

Brussels, 02 October 2023

Joint Action on HARmonized Products 2022 JAHARP2022

Call for tender for facilitators to provide consultancy services to PROSAFE [Recast]

1 Introduction/Lead-in Note

This is a relaunch of the public procurement procedure for the purchase of consultancy services in relation to Work Package (WP) 3 of JAHARP2022-03 on **Chainsaws**, which is co-financed by the EU. The first procurement round and Call for Tender, which was launched on 16 August 2023 with a submission deadline on 06 September 2023, was not successful as it did not lead to contract award.

2 Background

[PROSAFE](#) is an international non-governmental organisation established in 1991 by market surveillance officers from various countries throughout Europe. Its main aim is to contribute to the safety of products and services by promoting best practices in market surveillance. Since 2006, PROSAFE has established itself as the organising and coordinating body for Joint Market Surveillance Actions in Europe. PROSAFE's official name is "Stichting PROSAFE". It is a foundation under Dutch law.

PROSAFE's main task is to coordinate Joint Actions. Each Joint Action comprises a number of work packages that target specific product groups, and a number of activities aiming at developing methods and best practices. Since 2006, PROSAFE has undertaken more than 20 Joint market surveillance Actions covering a wide array of product sectors with funding from European Union.

3 Objectives and Scope

This Call for Tender (Recast) concerns the provision of consultancy services in relation to an EU co-funded Joint Action in the field of Market Surveillance under the Internal Market, Standardisation, Consumers, and other financial services end-users, as part of the Single Market Programme.

With this Call, PROSAFE is seeking consultancy services to provide expertise, support and facilitate the implementation of the following market surveillance activity on:

- **Chainsaws - Machinery:**
 - Machinery Directive 2006/42/EU.

An overview of this activity and the responsibilities of the Technical Facilitator role can be found in Annex 4 - Project Bulletin.

The duration of each project is expected to be 24 months. Tenders shall provide a daily cost rate in Euros applicable for the remaining 18-month duration of the project, VAT excluded (invoices to be issued with zero VAT).

Note: Stichting PROSAFE is VAT registered as taxable person established in Belgium as from 01 January 2020. PROSAFE's VAT number is BE 0809.226.854. From 1 January 2020 onwards, PROSAFE applies the reverse charge mechanism in accordance with Articles 44 and 196 of the VAT Directive 112/2006.

The working language is English.

In principle the work is carried out from the address of the facilitator except for meetings and conferences, where he or she will be required to travel, and the costs will be reimbursed pursuant to the applicable rules and procedures.¹

The contract will be drawn up under Belgian law.

PROSAFE reserves the right to engage or not engage in the aforementioned project activity without incurring any obligation to inform the affected tenderers of the grounds. PROSAFE is not bound to place a contract or purchase consultancy services under this Call.

4 General qualifying criteria

The successful candidates should fulfil the following qualifying criteria as evidenced through their professional experience laid out in the CV and the cover letter. All listed requirements must be fulfilled before the deadline for applications:

- Masters' degree of minimum 1 year. In the absence of a Masters' degree, a Bachelor's degree, and 2 years' experience in the area of product safety, market surveillance, or product compliance with EU norms (in addition to the 5-year requirement set below) would be considered as acceptable.
- Professional experience with/in at least one of the following areas: product safety, market surveillance, product compliance with EU norms, or advanced technical specialisation in Chainsaws and/or other similar power tools covered by the Machinery Directive.
- Excellent communication and negotiation skills, proven through a track record of chairing meetings, of negotiating contracts with various suppliers, giving presentations to large international audiences for a minimum of 3 years.
- Excellent knowledge of the English language at C1 or C2 level verified through either being a native or having worked for 5 years in an international environment where English was the main working language, allowing active participation in project meetings and the drafting of project materials, including deliverables and technical reports.
- Clearly expressed commitment to supply services during the entire remaining project life cycle.
- No conflict of interest and will not have any such, e.g., contemporary working with or on behalf of manufacturers or economic operators in the product sectors relevant to this Call.

¹ [COMMISSION DECISION of 12.1.2021 authorising the use of unit costs for travel, accommodation and subsistence costs under an action or work programme under the 2021-2027 multi-annual financial framework.](#)

Applicants who are subject to any of the following **exclusion situations** can NOT participate:

- bankruptcy, winding up, affairs administered by the courts, arrangement with creditors, suspended business activities or other similar procedures (including procedures for persons with unlimited liability for the applicant's debts)
- in breach of social security or tax obligations (including if done by persons with unlimited liability for the applicant's debts)
- guilty of grave professional misconduct (including if done by persons having powers of representation, decision-making or control, beneficial owners or persons who are essential for the award/implementation of the grant)
- committed fraud, corruption, links to a criminal organisation, money laundering, terrorism-related crimes (including terrorism financing), child labour or human trafficking (including if done by persons having powers of representation, decision-making or control, beneficial owners or persons who are essential for the award/implementation of the grant)
- shown significant deficiencies in complying with main obligations under an EU procurement contract, grant agreement, prize, expert contract, or similar (including if done by persons having powers of representation, decision-making or control, beneficial owners or persons who are essential for the award/implementation of the grant)
- guilty of irregularities within the meaning of Article 1(2) of Regulation No 2988/95 (including if done by persons having powers of representation, decision-making or control, beneficial owners or persons who are essential for the award/implementation of the grant)
- created under a different jurisdiction with the intent to circumvent fiscal, social, or other legal obligations in the country of origin or created another entity with this purpose (including if done by persons having powers of representation, decision-making or control, beneficial owners or persons who are essential for the award/implementation of the grant)
- they have been convicted of an offence concerning Council Regulation (EU) 2022/394 of 9 March 2022 amending Regulation (EU) No 833/2014 concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine.

