudice to the current invoicing system, if the contracting authority's invoicing rules change while the FWC is in force (e.g. with the introduction of e-invoicing), contractors are expected to comply.

The authorising department may suspend payment at any time within 30 calendar days of receipt of the invoice if:

- the deliverable is incomplete;
- the deliverable has not been accepted in accordance with Article I.4.5 of the draft FWC;
- supporting documents are missing;
- the invoice is not correctly established; or
- the authorising department has to make further checks (e.g. in the case of discrepancies between the invoice and the order form it refers to).

The payment period will resume from the date on which the contracting authority registers the properly established invoice and accepts the deliverable.

1.15 Exchange of information and data between the contracting authority and contractors

Most contacts between the contracting authority and the contractors will take place via DGT's eXtra portal. The contractors will have to register and identify themselves through the European Commission Authentication Service (ECAS) in order to be connected to the eXtra portal or any other portal while the FWC is in force.

2 HOW TO TENDER

2.1 Submission of the tender

Tenders must be drawn up in accordance with the provisions of all documents relating to this call for tenders, including the invitation to tender. You must submit your tender(s) using the annexes to these tender specifications, as necessary, accompanied by all the required documents and evidence on a DVD or a USB key.

Tenders should be accurate and concise. They must clearly show that you are able to meet the requirements of these tender specifications and provide the services on the terms stipulated.

You must also include all the information the contracting authority needs to be able to analyse the tender on the basis of the criteria set out below. You must provide all mandatory documents to prove your status and qualifications. If you provide documents and/or certificates in a language other than one of the EU official languages, you must provide a translation into one of these official languages.

You may tender for one or more lots. You must indicate both in the electronic tender registration form and in the annexes to these tender specifications for which lot(s) you are tendering.

If tendering for more than one lot, you must provide evidence of specific translation experience for every language combination tendered for.

Tenders must be submitted on DVDs or USB keys. Each tender must contain:

- one DVD or USB key labelled ORIGINAL;
- one DVD or USB key labelled COPY 1; and
- one DVD or USB key labelled COPY 2.

Send a paper printout of the electronic tender registration form and the (technical and financial) offer with the signatures in original, together with the DVDs or USB keys. If the tender is submitted by an authorised representative, the relevant power of attorney or an equivalent document must also be sent in paper form with the signatures in original.

2.2 Cooperation with other entities

Tenderers may cooperate on a tender as a partnership, by subcontracting, or by a combination of the two.

The implications of these two forms of cooperation differ radically and the tender must in any case specify very clearly whether the various parties are acting as partners in a joint tender or as subcontractors (this also applies where they belong to the same group, or where one is the parent organisation of the others). The documents to be completed for this purpose are Annexes 1, 4 and 5 of these tender specifications.

2.3 Joint tenders

Joint tenders are submitted by a group of tenderers. If awarded the FWC, the tenderers have equal standing before the contracting authority when it comes to providing the service required.

Each member of the group assumes joint and several liability towards the contracting authority; statements such as ‘one of the partners of the joint tender will be responsible for part of the contract and another for the rest’ or ‘more than one contract should be signed if the joint tender is successful’ are incompatible with these principles. The contracting authority reserves the right to reject tenders containing such statements without further evaluation, on the grounds that they do not comply with the tender specifications.

Joint tenders will be assessed as follows:

- the exclusion criteria will be applied to each member of the group individually; and
- the selection criteria for economic and financial standing and for technical and professional capacity will be applied to the tendering group as a whole.

Groups do not have to have a specific legal form to be allowed to submit a tender or sign the FWC in the event of an award. However, they must nominate one of their members to sign the tender and (if they are successful) the FWC, and to be responsible for the administrative

management of the FWC (invoicing, receiving payments, etc.). They must include a power of attorney in their tenders for this purpose.

2.4 Subcontracting

Subcontracting is authorised in accordance with Article II.7 of the FWC.

Changes in subcontracting during the procurement procedure may lead to rejection of the tender. Changes in subcontracting after the FWC has been signed may lead to its termination and must in any case be approved by the contracting authority.

Freelancers and self-employed persons contributing to the provision of the services under the FWC are regarded as subcontractors and should be made aware of the provisions of the tender specifications and of the FWC, in particular Articles II.5, II.10 and II.18. The contractor remains fully liable to the contracting authority for performance of the FWC as a whole. The contracting authority has no direct legal commitment to the subcontractor(s).

