



**Submission of a non – binding offer
for the Strategic Environmental Assessment
of the
ETC Austria- Czech republic 2021-2027**

1. AIMS AND GENERAL DESCRIPTION

The aim of this invitation to submit a non-binding offer consists in the execution of the strategic environmental assessment (hereinafter referred to as SEA) to accompany the design of the cooperation programme (hereinafter referred to as CP) for the Programme ETC AT-CZ 2021-2027 that is currently under preparation.

The SEA has specifically the objective of integrating environmental considerations into the preparation and adoption of the Programme ETC AT-CZ 2021-2027 with a view to promoting sustainable development. The SEA shall produce all compulsory elements as stipulated in the Directive 2001/42/EC, to be delivered in the “Environmental Report”.

The SEA evaluators shall provide clear recommendations to the bodies involved in the preparation of the Programme ETC AT-CZ 2021-2027. Such recommendations must be based on evidence and adapted to the particular requirements of the Programme.

2. SPECIFIC OBJECTIVES, METHODOLOGY AND OUTPUTS

The specific objectives of the service referring to this invitation to submit a non-binding offer reflect the evaluative steps to be compulsorily undertaken in the preparation of the new generation of programmes of the Cohesion Policy for the 2021+ period

The outputs expected from the service referring to this invitation to submit a non-binding offer are grouped according to the two specific objectives above and are further detailed below.

2.1 Tasks of the contractor

The main output of the SEA of the Programme ETC AT-CZ 2021-2027 consists of an Environmental Report as stipulated in the Directive 2001/42/EC. The report shall

contain information on points referred to in Annex 1 of the mentioned Directive, taking into account the objectives and contents of the Programme ETC AT-CZ 2021-2027 as well as the allocated financial resources. The scope and level of detail of the information to be included in the report shall be determined by consulting the relevant environmental authorities.

The SEA shall include also the support to the accomplishment of the obligations related to the consultation of the environmental authorities and the public as set forth in the Directive 2001/42/EC.

The environmental report should meet the requirements outlined in annex 1 of the mentioned EU COM guideline.

- 1) Elaboration of all the requirements given by EU directives for environmental impact assessment
- 2) Professional and organizational support of the environmental impact assessment process
- 3) Information on the consultations with the public and the environmental authorities concerned, in compliance with Articles 6 and 7 of the mentioned Directive, Czech and Austrian regulations
- 4) Elaboration of documents of the environmental impact assessment (SEA)
- 5) Elaboration of a non-technical summary of the information provided in the Environmental Report, as foreseen by Annex I (j) of the Directive 2001/42/EC;

If applicable, the evaluators shall also support the preparation of the final statement required by the Directive 2001/42/EC to be issued after the adoption of the Programme by EU COM.

The SEA is to be seen as an interactive process between the contractor and the actors involved in the preparation of the Programme ETC AT-CZ 2021-2027 (i.e. the PG, the MA/National Authority and the team responsible for drafting the CP).

All outputs shall be in English language.

3. SERVICES AND TIMING

The indicative duration of the service object of this invitation to submit a non-binding offer is until one month after the submission of the CP to EU COM, expected to take place between the middle of 2021 and the beginning of 2022. In the framework of this assignment, the evaluators shall nevertheless ensure their availability and support in case that additional analysis and/or amendments of the SEA are requested during the CP negotiation period with EU COM.

The provisional time schedule of the exercise is presented in the table below. It may be subject to further adaptations (including extension of the duration, if necessary) according to factors which are not under direct control of the contracting body (MA), mainly related to the timing of the approval of the legal package and financial framework for the Cohesion Policy 2021-2027 as well as the negotiations between Member States of the future Programme ETC AT–CZ 2021-2027.

