



CALL FOR TENDERS N° FCH/OP/Contract 164

TENDER SPECIFICATIONS

Management of a Joint Procurement Strategy for Fuel Cell Buses

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I. Context and Background

I.1. What is the FCH JU?

The [Fuel Cells and Hydrogen 2 Joint Undertaking \(FCH JU\)](#) is a unique public private partnership supporting research, technological development and demonstration (RTD) activities in fuel cell and hydrogen energy technologies in Europe. Its aim is to accelerate the market introduction of these technologies, realising their potential as an instrument in achieving a carbon-lean energy system.

Fuel cells, as an efficient conversion technology, and hydrogen, as a clean energy carrier, have a great potential to help fight carbon dioxide emissions, to reduce dependence on hydrocarbons and to contribute to economic growth. The objective of the FCH JU is to bring these benefits to Europeans through a concentrated effort from all sectors.

The three [members](#) of the FCH JU are the European Commission, fuel cell and hydrogen industries represented by the NEW Industry Grouping and the research community represented by Research Grouping N.ERGHY.

The FCH JU was established by a Council Regulation on 30 May 2008 as a public-private partnership between the European Commission, European industry and research organisations to accelerate the development and deployment of fuel cell and hydrogen technologies.

On 6th May 2014, the Council of the European Union formally agreed to continue the Fuel Cells and Hydrogen Joint Technology Initiative under the EU Horizon 2020 Framework Program. This phase (2014-20), will have a total budget of 1.33 billion euros, provided on a matched basis between the EU represented by the European Commission, industry, and research.

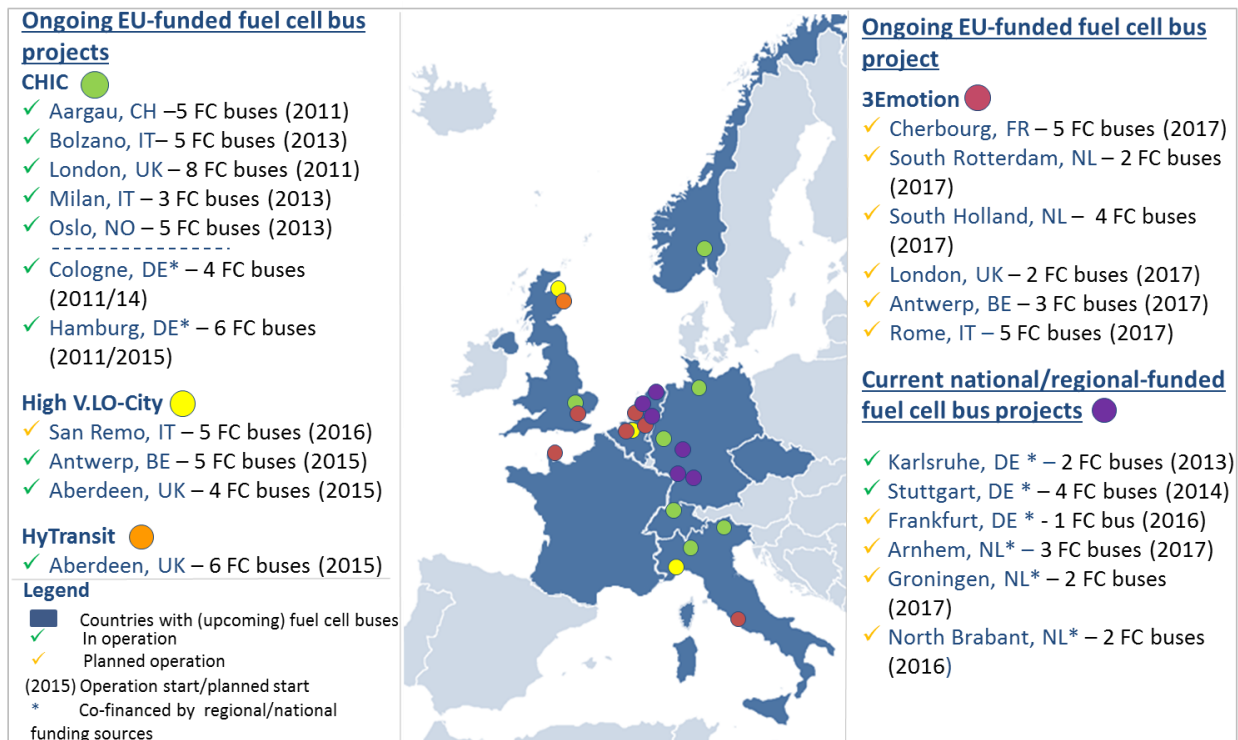
The second phase of the FCH JU (the FCH 2 JU) will reinforce this commitment to achieve a real, strong, reliable and committed European platform on fuel cells and hydrogen where industry, research, and local, national and European officials act to address, through the technology, major socio-economic and environmental challenges.

The projects under FCH 2 JU will improve performance and reduce the cost of products as well as demonstrate on a large scale the readiness of the technology to enter the market in the fields of transport (cars, buses and refuelling infrastructure) and energy (hydrogen production and distribution, energy storage and stationary power generation).

I.2 What does the FCH JU do about fuel cell electric buses?

Since 2010, the FCH JU has funded several demonstration projects with Fuel Cell buses (FC Buses). In total 91 buses are in operation or about to be in operation, most of them financed by the FCH JU. In total more than 5,5 million km have been driven by FC buses.

→ Over 90 fuel cell buses in operation/about to start operation + 100bus project submitted



In 2012, FCH JU started a commercialisation effort of by sponsoring a large **study on alternative power trains for urban buses** with an industrial coalition composed of 40+ bus manufacturers, technology providers, infrastructure providers and bus operators, to understand which alternative power trains are most economic and suitable to de-carbonise public transport in Europe¹. Powertrains examined included (diesel, serial hybrid, parallel hybrid, battery bus charging overnight, battery bus with opportunity charging, trolley buses and fuel cells bus).