Accordingly:

- the contracting authority will handle all contractual matters (e.g. payments) exclusively with the contractor, whether or not the tasks are performed by a subcontractor; and
- under no circumstances can the contractor avoid liability to the contracting authority on the grounds that the subcontractor is at fault.

Tenders involving subcontracting must include the information and documents requested in Annexes 5a and 5b to these tender specifications, including:

- the names of the subcontractors;
- the proportion of work to be carried out by each subcontractor;
- existing or prospective contracts with subcontractors; and
- a letter of intent from each subcontractor stating their intention to cooperate and confirming that they have read and are aware of all conditions in the tender specifications and the FWC.

Tenders involving subcontracting will be assessed as follows:

- the exclusion criteria will be applied to each tenderer and subcontractor individually; and
- the selection criteria for economic and financial standing and for technical and professional capacity will be applied to the tendering group (including subcontractor(s)) as a whole.

3 EVALUATION OF TENDERS

The evaluation will be based on the information provided in the tenders and carried out in the following stages, each stage being eliminatory:

- Stage 1: Exclusion criteria – checks (common to all the lots) as to whether tenderers can take part in the tendering procedure and, if successful, be awarded the FWC;
- Stage 2: Selection criteria – checks on the technical and professional capacity and economic and financial standing of tenderers who have passed the exclusion stage. Professional qualifications and experience in translation are specific to individual lots; and
- Stage 3: Award criteria – for all lots,
 - (1) to assess the technical and financial offers of all tenders that have passed the exclusion and selection stages; and
 - (2) to establish a ranking.

At the end of the process, the FWCs available for each lot will be awarded to the tenderers who have successfully passed all three stages and submitted the economically most advantageous tenders.

3.1 Exclusion criteria — exclusion of tenderers

3.1.1 Exclusion from participation in the tendering procedure

In accordance with Articles 106 and 107 of the Financial Regulation, tenderers will be excluded from participation if:

- a) they are bankrupt or being wound up, are having their affairs administered by the courts, have entered into an arrangement with creditors, have suspended business activities, are the subject of proceedings concerning those matters, or are in any analogous situation arising from a similar procedure provided for in national legislation or regulations;
- b) they or persons having powers of representation, decision-making or control over them have been convicted of an offence concerning their professional conduct by a judgment of a competent authority of a Member State which has the force of *res judicata*;
- c) they have been guilty of grave professional misconduct proven by any means which the contracting authority can justify including by decisions of the European Investment Bank and international organisations;
- d) they are not in compliance with their obligations relating to the payment of social security contributions or the payment of taxes in accordance with the legal provisions of the country in which they are established or with those of the country of the contracting authority or those of the country where the FWC is to be performed;
- e) they or persons having powers of representation, decision-making or control over them have been the subject of a judgment which has the force of *res judicata* for fraud,

corruption, involvement in a criminal organisation, money laundering or any other illegal activity, where such illegal activity is detrimental to the Union's financial interests;

- f) they are subject to an administrative and/or financial penalty for misrepresenting the information required by the contracting authority as a condition of participation in a grant award procedure or another procurement procedure or fail to supply that information, or having been declared to be in serious breach of their obligation under contracts covered by the Union budget.

Points (b) and (e) will not apply where the tenderers can demonstrate that adequate measures have been adopted against the persons having powers of representation, decision-making or control over them, who are subject to a judgment as referred to in points (b) or (e).

Tenderers will be excluded from the award of the FWC if:

- they are subject to a conflict of interest; or
- they are guilty of misrepresenting, or fail to supply, the information required by the contracting authority as a condition of participation in the procurement procedure.

3.1.2 Forms of evidence

You must provide a declaration of honour (see Annex 3 to these tender specifications), duly completed, signed, dated and supported by the requisite evidence that you are not in one of the situations referred to in Articles 106 and 107 of the Financial Regulation that lead to exclusion.

As sufficient proof that you are not in situation (a), (b) or (e) in point 3.1.1, the contracting authority accepts a recent extract from the judicial record or, failing this, a recent equivalent document issued by a judicial or administrative authority in your country of origin or provenance certifying that the requirements are met. As regards situation (d), it accepts a recent certificate issued by the competent authorities of the state concerned.

If no such certificate or document is issued in the country concerned, you may submit a sworn or, failing that, a solemn statement made before a judicial or administrative authority, a notary or a qualified professional body in your country of origin or provenance.