Phase	Milestone/output	Indicative timeframe
Contracting phase	Signed contract	January 2021
SEA	Draft Environmental Report*	April 2021
	Consultations	May- June 2021
	Final SEA report	Six week before the submission of the Programme ETC AT-CZ 2021-2027
	Final statement on SEA	One month after the adoption of the Programme ETC AT-CZ 2021-2027

* Meeting required

As already mentioned in point 2.1., in order to ensure an interactive and iterative approach, next to a joint kick-off meeting, up to 3 meetings with the MA and/or the PG

and/or the experts in charge of drafting the CP shall be foreseen by the evaluators at the achievement of the milestones/outputs mentioned in the above table.

Additional meetings in St. Pölten (AT)/ via virtual means between the MA/JS and the evaluators (up to 2) might occur if necessary in relation to the progress of the service.

After the completion of the contracting phase, the contractors shall as soon as possible ensure the availability of a sufficient number of experts according to the requirements of the services to be provided. Moreover, the contractors shall ensure an adequate availability of experts throughout the duration of the contract in order to comply with the tight intermediate deadlines set by the PG and/or MA in relation to the progress of the programming process. To this end, interested candidates are asked to propose a work team as laid out in 4.4.2.a. of this document.

4. LEGAL BASIS AND OFFER CONDITIONS

4.1 Legal basis and procedure

The statutory provisions of the Republic of Austria apply to this procurement procedure, especially the Bundesvergabegesetz 2018 (Austrian Federal Public Procurement Act). The contract shall be awarded in a non-formal procedure according to § 46 Abs. Bundesvergabegesetz 2018 (i.e. a procedure without prior publication of the Terms of Reference and award criteria) and implementing provisions. Such kind of procedures are currently allowed for contracts having a value up to 100.000 Euro excluding VAT.

Interested candidates are invited to submit a non-binding offer based on the description as laid down in § 1, 2 and 3 of this document; information on the provision of further documentation to be delivered is set out in this paragraph as well as in § 7.

Costs for travels occurring for the participation in the meetings specified in § 3 will be reimbursed on a lump sum basis. Therefore, interested candidates are asked to include into the non-binding financial proposal also the estimated lump sums for 3

meetings within the area of the future Programme ETC AT-CZ 2021+ and 2 further meetings with MA/JS in St. Pölten. These costs, the plausibility of which will be assessed separately, shall be itemized per travel and will be reimbursed on a lump sum basis for each travel actually undertaken.

In case further information or clarifications are needed from a technical or legal point of view, candidates are invited to contact the Managing Authority (MA) via e-mail or telephone as indicated in § 7 of this document.

In order to base the evaluation of the submitted proposals upon comparable data also the MA may approach the candidates for further information or clarifications.

According to the non-formal procedure as described above the Managing Authority may at any stage of the procurement procedure decide to adapt the description of tasks if it is deemed in the best interest of the Programme (if for instance the prices quoted for the proposed services are unexpectedly high). If it is deemed necessary the Managing Authority may also decide to award only a portion of the requirements, to award separate or multiple contracts for the elements to be delivered or to add new considerations, information or requirements.

Interested candidates are not bound and are allowed to withdraw their non-binding offers as long as - upon request of the Managing Authority - a final offer or confirmation (see below) is submitted. The Managing Authority on the other hand is entitled to reject any or all of the non-binding offers prior to an in-depth analysis, e.g. if they do not fulfil the minimum requirements as set out in § 7 of this Invitation or if they are apparently not in line with the basic requirements and purposes as set out in this request.

The remaining non-binding offers being in line with the requirements and purposes of this Invitation will be subject to a detailed assessment leading to the selection of **the economically most advantageous non-binding offer** both in technical and qualitative (60%) as well as in financial terms (40%).

Based on the results of the assessment the Managing Authority will ask the selected candidate whether to confirm its non-binding offer or to submit a binding offer calculated on the updated description of the Invitation.

As an orientation, offers should consider a range from 27.500€ (incl. VAT).

4.2 Contract

No contractual relationship shall exist until a written contract document is signed by the MA and by the selected candidate.