¹ Urban buses: alternative powertrains for Europe, November 2012 available at <http://www.fch-ju.eu/page/publications> Powertrains examined included diesel, serial hybrid, parallel hybrid, battery bus charging overnight, battery bus with opportunity charging, trolley buses and fuel cells bus

As a result, both fuel cell electric buses and other electric buses were evaluated as potentially good candidates, whereby the first would give users more flexibility and are nearer to commercialisation and the second offers less flexibility, needs collection of more operating experience but may be lower in running cost.

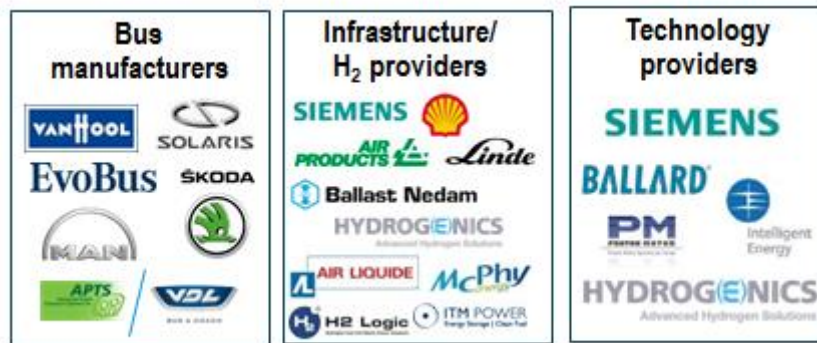
In parallel, several countries (Germany, UK, France, Denmark, Sweden, Norway, Netherlands, etc.) and large industrial players have launched initiatives for the deployment of **fuel cells electric cars and hydrogen refuelling stations**.

While fuel cell electric buses are now available and operational, an additional effort is needed. Currently, the total cost of ownership of fuel cell buses is too high to compete with the incumbent buses powered by internal combustion engines. The FCH JU and the industrial stakeholders are convinced that **deploying in the region of 500 – 1000 FC buses** in a number of cities across Europe will make them cost competitive. If the current European production rate of fuel cell buses (+/- 20 FC buses/year continues, commercialisation will not happen before 2025.

In 2014, the FCH JU gathered a large coalition of cities and regions, bus operators, bus manufacturers, techno providers and Hydrogen providers to plan a large commercialisation of fuel cells buses with the objective to **deploy 500-1000 buses**.

Overview participating locations





In November 2014, five bus manufacturers signed a letter of understanding indicating their readiness to commercialise hundreds of fuel cell electric buses in the coming year. Symbolically, this letter of understanding was given out in a public ceremony to the First Mayor of Hamburg and the Deputy Mayor of London two cities at the forefront of hydrogen technologies.

In June 2015 at the TEN-T days in Riga a group of **30+ cities and regions** in turn signed a letter of intent indicating the willingness to purchase together hundreds of fuel cell buses in the coming years.

The FCH JU has procured work on coordinating the 60+ locations now involved in the coalition, which have indicated an appetite to purchase over 600 buses. The results of this study are published and available at [the FCH website](#). On the one hand, early joint procurement has started, particularly in the UK, while ongoing dialogue with the bus manufacturers indicates they are ready to supply these buses

The UK cluster carried out a joint early market engagement exercise during the first half of 2016, with the publication of an RFI in February 2016 and meetings with potential suppliers held in April / May. The information gathered will inform the procurement strategy and formal tender documents, which are expected to be issued by the end of summer 2016 with a view to placing orders in early 2017. This tender process has revealed promising results, with 5 plausible bidders coming forwards from a combination of existing FC bus players as well as new entrants from established bus building groups.

Cities in the German / Italian cluster are also embarking on a joint procurement exercise, led by Wuppertal (WSW). An RFI was published in spring 2016. The feedback is being considered in the on-going exercise to determine the details of the formal procurement exercise, the timescales of which are similar to the UK's given the ambition to place the first bus order from early 2017.

Options for joint procurement between cities across the Northern Cluster are being evaluated. It is expected that the UK's joint procurement exercise is being developed in a way that should allow non-UK cities to use the framework established.

The procurement exercises for the other clusters are due to start in 2016/17 in line with their bus deployment plans (e.g. the Benelux cluster is targeting the (anticipated) 2017 Call).

Procurement approaches have been developed in collaboration to (a) share lessons and experience and (b) use a common technical specification as far as possible, to help ensure standardisation in the market.

II. Next steps and overall objective

The FCH JU and the FC bus coalition have the strong conviction that a deployment of around 1000 fuel cell electric buses will push costs to an acceptable level (close to hybrid buses and no or little need of subsidy). It will also overcome the supply and demand chicken and egg: where bus manufacturers wait for large orders before producing economic fuel cell buses while public transport authorities wait for economic fuel cell buses before placing large orders.

The first steps have been taken, as laid out in the previous section. However, further work is needed. The FCH JU intends to continue supporting **a joint procurement strategy** as follows

1. Identification of cities/regions that are willing to:
 - test ~20 fuel cell electric bus per location
 - build clusters to organise joint procurement with other cities with the objective of reaching joint procurement of ~100 buses by cluster and several hundred in total.
2. objectives
 - create volume to push costs down
 - create competition to push prices down
 - standardization of bus requirements to push costs down
3. This joint procurement strategy should be done on national basis in order to group cities that face similar challenges
 - Public transport organisations (which differs strongly from one country to another)
 - Public procurement rules

- Permitting rules and procedures.
 - Etc.
4. the strategy should have a clear European dimension and coordination
- While it is useful to take into account national rules and constraints, the objective remains to build a pan-European strategy to commercialise fuel cell electric buses.
 - In addition, the FCH 2 JU will seek to finance a number of some of these buses by means of European projects that will have to group cities from different EU countries.
 - The strategy should include means to continue the cooperation of participating transport authorities after the study is finalised.