In the case of joint tenders, the exclusion criteria will apply both to the group and to each of its members. Each party must therefore provide the signed form and the related evidence. As the exclusion criteria also apply to subcontractors, each subcontractor must provide a duly signed declaration of honour.

In order to speed up the evaluation and FWC award procedure, you must scan all required evidence and include it in the tender. Otherwise, you may be excluded from the procedure. The contracting authority may at any time request the relevant original paper documents for checking.

3.2 Place of establishment

Tenderers must be nationals of a Member State of the Union or have their head office or domicile in a Member State of the Union, or of the European Economic Area, or in another

state which has concluded an agreement on public procurement for the same category of services with the Union, and must provide proof thereof in accordance with their national legislation. EU nationals established in non-EU countries may therefore also tender. Any individuals tendering will be required to provide proof of their nationality.

3.3 Selection criteria

Tenderers will be selected on the basis of the criteria set out below.

In the case of joint tenders, the selection criteria concerning status and legal form (see point 3.3.1) will be assessed in relation to each member of the group individually; economic and financial standing and technical and professional capacity (see points 3.3.2 and 3.3.3) will be assessed in relation to the group as a whole, or together with subcontractors, if any.

3.3.1 Status and legal form of tenderers

You must indicate your legal status and provide appropriate proof (e.g. VAT number or registration number in a trade or professional register or acts of foundation or of incorporation, identity card or passport, etc.). Please provide the relevant scanned documents as requested in Annex 1 to these tender specifications with your tender.

You must indicate the name and position of the person(s) empowered to represent the tendering party (or parties in the event of a joint tender) and entitled to sign the FWC if the tender is successful, and provide appropriate proof thereof, e.g. power of attorney.

Legal entities must provide a legible photocopy of their statutes or a copy of the notice of appointment of the person authorised to represent the entity in dealings with third parties and in legal proceedings. For joint tenders, one of these documents must be provided by each member of the group together with the power of attorney in Annex 4 to these tender specifications.

Individual tenderers, including those participating in joint tenders, not subject to VAT for the provision of the services covered by this FWC must indicate the reasons for their exemption and provide proof thereof. Please use Annex 2 to these tender specifications, sign it, scan it and attach it to your tender.

3.3.2 Economic and financial capacity

All tenderers must provide proof of their economic and financial standing by means of one or more of the following documents:

- a) appropriate statements from banks or, where appropriate, evidence of relevant professional risk indemnity insurance;
- b) financial statements for at most the last three years for which accounts have been closed;
- c) a statement of overall turnover and turnover for the last financial year available for the type of services covered by this call for tenders.

Please scan and attach the related evidence to your tender using Annex 6 to these tender specifications.

3.3.3 Technical and professional capacity

You must have the technical and professional capacity needed to carry out the services required under the FWC in accordance with the quality criteria set out in it.

In order to be selected, you must comply with the technical requirements in point 3.3.3 (a) and (b).

Evidence of compliance with the requirement under (a) may take the form of a declaration of honour (see Annex 6 to these tender specifications). You must sign, scan and attach this Annex, to your tender.

You must scan evidence of qualifications and experience as described in point 3.3.3 (b) and include it in the tender.

If you do not comply with all of the mandatory requirements set out in these tender specifications, you will not be selected. The contracting authority reserves the right to verify your declaration by any means.

a) Technical requirements

You must have at least the technical capacity:

- i) to electronically register your tender (<https://webgate.ec.europa.eu/dgt/tender/index/home.cfm>), to receive and send electronic files via email and to connect to the eXtra portal of DGT once the FWC is awarded;
- ii) to read, amend, save and deliver files generated with the Microsoft Office 2010 suite, and later versions of Microsoft Office or other common formats as described under point 1.6 'Electronic File Format', without altering their formatting;
- iii) to work on translation memories sent by the contracting authority and/or to deliver translation memories together with translations, or to work on translation packages or localisation formats as explained under point 1.7; and
- iv) to ensure appropriate back up of translations during and after FWC execution.

As a pre-condition for selection, therefore, you should have access to CAT tools capable of:

- handling Office 2010, Office 2007 and later versions of Microsoft Office;
- handling Open Document Format (version 1.2 and future versions);
- importing and exporting TMX translation memories (TMX 1.4b and future versions); and
- (CAT tools or editors capable of) handling the XLIFF format (version 1.2 and future versions).

You should be able to work with Legiswrite (version 5.8.3 and future versions).³

Internet access is essential.