The contract to be awarded to the selected candidate shall be concluded on the basis of a lump sum. This lump sum shall be based on a detailed and comprehensive list of services and the working time related as well as travel costs as mentioned in § 7, sub point 1 of this document.

4.3 Expenses for the preparation of the (non-binding) offer

Costs incurred with the preparation and submission of the (non-binding) offer, related documentation and concepts will not be refunded.

4.4 Eligibility requirements, legal status and proof of professional capacity and reliability

4.4.1 Legal status

The candidate has to prove its/his/her legal position and authorization and provide an extract from the business, professional and/or trade register (proof can be submitted in copies in original language) depending on the relevant regulations of the legal system being effective at the registered seat. The candidate has to provide a translation of this document in English/German under its/his/her own responsibility. This requirement also applies in case the offer is submitted by a

consortium: in this case the document described above must be submitted by all the members of the consortium.

4.4.2 Proof of professional capacity

In order to cope with the required tasks the candidate (or consortium) is expected to fulfil the criteria listed below:

a. Working team, experience and knowledge

The candidate (or the consortium) is expected to have the human resources available in order to cope with the tasks as described in § 1, 2 and 3 of this document. Therefore, interested candidates have to propose a work team and a coordinator.

The qualification of the nominated work team (including the coordinator) will be subject to assessment. In case of contract awarding, the proposed team will become an integral part of the contract. For each person involved the estimated person/days shall be indicated (see § 7.1).

Compliance with these requirements has to be demonstrated by including in the offer (see § 7.1) the details of the structure of the work team (e.g. size, positions and tasks to be assigned, persons nominated for these positions) including the coordinator. This is required also in case of a consortium. This description must be supported by detailed CVs. In particular, these CVs shall mention the curriculum studiorum, the professional experience and the language skills of the team members and of the coordinator.

b. References

The applicant (or the consortium) is expected to have a profound experience (at least 7 years) in the field of SEA of Programmes of the Cohesion Policy. Experts shall also have a proven experience in the framework of territorial development and European Territorial Cooperation.

Compliance with this requirement has to be demonstrated by submitting a description of relevant reference projects indicating also their duration and budget as well as the respective former clients who can be contacted in case of needed information and/or confirmations.

4.4.3 Proof of reliability

The contract can only be awarded to a domestic or foreign natural person or legal entity:

1. registered for the particular activities with the authorized body of the state where its seat is located;
2. Against whom no enforced settlement, bankruptcy or liquidation proceedings must have been initiated and it has not suspended business activities by virtue of a court decision or some other enforceable decision;
3. That has not been convicted of a criminal offence, commercial offence or an offence concerning its business activities that raises doubts about its trustworthiness;
4. That has not received an enforceable court or administrative order prohibiting it from carrying out the activity, which is the subject of the public procurement;
5. That has fulfilled obligations related to the payment of due taxes, contributions and other forms of public taxation in accordance with the legal provisions of the state where its seat is located;
6. That has a valid permit issued by the authorized body for carrying out the activity which is the subject of public procurement, and such a permit is stipulated by a special regulation;
7. Possessing the necessary financial and economic standing;

8. Possessing sufficient technical capacities.

In case a company applies, these conditions - where applicable - relate also to the persons representing the company.

In case a consortium intends to submit its non-binding offer, all the requirements listed under the present paragraph must be fulfilled and evidence has to be provided by all the consortium members.

4.4.4 Independency

The SEA shall be carried out by external experts/companies independent from any of the bodies involved in the process for the elaboration of the CP for the Programme ETC AT-CZ 2021-2027 This condition applies also to the individuals to be involved in the proposed working team (as in § 4.4.2.a).

5. TRANSFER OF OWNERSHIP AND COPYRIGHTS

The selected candidate will be awarded a contract including stipulations according to which it has to assign and transfer to the Contracting Party any and all exclusive rights to use and reproduce, perform and authorize others to perform as well as to process, adapt or modify his work and ideas.