III. Required services

The FCH JU intends to contract the services of one or several contractors acting together that will **coordinate the existing national clusters that were built in the context of the previous study² and further develop their organization**. There should be at least a cluster for each of Germany, UK, Netherlands and France. Applicants can propose to set up additional clusters if they want. In any case, applicants should propose a solution for involving isolated cities (cities based in a country for which no national cluster is foreseen).

The contractor shall work with management teams of local bus operators and city/region representatives to develop local fuel cell bus projects.

III.1 Task 1: joint procurement strategy and calendar

For each cluster, the contractor acting as cluster coordinator shall develop a **joint procurement strategy** describing

- How many cities participate.
- How many fuel cell buses will be operated in which city.
- The calendar of purchase (from procurement to actual operations).

² The clusters are presented in the report mentioned on page 6, third paragraph of the present document, and is available by accessing the web link inserted therein.

- How far the participating cities have agreed on common specifications for their purchase of FC buses. These specifications include not only technical requirements but also contractual requirements such as guarantees, after sales services or maintenance support.
- Purchasing practices: joint procurement or any other mechanisms which push for standardization and create a competition for large volumes to push prices down.
- Draft of procurement documents.

Calendar for this task: October 2016 – June 2017 with a clear interim report on December 2016

Deliverables:

- Two interim status reports on the status of the joint procurement activities in all clusters, due February 2017 and June 2017. These should include references to all public documents from cities that have initiated such activities, to serve as reference for others. They should also be as specific as possible regarding the status of ongoing joint procurement exercises, to the extent allowed by law.
- The final report, due December 2017, should include specific and easy to follow guidance on organising joint procurement exercises for future interested parties.

III.2 Task 2: co-financing strategy

FC buses are at an early stage of their commercialisation. Consequently they remain substantially more expensive than diesel buses and their deployment requires additional financial resources.

The FCH JU has been funding a number of FC bus demonstration projects and will seek to finance some new projects in the future. However it is certain that the budget of the FCH JU cannot fully cover the costs of purchasing and operating 600 FC buses and of the corresponding hydrogen refueling infrastructure. Therefore cities and operators willing to operate FC buses must secure additional financial resources either from their own budget or from other funding sources.

While it is not possible to prejudge the amount of funding, if any, that the FCH JU could provide, a theoretical scenario on the basis of which the contractor and the cities/clusters are invited to build a co-financing strategy.

- In a context of a large joint procurement, FC bus would be sold at a price of €650.000 for a 12 meter solo bus and €850.000 for a 18m articulated bus

- A subsidy of the FCH JU could cover 50% of the price difference with an equivalent diesel bus: i.e. ~€200.000 for 12 meter solo bus and ~€280.000 for a 18 meter
- For the Hydrogen refueling infrastructure, a subsidy of the FCH JU of about €1.000.000 for a station delivering a fleet of 20 buses or more.
- These amounts can be freely remixed. As an illustration in a scenario with 100 bus used in 5 locations: the total subsidy could be €25 million (100*200.000+ 5*1.000.000) that could be used either for the bus or the hydrogen station as the involved partners want.³

On this basis for each cluster, the contractor acting as cluster coordinator shall demonstrate that local operators and cities/region have a full understanding of the costs and implications of deploying fleets of fuel cell buses and that they have secured approval to implement them and budget to co-finance them. Clear milestones shall be established for each operator or city/region decision making process.

Calendar for this task: October 2016- June 2017 with a clear interim report on December 2016

Deliverables:

- Interim report due February 2017, containing (1) the most common practices from cities participating in the clusters regarding their means of financing purchases of bus fleets and related infrastructure (sales with upfront payment, public debt, bus operator debt, leasing by manufacturers) and (2) whether and how these practices are followed or impacted when considering the financing of FC buses (with higher costs, new technology, different capex/opex ratio, different relation bus/refuelling infrastructure)
- Interim report due June 2017, containing specific information on co-financing, such as specific sources, financing conditions (terms, rates, grants vs. debt finance,...), overall amount of financing potentially available, and status of conversations with the institutions
- As part of the final report due December 2017, public description of at least 3 specific examples of cities or cluster implementing such a co-financing mechanism in their purchase of fuel cell bus fleets and related infrastructure and recommendations for cities interested in replicating such practices.

³ The theoretical scenario presented under the four points is an illustration of the scenario based on topic 1.9 of the 2016 Call for proposals of the FCH 2 JU – available here: <http://www.fch.europa.eu/page/call-2016>

III.3 Task 3: knowledge sharing and building of national FC and H2 bus communities

The level of involvement with and knowledge about FC bus varies considerably from one city to another.

1. There are experimented cities have already operated FC buses (usually 2-5) for several years or that are about to operate FC buses and that are now considering the operation of larger fleets (15-30 buses).
 2. There are informed and audacious cities that have not yet operated FC buses but that are nevertheless considering the operation of large fleet (15-30 buses)
 3. There are curious and cautious cities that would like to test a few FC buses in their bus fleet
 4. There are more and more cities and public transport operators that want to know more about FC buses and to understand all the implications of operating these buses.
- a) While task 1 focuses mainly on the cities in categories 1 and 2, it should not exclude cities of category 3 that could participate in a joint procurement approach. Moreover, the contractor shall build mechanism(s) to ensure that cities in categories 3 and 4 are part of the dynamic. This should not only concern the FC buses themselves but also the Hydrogen refueling infrastructure (permitting issue, choice of production and delivery mode, business models). In this context, a particular attention should be paid to languages. While information about FC bus exists in English, much less information is available in other languages. The contractor shall develop information materials in the language of the different clusters (and possibly other languages)
- b) In each cluster, the contractor shall propose a mechanism for the cities and bus operators to interact with Bus manufacturers and Hydrogen providers in order to have a more accurate view of the options and implications of operating FC buses as well as the calendar of production and delivery of each of them.
- c) In each cluster, the contractor shall ensure that proper outreach is made towards public authorities. Programmes such as the FCH JU can support the commercialisation of FC buses by financing R&D effort and projects demonstrating that the operation of large fleets of FC bus is possible. To achieve a mass commercialisation further actions by local, regional, national and EU authorities are necessary. These actions can take the form of regulations supporting clean public transport or removing obstacle to the deployment of FC bus or the form of financial support. Therefore it is essential that clusters and their coordinator engage with their authorities.