You must fill in and sign the declaration of honour provided in Annex 6 to these tender specifications and attach it to your tender.

b) Qualifications and experience requirements of tenderers and persons responsible for quality control

Tenderers must be:

- experienced translators/revisers/reviewers able to perform themselves the translation work and requisite quality control before delivery in the language combination(s) tendered for; or
- organisations with experienced staff available to do so.

Individuals working on their own must have the educational qualifications and professional experience required for the language combination(s) tendered for (see below) and provide evidence thereof.

Organisations using internal and/or external staff to execute the FWC must prove that the person responsible for quality control has the requisite educational qualifications and professional experience in the language combination(s) tendered for. They must also submit a copy of their contract with that person.

If you are successful and have not previously concluded a contract with a person responsible for quality control, you will have to provide proof that you have done so before signing the FWC.

During execution of the FWC, contractors must inform the contracting authority if another person is made responsible for quality control for a given language combination and ensure that replacement or additional staff employed or (sub)contracted have the minimum qualifications as specified below.

Contractors must ensure that any staff involved in the translation work under this FWC have the minimum qualifications and experience required and keep proof thereof available for possible checks by the contracting authority.

For the purpose of these tender specifications, the minimum qualifications for staff and individual tenderers to execute translation/revision and/or review tasks and quality control in the language combination(s) tendered for are as follows:

- a university degree in any subject (after studies of at least three years); and

³ Legiswrite is a tool ensuring that documents distributed by the Commission to the other EU institutions are well presented and consistent. All information about installing and using Legiswrite is available on our webpage at http://ec.europa.eu/dgs/translation/workwithus/calls/open/omnibus15/index_en.htm

- translation experience as indicated in the summary table in section 4 of these tender specifications (3 000 pages/3 years or 1 500 pages/1.5 years, depending on the lot in question).

In the case of organisations, the evidence to be submitted must relate to the person responsible for quality control for each language combination tendered for (one person per lot). No evidence is required for the other staff involved in the execution of the contract. The contracting authority reserves the right to request this evidence at any time in the course of the contract.

If the tenderer is an individual, the evidence must refer to him/herself.

The contracting authority will accept the following documents as proof of the required educational qualifications and professional experience:

Educational qualification or professional requirement	Examples of proof accepted	Remarks
University degree or masters or doctorate	Copy of diploma or certificate	
Translation/revision/review experience in the language combination tendered for	Letters of reference from customers, invoices, book covers, contracts and number of pages of translations you have carried out in the language combination	Source and target languages must be indicated

Self-declarations or evidence not endorsed by a third party will not be accepted as evidence. Letters of reference should be provided by persons directly involved in a customer/translation service provider relationship.

Invoices or any other evidence will be accepted only if they indicate the source and target languages.

Translation experience demonstrated by contracts or reference letters must be expressed in ‘standard pages’ of 250 words or 25 lines. Each year of employment as a translator/ reviser/ reviewer will be accounted as equivalent to 1 000 standard pages.

In the case of joint tenders or tenders involving subcontracting, this selection criterion will apply to the group as a whole or to the tenderer together with its subcontractors.

You must scan all evidence and attach it to your tender, using Annex 6 to these tender specifications. Tenders not accompanied by the required evidence will not be selected.

3.4 Award criteria

Tenders approved on the basis of the above selection criteria will be assessed against the award criteria set out below.

3.4.1 Quality of service

The quality of the service proposed will be evaluated on the basis of your technical offer.

The technical offer (max. five standard pages) must detail the methods and quality management procedures you will use in providing the services, including the following (max. one standard page each):

- methods for assessing, accepting and (where necessary) assigning texts for translation (20/100);
- means of ensuring the accuracy of translations and compliance with conventions and instructions for EU legal and administrative texts in the target language (20/100);
- pre-release verification and incorporating DGT feedback (20/100);
- resource and competence management – training, quality monitoring, availability of knowledge and expertise, confidentiality (20/100); and
- management of deadlines and methods to ensure compliance with the FWC even under unforeseen circumstances (20/100).

NB: your technical offer, including the above, will be annexed to the FWC and will therefore be binding. Any failure to comply with the declared methods and quality levels in executing the FWC may be considered as a breach of the FWC and lead to its termination.

Tenders scoring less than 70/100 in total or less than 50% on any particular aspect will be excluded.

The weighting of quality (Q) in the quality/price (‘value-for-money’) ratio is 70%.