The above mentioned copyrights shall include all copyrighted works and contributions of the selected service provider staff.

It shall also take care for the relevant contractual provisions with third parties or its staff members.

The license charges shall be included in the financial proposal. No separate fees or charges shall be paid for the grant of the above mentioned copyrights.

6. TAXES AND FOREIGN SUPPLIERS

Income from independent work, carried out or implemented (economic benefit affects Austrian economy) in Austria or income from commercial or technical advice delivered in or to Austria by foreign service suppliers in Austria, is not subject to Austrian income tax or corporate tax, provided that a fully and properly completed form ("ZS-QU1 - Declaration by individuals for the purpose of tax treaty relief at source" or "ZS-QU2 - Declaration by legal entities for the purpose of tax treaty relief at source") will be submitted by the latest upon submission of the invoice according to the specifications to the contracting party. The relevant form mentioned above will be submitted in case of a contract award together with the contract.

The contract awarded to the successful candidate will contain the following clause:

“The contractor agrees to submit the required form ("ZS-QU1 or ZS-QU2 depending on whether the taxable person is a legal entity / individual person) and if applicable with confirmation from the foreign tax authority (only relevant in case that the estimated volume of orders exceeds EUR 10,000 net per year) filled in to the contracting party before or upon submission of the invoice. This may take the form of a scan. If above mentioned requirement is not met, the Contracting Party is entitled to deduct the tax from the agreed fee and pay it to the Austrian tax authorities. Only the fulfilment of all above mentioned requirements relieve the contracting party from taxation of the paid fee. The Contractor pays for the Austrian income tax by assessment.”

7. SUBMISSION OF DOCUMENTS AND OTHER REQUIREMENTS

Interested candidates are requested to submit:

1. Detailed non-binding offer consisting of:

a. A proposal for implementing the tasks as described above, taking into account all possible necessary steps as outlined in the description of services. This proposal shall

at least contain a concept of the methodology to be applied including the timeline, as well as a management concept. The management concept shall in particular explain whether the members of the working team are directly employed with the applicant or whether they act as sub-contractors. In the latter case, the subcontractors will have to declare that the candidate will make her/his/its services available to the successful candidate. Corresponding forms containing such declarations for sub-contractors will be submitted to the successful candidate. The management concept shall also contain provision for the quality management of the service.

b. A non-binding financial offer for the proposed services. The financial offer must include itemized prices (including all relevant taxes but indicating also the net basis) referred to each phase of the exercise with particular reference to the allocations for the SEA. In order to enable the Managing Authority to check the adequacy of prices, provisional expenditure should be itemized and explained per output (for example by specifying hourly rates, material and other costs as mentioned above). Expenditure for travelling and accommodation shall be quoted separately, taking into account at least the participation at the meetings as described in § 3.

2. Documentation as in § 4.4.

3. Proof of professional capacity as stipulated in § 4.4.2 of this document including all documents and descriptions as requested. In case a consortium applies these needs to be provided by every member of the consortium.

4. Self-declaration in relation to conditions 1) - 8) indicated under § 4.4.3 signed by the legal representative of the applicant. In case a consortium applies, the legal representatives of all members of the consortium have to sign these declarations. The Managing Authority reserves the right to ask for more information, statements or documentation related to the above mentioned conditions.

Offers:

The following specifications for the offers should be observed in order to avoid additional requests or rejection of the offer. The offers should be delivered.

Until:	31.12.2020, 10 a.m. (MET) (delivery or post stamp or e-mail)
Address:	Amt der NÖ Landesregierung Mrs. Kathrin Huber, Head of the Managing Authority, Landhausplatz 1; Haus 3; A-3109 St. Pölten kathrin.huber@noel.gv.at
Form:	one printed and signed offer (statement on the envelope: "Nicht öffnen! - Do not open!") Electronic version via e-mail
Language:	EN