d) In complement to task C, the contractor shall organize a high level international event on Fuel Cell buses. The contractor shall identify a large event gathering important decision makers in the field of public transport (e.g. UITP annual congress⁴). It shall ensure that a session is dedicated to FC buses (this can be done in coordination with the FCH JU) and organize in parallel an exhibition enabling public transport decision makers to test fuel cell buses (i.e. a drive and ride). While this will certainly require collaboration with the ongoing FC Bus projects and more particularly with bus manufacturers and H2 stations providers, it is the responsibility of the contractor to create the event and to ensure the logistic. The FCH JU considers that the part of the budget dedicated to this call for tenders should be reserved for this task 3.d.

Calendar for this task: October 2016- June 2017 (with the agreement of the FCH JU it can be extended if the event planned for task 3.D takes place after June 2017).

Deliverables:

Interim status reports due February 2017 and June 2017 and final report due December 2017, containing the identities of cities having expressed interest and participating in the cluster work, with an assessment of the level of interest and commitment in each.

III.4 Modalities of cooperation with the FCH JU, between the clusters and with other FCH JU bus related activities

While the FCH JU is searching for assistance in developing a strategy and implementation plans for common purchase of FC buses, its intention is certainly not to purely outsource these tasks. The FCH JU expects to work in close collaboration with the contractor.

Moreover even if most of the work is done within the national clusters, the FCH JU expect that these clusters will not work in insolation but rather in a very close collaboration, sharing information and experiences, facilitating standardization of requirements across clusters, having common discussion with the Bus manufacturers and Hydrogen providers, etc.

⁴ <http://www.uitp.org/>

The FCH JU is currently funding four large FC buses demonstration projects⁵ (CHIC, High V.Locity, HyTransit, 3Emotion) and a project on the engineering of a depot with a hydrogen refueling infrastructure about to serve large fleets of buses (50-200), NewBusFuel⁶. The contractor and the clusters are invited to collaborate as much as possible with these projects.

III.5 Deliverables and reporting

By the end of February and June of 2017, the contractor shall submit interim reports covering each of the three tasks for each of the cluster as well as horizontal (across cluster) activities and results, as outlined for each of the tasks in Sections III.1-3. These interim reports should be written in English. The sections covering each of the national clusters should be also available in the national language of the concerned cluster.

By the end of December 2017, the contractor shall submit a final report with the same structure and requirements.

The contractors should demonstrate best efforts in trying to achieve a milestone of at least 100 cities participating in the clusters and with specific plans to purchase 1000 fuel cell bus fleets and related infrastructure.

The contractor shall also interact closely with the FCH JU. A regular feedback shall be provided by regular telco and meeting in persons.

IV. Contractual obligations

IV.1 General

The contract will be a bilateral contract between the FCH JU and the winning tenderer. In drawing up the tender, the tenderer should bear in mind the provisions of template contract attached to these Specifications.

The contractor must perform this contract to the highest professional standards.

⁵ <http://chic-project.eu/>;

<http://highvlocity.eu/>

<http://www.fch.europa.eu/project/european-hydrogen-transit-buses-scotland> ;

<http://chic-project.eu/uncategorized/21-more-fuel-cell-buses-on-the-road-soon-start-of-the-3emotion-project>

⁶ <http://www.newbusfuel.eu/>

The contractor will have the sole responsibility for complying with all legal obligations incumbent on him, notably those arising from employment law, tax law and social legislation.

The contractor may neither represent the Fuel Cells and Hydrogen Joint Undertaking nor behave in any way that would give such an impression. The contractor must inform third parties that he does not belong to the European public service, but is exercising the tasks on behalf of the Fuel Cells and Hydrogen Joint Undertaking.

IV.2 Joint Tenders and Subcontracting

Joint tenders i.e. tenders submitted by consortia of two or more economic operators are allowed. Each legal entity will be required to sign the contract in case of award, and shall assume joint and several liability towards the FCH JU for the fulfilment of the terms and conditions of the contract.

The tender must state clearly the roles, activities and responsibilities of each operator.

Any change in the composition of the consortium during the procurement procedure may lead to the rejection of the corresponding tender. Any change in the composition of the consortium after the signature of the contract is subject to the FCH JU express authorisation and may lead to the termination of the contract.

The consortium shall nominate one legal entity ("the leader") who will have full authority to bind the consortium and each of its members, and will be responsible for the administrative management of the contract (invoicing, receiving payments, etc.) on behalf of all other entities.

The tender must be signed by all members of the consortium or by one of the members on behalf of and duly authorised by the other members (a power of attorney is to be attached to the tender) and the declaration relating to the exclusion criteria and the documents relating to the selection criteria must be provided by each of them.

Subcontracting is permitted. Certain tasks provided for in the contract may be entrusted to subcontractors, but the main contractor retains full responsibility and liability towards FCH JU for the performance of the contract as a whole. Accordingly, FCH JU will treat all contractual matters (e.g. payment) exclusively with the main contractor, whether or not the tasks are performed by a subcontractor. Under no circumstances can the main contractor avoid liability towards the JUs on the grounds that the subcontractor is at fault.

If subcontracting is proposed, the file must include a document mentioning the reasons why subcontracting is proposed; stating clearly the roles, activities and responsibilities of

subcontractor(s) and a letter of intent by each subcontractor stating their intention to collaborate with the tenderer if he wins the contract.