You must sign, scan and attach the technical offer to your tender using Annex 7 to these tender specifications.

3.4.2 Prices

The reference price is the price you quote for translating a standard page of 1 500 characters (excluding spaces). It should cover all costs relating to performance of the FWC (e.g. retrieval, handling and delivery of texts, access to terminology and document databases, creation and delivery of translation memories if requested, in accordance with point 1.7 of the tender specifications, and any fees in relation to the acquisition of ownership of rights by the Union, including all forms of use of the results). It also covers administrative tasks, communications, taxes, social security contributions, insurance and any bank charges. The price may vary from one lot (language combination) to another, must be expressed in euros (EUR) and must not include VAT.

For translation services provided under the FWC, the contracting authority will pay the contractor a sum equal to the number of standard pages of source text as determined by the contracting authority (on the basis of DGT page-counting), multiplied by the price per standard page as laid down in the FWC.

The price for related services is expressed as a percentage of the reference price; in particular:

- for translation assignments which have been pre-processed using CAT tools, the number of standard pages of source text will be reduced in proportion to the text wholly or partially pre-processed and attract payment rates of:
 - 20 % of the reference price for 100 %-match pages;
 - 50 % for 85 %-99 % matches; and
 - 100 % for matches of less than 85 % and new text;
- for revision or review assignments, the contracting authority will pay the contractor a sum equal to 50 % of the number of standard pages of source text multiplied by the price per standard page;
- for amendment assignments, the contracting authority will pay a sum equal to 130 % of the number of standard pages of new source text multiplied by the price per standard page, to take into account possible extra revision work in order to ensure consistency across the document;
- where a source text delivered in electronic file format includes graphics (e.g. tables, graphs, diagrams, maps, etc.) containing text to be translated, only the number of characters to be translated will be counted; and
- where the text to be translated is on paper or in non-processable format and the order form or specific contract specifies that any graphics in the text must be reproduced in full, the page count will be based on the space occupied.

The number of standard pages will be determined by the authorising department.

No supplement will be paid on the grounds of urgency or the nature of the work.

The weighting of the price (P) in the quality/price ('value-for-money') ratio is 30 %.

<p><u>You must enter your requested price for each lot you are tendering for, using Annex 7 of these tender specifications. You must then sign, scan and attach the Annex to your tender. Tenders not including prices will be rejected.</u></p>

In submitting a tender, you are in effect stating that:

- unless otherwise required by law, you have not and will not knowingly communicate the prices quoted to any other tenderer or competitor, either directly or indirectly, before the tenders are opened;
- you have not and will not make any attempt to induce any other person or undertaking to submit or refrain from submitting a tender with a view to restricting competition;

and that, in the event of being awarded the FWC:

- you accept all the terms and conditions set out in the invitation to tender, in these tender specifications and in the FWC and, where appropriate, the waiver of your own general or specific terms and conditions;
- you are aware that the contracting authority will disregard any qualification or disclaimer contained in the tender in this connection and reserves the right to reject such tenders without further evaluation on the grounds that they do not comply with these tender specifications; and
- you are aware that, if successful, the tender is binding for the duration of the FWC.

3.5 Award of the framework contracts

The FWCs for each lot will be awarded to the economically most advantageous tenders, up to the maximum number of FWCs available, and in the light of the award criteria, i.e. the quality/price (‘value-for-money’) ratio. This ratio will be calculated as follows (to three decimal places):

$$[(NQ \times 0.7) + (NP \times 0.3)] \times 100$$

where:

NQ = Q/max (Q);

NP = min (P)/(P);

Q = quality score of the evaluated tender;

max (Q) = the highest quality score obtained by tenders on the basis of the criteria in point 3.4.1;

P = the price in euros per standard page as specified in the tender; and

min (P) = the lowest price among the tenders which have reached the award stage and obtained a quality score of at least 70/100 (see point 3.4.2).

If two or more tenders have the same ratio, the one with the lowest price will be ranked first; if the ratio and the price are the same, the tender received first will be ranked first.

By submitting a tender, you are in effect stating that you have read and accepted the provisions of the draft FWC, the tender specifications and its annexes, and the invitation to tender.