5 Selection/Award criteria

Candidates/Tenders will be assessed according to the following award criteria:

- a) A proposed daily rate, in EUR, with zero-rated VAT, applicable for the entire duration of the service contract. (Weighting 30%)
- b) Proven competence (of minimum 5 years) in facilitation roles or project management in EU (co-)funded projects – a minimum of two projects. (Weighting 15%)
- c) Experience in working in technically challenging roles related to product compliance activities, preferably involving Market Surveillance Authorities, or in other activities or work related to machinery covered by Directive 2006/42/EC, and in drafting technical reports - a minimum of one project different than the ones at point a) (Weighting 10%)
- d) Working familiarity with the applicable EU legislation for the product area concerned, evidenced through roles they have fulfilled for at least 3 years. (Weighting 15%)
- e) Readiness to work as a highly supportive (facilitating) member of a team within an established framework of policies and procedures but with limited direct supervision and limited administrative support, evidenced through the responsibilities they had in past or current professional experiences. (Weighting 10%)

- f) Excellent analytical skills and the ability to solve organisational and operational problems via a results-oriented approach (e.g., having conducted market research, multiple analysis for market surveillance activities, collating and reporting on data, efficient and creative problem-solving regarding project budgeting, scheduling, and definition of work plan). (Weighting 10%)
- g) Very good knowledge of public procurement procedures acquired through past or current responsibilities or roles. (Weighting 10%)

6 Admissibility and documents

To be eligible tenders must be complete and contain all the requested information and supporting documents:

- a) A Declaration on Honour (Annex 1, downloadable from PROSAFE's website) in relation to the abovementioned exclusion criteria.
- b) CV preferably in EUROPASS format or any other format that provides a detailed overview of the professional experience, competence, and academic background.
- c) A bespoke cover letter explicating their interest, and how they specifically meet the qualifying and selection/award criteria, with a clear remark regarding the proposed net daily rate for the services to be provided.
- d) A portfolio/list of relevant EU-funded projects that they have participated as an expert/facilitator in.
- e) A self-declaration of attestable in-place measures that ensure continuity of service over the 18-month period of the project.
- f) A declaration confirming explicit acceptance of the "General Conditions of Tenders for PROSAFE Contacts" (Annex 2, downloadable from the PROSAFE's website).

Tenders which will not include all the above listed evidence and documentation will be excluded from the evaluation. A checklist for the tender documents is available in Annex 3 and shall be submitted together with the offer.

7 Submission

The deadline for the submission of tenders is **18 October 2023, 18:00 CET**. Applications received after this deadline will be automatically excluded from the evaluation.

Tenders must be submitted electronically (via email) to Mrs Ioana Sandu, Executive Director, at ioana@prosafe.org, and Dr Kyriakos Papazoglou, Programme Manager, at kyriakos@prosafe.org with subject: "*JAHARP2022-3 - RECAST - Call for Consultancy Services - Your name and surname*".

8 Requests for clarification

Requests for clarification or other queries related to the tender specifications must be submitted in writing **no later than 13 October 2023, 18:00 CET**, to Mrs Ioana Sandu, Executive Director, at ioana@prosafe.org, and Dr Kyriakos Papazoglou, Programme Manager, at kyriakos@prosafe.org. Only questions submitted in this way will be answered, in fairness to all bidders.

9 Assessment of tenders and selection of successful candidates

The selection procedure will be as follows:

- 1) Screening of tenders for compliance with the formal requirements including the general qualifying criteria listed in Section 4 above. Non-compliant tenders are rejected. Eligible tenders will be further assessed against the selection/award criteria.
- 2) Assessment of qualifying bids based on the weighted selection/award criteria listed in Section 5.
- 3) A possible interview with one or two shortlisted candidates.
- 4) Contract award decision based on the results of the evaluation process (including possible interviews).
- 5) Both successful and unsuccessful candidates will be informed about the evaluation results via email. Award of a fixed-term service contract to the bidder who demonstrates best value for money.

Bidders may be invited to provide additional information to clarify the already presented services or where a clerical error occurred provided that the principles of transparency and equal and fair competition are respected.

Bidders can appeal the decision within 5 working days from the moment they received the email about the result of the selection. PROSAFE will analyse the appeal and provide a final decision within a week from the moment the appeal was launched.

10 Protection of personal data and confidentiality

If processing a tender involves the recording and processing of personal and sensitive data (such as name, address, email, quotations, etc.), such data will be processed pursuant to Regulation (EU) 2016/679 on data protection and privacy in the European Union and the European Economic Area. Any personal or sensitive data provided in connection to this Call will be processed by PROSAFE, which also acts as the data controller, solely for those purposes of this procurement.

With best regards,

Ioana Sandu

Executive Director

List of Annexes

- Annex 1 - Declaration on Honour
- Annex 2 - PROSAFE General Conditions for Tenders
- Annex 3 - Tender Checklist
- Annex 4 - Project Bulletin

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