During execution of the contract, the contractor will need FCH JU express authorisation to replace a subcontractor with another and/or to subcontract tasks for which subcontracting was not envisaged in the original tender.

Please note that if subcontractors are proposed, the declaration relating to the exclusion criteria and the documents relating to the selection criteria must be provided by each of them.

V. Calendar and content of the tender:

V.1. Indicative calendar

- Publication: dispatch of the contract notice to OPOCE and publication on FCH JU website : 08 July 2016
- Deadline: 23 August 2016
- Opening: 26 August 2016
- Evaluation: 27 August - 3 September 2016
- Feedback to applicant: 5 September 2016
- Start: 20 September
- Implementation: see indications for each task

V.2 Content of the tender

The tenders must be presented as follows:

- Part A: Identification of the tenderer (see below)
- Part B: Evidence for exclusion criteria (see section VII)
- Part C: Evidence for selection criteria (see section VIII)
- Part D: Technical offer
- Part E: Financial offer

Identification of the tenderer: The tender must include a cover letter presenting the name of the tenderer (including all entities in case of joint offer) and identified subcontractors if applicable, and the name of the single contact person in relation to this tender. In case of joint tender, please refer to section 4.2.

Supporting documentation:

- Declaration of honour duly dated and signed (**Annex 1**)
- Tenderer's administrative information (**Annex 2**)

In addition, the following will be requested from the successful tenderer prior to the signature of the contract:

- Legal identity form and financial identification form (**Annex 3**)

VI. Volume of the contract and Prices

The maximum amount for this contract including all the deliverables as mentioned under section 3 is €300.000.

Tenderers shall indicate the total price they propose for carrying out the study.

In addition, the tenderers shall give an indicative repartition of this price between the different tasks and clusters. In case of joint tender or subcontracting the repartition shall also describe an indicative repartition of the price.

The price for the tender must be quoted in euro. 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.

The quoted price must be a fixed amount which includes all charges (including travel and subsistence). Travel and subsistence expenses are not refundable separately.

Prices should be quoted free of all duties, taxes and other charges, including VAT, as the FCH JU is exempt from such charges under Articles 3 and 4 of the Protocol on the privileges and immunities of the EU; the amount of VAT should be shown separately.

Prices are indexed according to the contract.

VII. Exclusion Criteria

This procurement procedure is open to any legal person wishing to bid for the assignment and established in any of the European Union Member States.

Tenderers shall be excluded from participation in the present procurement procedure 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 have been convicted of an offence concerning their professional conduct by a judgement which has the force of res judicata;

- c) they have been guilty of grave professional misconduct proven by any means which the FCH JU can justify;
- d) they have not fulfilled 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 FCH JU or those of the country where the contract is to be performed;
- e) they have been the subject of a judgement which has the force of res judicata for fraud, corruption, involvement in a criminal organisation or any other illegal activity detrimental to the Communities financial interests;
- f) Following another procurement procedure or grant award procedure financed by the Community budget, they have been declared to be in serious breach of contract for failure to comply with their contractual obligations.

Tenderers shall be excluded from awarding if during the present procurement procedure:

- g) they are subject to a conflict of interest;
- h) they are guilty of misrepresentation in supplying the information required by the FCH JU as a condition of participation in the contract procedure or fail to supply this information.

In their tenders, tenderers shall provide a declaration on their honour (based on the Model attached – Annex 1), duly signed and dated, stating that they are not in one of the situations listed above.

The successful tenderer shall provide supporting evidence before signature of the contract. This requirement applies to all members of the consortium in case of joint tender and to identify subcontractors whose intended share of the contract is above 20%.

The obligation to submit supporting evidence does not apply to international organisations.

A tenderer (or a member of the group in case of joint tender, or a subcontractor) is not required to submit the documentary evidence if it has already been submitted for another procurement procedure and provided the documents were issued not more than one year before the date of their request by the FCH JU and are still valid at that date. In such cases, the tenderer must declare on its honour that the documentary evidence has already been provided in a previous procurement procedure, indicate the reference of the procedure and confirm that that there has been no change in its situation.

A tenderer (or a member of the group in case of joint tender, or a subcontractor) is not required to submit a specific document if the contracting authority can access the document in question on a national database free of charge.

VIII. Selection criteria

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

The evidence requested should be provided by each member of the group in case of joint tender and identified subcontractor whose intended share of the contract is above 20%. However a consolidated assessment will be made to verify compliance with the minimum capacity levels.

The tenderer may rely on the capacities of other entities, regardless of the legal nature of the links which it has with them. It must in that case prove to the FCH JU that it will have at its disposal the resources necessary for performance of the contract, for example by producing an undertaking on the part of those entities to place those resources at its disposal.

The tender must include the proportion of the contract that the tenderer intends to subcontract.

VIII.1 Declaration and evidence

The tenderers (and each member of the group in case of joint tender) and subcontractors whose capacity is necessary to fulfil the selection criteria must provide the declaration on honour (see Annex 1), signed and dated by an authorised representative, stating that they fulfil the selection criteria applicable to them individually. For the criteria applicable to the tenderer as a whole the tenderer (sole tenderer or leader in case of joint tender) must provide the declaration on honour stating that the tenderer, including all members of the group in case of joint tender and including subcontractors if applicable, fulfils the selection criteria for which a consolidated assessment will be carried out.

This declaration is part of the declaration used for exclusion criteria (see section VII) so only one declaration covering both aspects should be provided by each concerned entity.

FCH JU will evaluate selection criteria on the basis of the declarations on honour. Nevertheless, it reserves the right to require evidence of the legal and regulatory, financial and economic and technical and professional capacity of the tenderers at any time during the procurement procedure and contract performance. In such case the tenderer must provide the requested evidence without delay. FCH JU may reject the tender if the requested evidence is not provided in due time.

After contract award, the successful tenderer will be required to provide the evidence mentioned below before signature of the contract and within a deadline given by FCH JU.