SUMMARY TABLE

Lot N°	Language combination	Minimum number of pages of experience required	Number of pages outsourced in 2014	Maximum number of FWCs available
1	EN>DE	3 000	31 833	30
2	ES>DE	3 000	219	3
3	FR>DE	3 000	3 031	3
4	IT>DE	3 000	446	3
5	BG>EN	1 500	5 417	3
6	CS>EN	1 500	4 971	3
7	DA>EN	3 000	2 794	3
8	DE>EN	3 000	13 855	10
9	EL>EN	3 000	11 391	10
10	ES>EN	3 000	11 825	10
11	ET>EN	1 500	2 725	3
12	FI>EN	3 000	4 381	3
13	FR>EN	3 000	6 084	3
14	HR>EN	1 500	4 892	3
15	HU>EN	1 500	5 353	3
16	IT>EN	3 000	10 589	10
17	LT>EN	1 500	4 878	3
18	LV>EN	1 500	4 274	3
19	NL>EN	3 000	7 707	3
20	PL>EN	1 500	11 082	10

Lot N°	Language combination	Minimum number of pages of experience required	Number of pages outsourced in 2014	Maximum number of FWCs available
21	PT>EN	3 000	5 648	3
22	RO>EN	1 500	6 194	3
23	SK>EN	1 500	4 100	3
24	SL>EN	1 500	4 481	3
25	SV>EN	3 000	3 822	3
26	BG>FR	1 500	190	3
27	CS>FR	1 500	180	3
28	DE>FR	3 000	4 013	3
29	EL>FR	3 000	1 210	3
30	EN>FR	3 000	35 784	30
31	ES>FR	3 000	2 420	3
32	FI>FR	3 000	281	3
33	HU>FR	1 500	419	3
34	IT>FR	3 000	2 523	3
35	NL>FR	3 000	1 331	3
36	PL>FR	1 500	495	3
37	PT>FR	3 000	224	3
38	RO>FR	1 500	471	3
39	DE>DA	3 000	662	3
40	DE>EL	3 000	273	3
41	DE>ET	1 500	488	3

Lot N°	Language combination	Minimum number of pages of experience required	Number of pages outsourced in 2014	Maximum number of FWCs available
42	DE>HU	1 500	280	3
43	DE>IT	3 000	501	3
44	DE>LT	1 500	585	3
45	DE>NL	3 000	106	3
46	DE>PL	1 500	1 316	3
47	DE>SK	1 500	405	3
48	DE>SV	3 000	760	3
49	EN>BG	3 000	15 963	15
50	EN>CS	3 000	19 737	15
51	EN>DA	3 000	17 568	15
52	EN>EL	3 000	22 521	20
53	EN>ES	3 000	15 829	15
54	EN>ET	3 000	19 983	20
55	EN>FI	3 000	17 726	15
56	EN>GA	3 000	489	3
57	EN>HR	3 000	28 388	30
58	EN>HU	3 000	18 611	15
59	EN>IT	3 000	18 431	15
60	EN>LT	3 000	13 936	10
61	EN>LV	3 000	19 673	15
62	EN>MT	3 000	15 044	10

Lot N°	Language combination	Minimum number of pages of experience required	Number of pages outsourced in 2014	Maximum number of FWCs available
63	EN>NL	3 000	18 217	15
64	EN>PL	3 000	22 683	20
65	EN>PT	3 000	15 888	15
66	EN>RO	3 000	18 483	15
67	EN>SK	3 000	16 500	15
68	EN>SL	3 000	26 616	20
69	EN>SV	3 000	19 993	15
70	FR>BG	3 000	313	3
71	FR>CS	3 000	571	3
72	FR>DA	3 000	803	3
73	FR>EL	3 000	1 730	3
74	FR>ES	3 000	923	3
75	FR>ET	3 000	556	3
76	FR>FI	3 000	205	3
77	FR>HR	1 500	2 320	3
78	FR>HU	3 000	424	3
79	FR>IT	3 000	1 000	3
80	FR>LT	3 000	544	3
81	FR>LV	3 000	168	3
82	FR>MT	3 000	520	3
83	FR>NL	3 000	3 132	3

Lot N°	Language combination	Minimum number of pages of experience required	Number of pages outsourced in 2014	Maximum number of FWCs available
84	FR>PL	3 000	958	3
85	FR>PT	3 000	807	3
86	FR>RO	3 000	379	3
87	FR>SK	3 000	563	3
88	FR>SL	3 000	410	3
89	FR>SV	3 000	1 131	3

In order to facilitate the submission of tenders and the evaluation, and to minimise the risk of error or omission, you are asked to draw up your tender using the annexes to be found at http://ec.europa.eu/dgs/translation/workwithus/calls/open/omnibus15/index_en.htm.