This requirement applies to each member of the group in case of joint tender and to subcontractors whose capacity is necessary to fulfil the selection criteria.

A tenderer (or a member of the group in case of joint tender, or a subcontractor) is not required to submit the documentary evidence if it has already been submitted for another procurement procedure and provided the documents were issued not more than one year before the date of their request by the contracting authority and are still valid at that date. In such cases, the tenderer must declare on its honour that the documentary evidence has already been provided in a previous procurement procedure, indicate the reference of the procedure and confirm that there has been no change in its situation.

A tenderer (or a member of the group in case of joint tender, or a subcontractor) is not required to submit a specific document if the contracting authority can access the document in question on a national database free of charge.

VIII.2 Legal and regulatory capacity

Tenderers must prove that they are allowed to pursue the professional activity necessary to carry out the work subject to this call for tenders. The tenderer (including each member of the group in case of joint tender) must provide the following information in its tender if it has not been provided with the Legal Entity Form:

- For legal persons, a legible copy of the notice of appointment of the persons authorised to represent the tenderer in dealings with third parties and in legal proceedings, or a copy of the publication of such appointment if the legislation applicable to the legal person requires such publication. Any delegation of this authorisation to another representative not indicated in the official appointment must be evidenced.

- For natural persons, if required under applicable law, a proof of registration on a professional or trade register or any other official document showing the registration number.

VIII.3 Economic and financial capacity criteria and evidence

In order to prove their economic and financial capacity, the tenderer (i.e. in case of joint tender, the combined capacity of all members of the consortium and identified subcontractors) must comply with the following criteria:

- Turnover of the last two financial years above € 1 Million

The following evidence should be provided:

- Copy of the profit & loss account and balance sheet for the last two years for which accounts have been closed,
- Failing that, appropriate statements from banks,
- If applicable, evidence of professional risk indemnity insurance;

If, for some exceptional reason which the FCH JU considers justified, a tenderer is unable to provide one or other of the above documents, he or she may prove his or her economic and financial capacity by any other document which the FCH JU considers appropriate. In any case, the FCH JU must at least be notified of the exceptional reason and its justification in the tender. The FCH JU reserves the right to request any other document enabling it to verify the tenderer's economic and financial capacity.

VIII.4 Technical and professional capacity criteria and evidence

Tenderers (in case of a joint tender the combined capacity of all tenderers and identified subcontractors) must comply with the following criteria:

- The team delivering the services must prove experience in the field of (1) public transport economic and legal organisation, especially the contracting practice, of (2) Fuel cells buses (3) hydrogen or gas infrastructure (4) engaging public authorities in funding innovation or transport projects with at least 10 projects set up in this field in the last three years with a minimum cumulated value for these projects of € 10 million.
- The team delivering the services must prove experience of working and drafting reports in English, German, Dutch, French languages with at least 1 project delivered in the last three years showing the necessary language coverage.

The following evidence should be provided to fulfil the above criteria:

- List of relevant services provided in the past three years, with sums, dates and recipients, public or private.;
- The educational and professional qualifications of the persons who will provide the service for this tender (CVs) including the management staff. Each CV provided should indicate the intended function in the delivery of the service.

IX. Award Criteria and Award of the Contract

The ranking of the proposals that passed the exclusion and selection stages will be based on the quality/price ratio where quality and price will have a 60/40 weighting. The following formula shall be used:

$$\text{Score for proposal X} = \frac{\text{Cheapest price}}{\text{Price of candidate X}} \times 40 + \frac{\text{Q candidate}}{\text{Q of best candidate}} \times 60$$

The technical evaluation of tenders will be evaluated on the basis of the following award criteria. The tenderers shall provide in their proposal the information necessary to assess such criteria.

	Criteria	Points
1	<p>General understanding of the global project</p> <ul style="list-style-type: none"> Shows an understanding of the general objectives of the project, of the challenges and already defines what success means Already shows analysis and provides first insights that are used in the approach Adds own aspects/views - have put in unexpected elements that are meaningful to achieve success Shows knowledge and analysis of previous work procured by the FCH 2 JU in the field – in particular references to the following two FCH 2 JU studies: Urban Buses: Alternative Powertrains for Europe (2010)⁷, Fuel Cell Electric Buses – Potential for Sustainable Public Transport in Europe (2012)⁸ and Joint Procurement Strategy for Fuel Cell Buses (2016)⁹ 	30
2	<p>Quality of the proposal</p> <ul style="list-style-type: none"> Provides detailed, clear and credible objectives and implementation plan for task 1 Provides a detailed, clear and credible objectives and implementation plan for task 2 Provides a detailed, clear and credible objectives and implementation plan for task 3 Provides a detailed description of project organisation and management in particular the cooperation between the clusters, as well as the interaction with the FCH JU. Timeline and resource allocation is realistic and at the right level of details 	70

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http://www.fch.europa.eu/sites/default/files/20121029%20Urban%20buses%2C%20alternative%20powertrains%20for%20Europe%20-%20Final%20report_0_0.pdf

⁸ http://www.fch.europa.eu/sites/default/files/150909_FINAL_Bus_Study_Report_OUT_0.PDF

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<http://www.fch.europa.eu/sites/default/files/Strategies%20for%20joint%20procurement%20of%20FC%20buses.pdf>

Evaluation steps:

The evaluation is based on the information provided in the submitted tender. It takes place in three steps:

- (1) Verification of non-exclusion of tenderers on the basis of the exclusion criteria
- (2) Selection of tenderers on the basis of selection criteria
- (3) Evaluation of tenders on the basis of the award criteria

Only tenders meeting the requirements of one step will pass on to the next step.

Most up to date list of cities/regions active in the FC Bus coalition and likely to participate in the clusters.

List of participating locations (as of June 3, 2015)

#	Location	Country
1	Aachen	Germany
2	Aberdeen	United Kingdom
3	Agglomération Havraise	France
4	Artois-Gohelle	France
5	Belfort	France
6	Berlin	Germany
7	Birmingham	United Kingdom
8	Bordeaux	France
9	Boulogne sur Mer	France
10	Bozen	Italy
11	Budapest	Hungary
12	Cherbourg	France
13	Cologne Region	Germany
14	Commune de l'Île de Yeu	France
15	Dole	France
16	Dundee	United Kingdom
17	Flanders	Belgium
18	Grenoble-Isère Region	France
19	Hamburg	Germany
20	Imperia Province/ San Remo	Italy
21	Inverness/ Highland Council	United Kingdom
22	London	United Kingdom
23	Mainz	Germany
24	Metropoolregio Rotterdam Den Haag	Netherlands
25	Montélimar Agglomération	France
26	Münster	Germany
27	Nantes	France
28	North East England Region	United Kingdom
29	Oslo	Norway
30	Pärnu	Estonia
31	Perth/ Kinross Council	United Kingdom
32	Postdam	Germany
33	Province of Brabant	Netherlands
34	Province of Gelderland	Netherlands
35	Province of Groningen	Netherlands
36	Riga	Latvia
37	Rome/ Regione Lazio	Italy
38	Rotterdam	Netherlands
39	Rouen	France
40	Stuttgart	Germany
41	South Holland Province	Netherlands
42	Switzerland	Switzerland
43	Tallinn	Estonia
44	Torres Vedras	Portugal
45	Wuppertal	Germany

Annex 1. Declaration on honour on exclusion and selection criteria

The undersigned [*insert name of the signatory of this form*], representing:

<i>(only for natural persons)</i> himself or herself	<i>(only for legal persons)</i> the following legal person:
ID or passport number: (‘the person’)	Full official name: Official legal form: Statutory registration number: Full official address: VAT registration number: (‘the person’)

I – Situation of exclusion concerning the person

➤ declares that the above-mentioned person is in one of the following situations:	YES	NO
a) it is bankrupt, subject to insolvency or winding up procedures, its assets are being administered by a liquidator or by a court, it is in an arrangement with creditors, its business activities are suspended or it is in any analogous situation arising from a similar procedure provided for under national legislation or regulations;	<input type="checkbox"/>	<input type="checkbox"/>
b) it has been established by a final judgement or a final administrative decision that the person is in breach of its obligations relating to the payment of taxes or social security contributions in accordance with the law of the country in which it is established, with those of the country in which the contracting authority is located or those of the country of the performance of the contract;	<input type="checkbox"/>	<input type="checkbox"/>
c) it has been established by a final judgement or a final administrative decision that the person is guilty of grave professional misconduct by having violated applicable laws or regulations or ethical standards of the profession to which the person belongs, or by having engaged in any wrongful conduct which has an impact on its professional credibility where such conduct denotes wrongful intent or gross negligence, including, in particular, any of the following:		
(i) fraudulently or negligently misrepresenting information required for the verification of the absence of grounds for exclusion or the fulfilment of selection criteria or in the performance of a contract;	<input type="checkbox"/>	<input type="checkbox"/>

(ii) entering into agreement with other persons with the aim of distorting competition;	<input type="checkbox"/>	<input type="checkbox"/>
(iii) violating intellectual property rights;	<input type="checkbox"/>	<input type="checkbox"/>
(iv) attempting to influence the decision-making process of the contracting authority during the award procedure;	<input type="checkbox"/>	<input type="checkbox"/>
(v) attempting to obtain confidential information that may confer upon it undue advantages in the award procedure;	<input type="checkbox"/>	<input type="checkbox"/>
d) it has been established by a final judgement that the person is guilty of the following:		
(i) fraud, within the meaning of Article 1 of the Convention on the protection of the European Communities' financial interests, drawn up by the Council Act of 26 July 1995;	<input type="checkbox"/>	<input type="checkbox"/>
(ii) corruption, as defined in Article 3 of the Convention on the fight against corruption involving officials of the European Communities or officials of EU Member States, drawn up by the Council Act of 26 May 1997, and in Article 2(1) of Council Framework Decision 2003/568/JHA, as well as corruption as defined in the legal provisions of the country where the contracting authority is located, the country in which the person is established or the country of the performance of the contract;	<input type="checkbox"/>	<input type="checkbox"/>
(iii) participation in a criminal organisation, as defined in Article 2 of Council Framework Decision 2008/841/JHA;	<input type="checkbox"/>	<input type="checkbox"/>
(iv) money laundering or terrorist financing, as defined in Article 1 of Directive 2005/60/EC of the European Parliament and of the Council;	<input type="checkbox"/>	<input type="checkbox"/>
(v) terrorist-related offences or offences linked to terrorist activities, as defined in Articles 1 and 3 of Council Framework Decision 2002/475/JHA, respectively, or inciting, aiding, abetting or attempting to commit such offences, as referred to in Article 4 of that Decision;	<input type="checkbox"/>	<input type="checkbox"/>
(vi) child labour or other forms of trafficking in human beings as defined in Article 2 of Directive 2011/36/EU of the European Parliament and of the Council;	<input type="checkbox"/>	<input type="checkbox"/>
e) the person has shown significant deficiencies in complying with the main obligations in the performance of a contract financed by the Union's budget, which has led to its early termination or to the application of liquidated damages or other contractual penalties, or which has been discovered following checks, audits or investigations by an Authorising Officer, OLAF or the Court of Auditors;	<input type="checkbox"/>	<input type="checkbox"/>
f) it has been established by a final judgment or final administrative decision that the person has committed an irregularity within the meaning of Article 1(2) of Council Regulation (EC, Euratom) No 2988/95;	<input type="checkbox"/>	<input type="checkbox"/>
g) for the situations of grave professional misconduct, fraud, corruption, other criminal offences, significant deficiencies in the performance of the contract or irregularity, the applicant is subject to:	<input type="checkbox"/>	<input type="checkbox"/>
i. facts established in the context of audits or investigations		

<p>carried out by the Court of Auditors, OLAF or internal audit, or any other check, audit or control performed under the responsibility of an authorising officer of an EU institution, of a European office or of an EU agency or body;</p> <p>ii. non-final administrative decisions which may include disciplinary measures taken by the competent supervisory body responsible for the verification of the application of standards of professional ethics;</p> <p>iii. decisions of the ECB, the EIB, the European Investment Fund or international organisations;</p> <p>iv. decisions of the Commission relating to the infringement of the Union's competition rules or of a national competent authority relating to the infringement of Union or national competition law; or</p> <p>v. decisions of exclusion by an authorising officer of an EU institution, of a European office or of an EU agency or body.</p>		
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II – Situations of exclusion concerning natural persons with power of representation, decision-making or control over the legal person

Not applicable to natural persons, Member States and local authorities

<p>➤ declares that a natural person who is a member of the administrative, management or supervisory body of the above-mentioned legal person, or who has powers of representation, decision or control with regard to the above-mentioned legal person (this covers company directors, members of management or supervisory bodies, and cases where one natural person holds a majority of shares) is in one of the following situations:</p>	YES	NO	N/A
<p>Situation (c) above (grave professional misconduct)</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Situation (d) above (fraud, corruption or other criminal offence)</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Situation (e) above (significant deficiencies in performance of a contract)</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Situation (f) above (irregularity)</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

III – Situations of exclusion concerning natural or legal persons assuming unlimited liability for the debts of the legal person

<p>➤ declares that a natural or legal person that assumes unlimited liability for the debts of the above-mentioned legal person is in one of the following situations:</p>	YES	NO	N/A
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Situation (a) above (bankruptcy)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Situation (b) above (breach in payment of taxes or social security contributions)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

IV – Grounds for rejection from this procedure

➤ declares that the above-mentioned person:	YES	NO
h) has distorted competition by being previously involved in the preparation of procurement documents for this procurement procedure.	<input type="checkbox"/>	<input type="checkbox"/>

V – Remedial measures

If the person declares one of the situations of exclusion listed above, it must indicate measures it has taken to remedy the exclusion situation, thus demonstrating its reliability. This may include e.g. technical, organisational and personnel measures to prevent further occurrence, compensation of damage or payment of fines. The relevant documentary evidence which illustrates the remedial measures taken must be provided in annex to this declaration. This does not apply for situations referred in point (d) of this declaration.

VI – Evidence upon request

Upon request and within the time limit set by the contracting authority the person must provide information on the persons that are members of the administrative, management or supervisory body. It must also provide the following evidence concerning the person itself and concerning the natural or legal persons which assume unlimited liability for the debt of the person:

For situations described in (a), (c), (d) or (f), production of a recent extract from the judicial record is required or, failing that, an equivalent document recently issued by a judicial or administrative authority in the country of establishment of the person showing that those requirements are satisfied.

For the situation described in point (a) or (b), production of recent certificates issued by the competent authorities of the State concerned are required. These documents must provide evidence covering all taxes and social security contributions for which the person is liable, including for example, VAT, income tax (natural persons only), company tax (legal persons only) and social security contributions. Where any document described above is not issued in the country concerned, it may be replaced by a sworn statement made before a judicial authority or notary or, failing that, a solemn statement made before an administrative authority or a qualified professional body in its country of establishment.

The person is not required to submit the evidence if it has already been submitted for another procurement procedure. The documents must have been issued no more than one year before the date of their request by the contracting authority and must still be valid at that date.

The signatory declares that the person has already provided the documentary evidence for a previous procedure and confirms that there has been no change in its situation:

Document	Full reference to previous procedure
<i>Insert as many lines as necessary.</i>	

VII – Selection criteria

➤ declares that the above-mentioned person complies with the selection criteria applicable to it individually as provided in the tender specifications:	YES	NO	N/A
(a) It has the legal and regulatory capacity to pursue the professional activity needed for performing the contract as required in section VIII.2 of the tender specifications;	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(b) It fulfills the applicable economic and financial criteria indicated in section VIII.3 of the tender specifications;	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(c) It fulfills the applicable technical and professional criteria indicated in section VIII.4 of the tender specifications.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

➤ if the above-mentioned person is the sole tenderer or the leader in case of joint tender , declares that:	YES	NO	N/A
(d) the tenderer, including all members of the group in case of joint tender and including subcontractors if applicable, complies with all the selection criteria for which a consolidated assessment will be made as provided in the tender specifications.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

VII – Evidence for selection

The signatory declares that the above-mentioned person is able to provide the necessary supporting documents listed in the relevant sections of the tender specifications and which are not available electronically upon request and without delay.

The person is not required to submit the evidence if it has already been submitted for another procurement procedure. The documents must have been issued no more than one year before the date of their request by the contracting authority and must still be valid at that date.

The signatory declares that the person has already provided the documentary evidence for a previous procedure and confirms that there has been no change in its situation:

Document	Full reference to previous procedure
<i>Insert as many lines as necessary.</i>	

The above-mentioned person may be subject to rejection from this procedure and to administrative sanctions (exclusion or financial penalty) if any of the declarations or information provided as a condition for participating in this procedure prove to be false.

Full name

Date

Signature

Annex 2. Tenderer's administrative data

Address and contact details

Tenderer Name

Address

Post Code

Tel

Fax

Email

Website (if applicable)

Legal Status

Contact person for this tender

Legal signatory(ies)

Annex 3. Financial identification and legal entity forms

The financial identification and legal entity forms are to be downloaded from the following websites:

Financial identification:

http://ec.europa.eu/budget/contracts_grants/info_contracts/financial_id/financial_id_en.cfm

Legal entities:

http://ec.europa.eu/budget/contracts_grants/info_contracts/legal_entities/legal_entities_en.cfm